



# Convention on the Rights of the Child

Distr.: General  
13 September 2016

Original: English  
English, French and Spanish only

---

Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 44 of the Convention

Fifth periodic reports of States parties due in 2012

**Romania\***

[Date received: 9 June 2015]

---

\* The present document is being issued without formal editing.

GE.16-15680(E)



\* 1 6 1 5 6 8 0 \*

Please recycle



---

## Contents

	<i>Page</i>
Acronyms .....	3
Introduction .....	5
I. General measures of implementation (Articles 4, 42 and 44(6)) .....	5
II. Child definition (Article 1) .....	10
III. General principles (Articles 2, 3, 6, and 12) .....	10
IV. Civil rights and freedoms (Articles 7, 8, 13-17, 28, paragraph 2, 37(a) and 39) .....	12
V. Family environment and alternative care (Articles 5, 18 (1) (2), 9-11, 19-21, 25, 27(4) and 39) .....	15
VI. Disability, health and welfare (Articles 6, 18(3), 23, 24, 26, 27(1)-(3) and 39) .....	20
VII. Education, leisure and cultural activities (Articles 28, 29, 30, 31) .....	24
VIII. Special protection measures (Articles 22, 30, 32, 36, 37(b)-(d), 38, 39 and 40) .....	27

## Acronyms

CN – Community Nursing  
ASEAN – Association of Southeast Asian Nations  
BFHI – Baby-Friendly Hospital Initiative  
CC – County Council  
CDPEC – Centers for Drug Prevention, Evaluation and Counseling  
CEB – Council of Europe Development Bank  
CEIO – Council of Europe Information Office in Bucharest  
CLB – Central Liaison Body for Unaccompanied Community Minors  
– Italian Ministry of Interior  
CMTIS – Central Monitoring Information System  
CPC – Child Protection Commission  
CRC – Convention on the Rights of the Child  
DCP – Directorate Child Protection  
DPPD – Directorate Protection of Persons with Disabilities  
EC – European Commission  
EHRC – European Human Rights Court  
EIB – European Investment Bank  
EJTN – European Judicial Training Network  
ESF – European Social Fund  
FOCUS – Romanian Centre for Missing and Sexually Exploited Children  
FONPC – Federation of Non-Governmental Organizations for the Child  
GDSACP – General Directorate for Social Assistance and Child Protection  
GII – General Inspectorate for Immigration  
GIRP – General Inspectorate of Romanian Police  
HCCJ – High Court of Cassation and Justice  
IBRD – International Bank for Reconstruction and Development  
ICF-CY – International Classification of Functioning, Disability and Health for Children and Youth  
IECEP – Inclusive Early Childhood Education Programme  
IMCC – Institute for Mother and Child Care  
IOM – International Organization for Migration  
IRZ – German Foundation for International Legal Cooperation  
JIM – Joint Inclusion Memorandum  
LIT – Local Intersectoral Team  
MAI – Ministry of Administration and Interior  
MFA – Ministry of Foreign Affairs  
MLFSPE – Ministry of Labour, Family, Social Protection and the Elderly  
MNE – Ministry of National Education  
MoC – Ministry of Culture  
MoH – Ministry of Health  
MoJ – Ministry of Justice  
NAC – National Audiovisual Council  
NAD – National Anticorruption Directorate

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  
NRA – National Register of Adoptions  
NCC – New Civil Code  
NCC – National Coordinating Committee  
NCCD – National Council for Combating Discrimination  
NCPHSI – National Centre for Public Health Statistics and Informatics  
NDP – National Development Plan  
NECERP – National Early Childhood Education Reform Programme  
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  
NPPinc – National Plan against Poverty and for the Promotion of Social Inclusion  
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  
OPACD – Operational Programme Administrative Capacity Development  
PHRD – Policy and Human Resources Development Fund  
PM – Public Ministry  
POHCCJ – Prosecutors’ Office attached to the High Court of Cassation and Justice  
PSAS – Public Social Assistance Service  
ROA – Romanian Office for Adoption  
ROS – Romanian Ornithological Society  
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

## Introduction

1. This report was prepared by the National Authority for the Protection of Children's Rights and Adoption attached to the Ministry of Labour, Family, Social Protection and the Elderly (NAPCRA-MLFSPE), which, as the central authority dealing with the protection and promotion of child rights, is in charge of writing this document in accordance with its duties under the national legal framework.
2. The report benefited from inputs provided by all ministries, authorities and institutions of central and local public administration, whose particular work has a bearing on the protection and promotion of children's rights. The report also deals with the aspects highlighted by the Committee on the Rights of the Child in its concluding observations from June 2009.
3. The report showcases governmental initiatives and measures of implementation for the period 2007-2012 and reflects the actual activities conducted for the protection and promotion of children's rights at central and local levels by public administration authorities and non-governmental organizations under specific joint partnerships within the scope of the Convention.
4. For the purposes of the report, several working meetings were held with representatives of key ministries and authorities, who offered relevant insight from their areas of work related to the progress made over the reporting period, challenges or issues into which their efforts should go in the future. The report will be published on the official website of NAPCRA-MLFSPE and sent in electronic form to all authorities and institutional partners of the Ministry, from both central or local public administration and non-governmental sector.

## I. General measures of implementation

### (Articles 4, 42 and 44(6))

#### Committee's previous recommendations

5. In regard to the revision of the 1954 Family Code, we should mention that Law No. 287/2009 on the new Civil Code, republished, repealed Law No. 4/1953 on Family Code. Hence, regarding the Committee's recommendation on the discrimination between girls and boys in terms of legal age for marriage, it should be said that the new Civil Code contains a general provision setting at 18 years the minimum age for marriage and "in duly justified cases, the minor who has turned the age of 16 years may marry based on a medical certificate, with the consent of his or her parents or guardian, as the case may be, and with the approval of the wardship court in whose area the child resides. Where one of the parents refuses to consent to the child's marriage, the wardship court shall decide over this matter as well, giving due consideration to the best interests of the child". Therefore, one can see that the new legal provisions are equally applicable to girls and boys as the legislator has ruled out all gender differentiations so that girls and boys can get the same legal treatment. Moreover, we should emphasize the intervention of the wardship court in such cases as an additional measure, where special circumstances call for it, guaranteeing that any decision concerning the child related to these matters strictly serves his or her best interests.
6. As regards the discrimination against children belonging to the Roma minority, Romania has continued its efforts to implement legal, administrative or institutional measures that can smooth the social inclusion of children from these communities. Hence,

educational establishments or local public administration institutions have been encouraged and supported to hire Roma health mediators, school mediators or social workers, whose role is to work directly with these communities since they have sound knowledge of the customs, habits and traditions of this ethnic group. The measures that the State Party has taken in relation to the situation of children belonging to this ethnic minority will be presented in detail in paragraphs 205-207.

### **Legislation**

7. Thus, under the 2009 Further Education Plan approved by the Superior Council of Magistracy, in 2009 the National Institute of Magistracy (NIM) held two seminars for 40 magistrates (31 judges and 9 prosecutors). The first seminar on the dissemination and implementation of the “Guide for the Hearing of Children in Judicial Proceedings” was organized as part of a project implemented by the Social Alternatives Association in partnership with NIM and funded by UNICEF Romania.

8. In 2010, as part of NIM’s Further Education Plan, four juvenile justice training sessions were organized. Hence, under the collaboration with the German Foundation for International Legal Cooperation (IRZ), in April 2010 the “Juvenile Justice” seminar was held in Bucharest for 21 magistrates (18 judges and 3 prosecutors), with German experts as trainers.

9. In November 2010, a “Juvenile Justice” seminar was held in Bucharest, in collaboration with EJTN, which was attended by 19 Romanian magistrates (14 judges, 3 prosecutors and 2 MoJ experts) and 4 Spanish magistrates (2 judges and 2 prosecutors). The event tackled topics like preliminary notions on the treatment of juveniles in criminal matters, including the protection of minors, domestic violence; 2009 UN recommendations regarding the rights of the child and juvenile justice; child victims of domestic violence, the hearing of children in family law cases; rules for the hearing of children in criminal proceedings, lawmaking in the field of juvenile justice, overlaps between family and criminal laws in juvenile cases.

10. In 2011, NIM’s Further Education Programme focused primarily on training magistrates on the major changes brought to the Romanian legal system with the entry into force of the new civil, criminal, civil procedure and criminal procedure codes. Hence, NIM developed a project, financed entirely with public funds and called “The New Criminal Code. The New Criminal Procedure Code”, implemented in partnership with the courts of appeal and the prosecutor’s offices attached thereto.

11. In 2011, as part of the Programme “The Best Interests of the Child – the Fundamental Principle for Decision Making in Adoption Proceedings” financed by UNICEF and the Romanian Office for Adoption (ROA<sup>1</sup>), with NIM as a partner, 4 seminars were held in Bucharest for the “Further Training of Judges Handling Adoption Cases”, where 65 judges were trained. The Programme addressed judges from the departments and panels specialised in child and family cases at tribunals (jurisdiction on the substance of adoption matters) and courts of appeal (appeal jurisdiction). The programme continued in 2012 with eight similar seminars organised for 188 participants from courts of appeal and attached tribunals, prosecutor’s offices, National Anticorruption Directorate, SCM, MoJ, ROA and NIM.

12. In October 2012, a “Juvenile Justice” seminar was held in Bucharest, as part of the collaboration with EJTN, to which 24 participants were invited.

---

<sup>1</sup> Beginning with 2014 the competencies of the ROA were transferred to the National Authority for the Protection of the Rights of the Child and Adoption.

13. A highly important further education component was the series of 15 seminars held as part of a programme run in collaboration with NIM's decentralised further education unit in 15 courts of appeal, focusing on "Aspects of the New Civil Code – Family Law". These 15 seminars aimed at making judges familiar with the new family law regulations provided for in the new Civil Code and at discussing and addressing the aspects that might generate a heterogeneous practice.

### **Coordination**

14. In order to improve the efficiency of central institutions responsible for the protection and promotion of children's rights, in 2010 the Ministry of Labour, Family, Social Protection and the Elderly (MLFSPE) took over the responsibilities and competences previously held by the former National Authority for Family and Child Rights Protection. NAFCRP was reorganised and turned into the General Directorate Child Protection at first and later into the Directorate Child Protection which kept all professionals on the job, giving due consideration to the need to fully maintain and use the gained expertise so that ongoing activities could carry on as before or more efficiently.

15. Emergency Order No. 11/2014 concerning certain measures for central public administration reorganisation and amending and supplementing certain legal acts reinstated the National Authority for the Protection of Children's Rights and Adoption (NAPCRA), which took over child protection duties from the MLFSPE and adoption-related responsibilities from the Romanian Office for Adoption, which was thereby dissolved. The measure aims to ensure a unitary vision of child rights protection, in general, and of adoption, in particular. NAPCRA was re-established as a specialised body of central public administration, holding legal personality and working under MLFSPE.

16. From 2011 to 2013, DCP-MLFSPE and SERA Romania implemented the project called "Improving organisational effectiveness of the child protection system in Romania".

17. The main project results were:

- 4 studies – a conclusive study based on the national evaluation of GDSACPs, public social assistance services (PSAS) and other institutions and organizations involved in the child protection system in Romania;
- 7 draft legal acts;
- 11 draft standards of quality for child protection services;
- 127 courses held for 3,673 public servants and contracted staff within GDSACPs, PSAS, Child Protection Commissions, and deconcentrated structures of the ministries or other central public institutions or authorities with child protection responsibilities;
- 8 regional conferences by 110 child protection decision makers.

### **National Plan of Action**

18. Romania continues to make great efforts to adhere to international human rights instruments, to align national legislation with international human rights standards, to refine national human rights protection mechanisms, and to ensure the efficient protection of political, civil, economic, social and cultural rights. The UN Convention on the Rights of the Child (CRC) continues to be the main benchmark for national authorities in all work related to the design or implementation of relevant policies and strategies. Thus, NAPCRA remains the designated central authority in the field, responsible for initiating, promoting and coordinating measures and activities aimed at the respect for and promotion of CRC

principles in all governmental policies, public work and actions concerning children and youth.

19. The National Strategy 2008-2013 played a key role in highlighting areas of interest where the respect for the rights of the child was paramount. Nonetheless, we should stress the general belief that child rights accomplishment remains an ongoing process wherein all central or local stakeholders must apply a set of common principles. In the light of this constant concern, the Government has strived to guarantee the full and well-balanced development of each child in line with the cultural and spiritual values of the Romanian people.

#### **Independent monitoring**

20. With respect to an independent human rights body acting to protect and promote the rights of the child, in Romania these duties continue to be fulfilled by the Ombudsman. Hence, a deputy is appointed to coordinate matters related to the rights of the child, family, youth, pensioners and persons with disabilities. In 2009, the Ombudsman's Institution became a member of the Child Rights Ombudspersons' Network in South-East Europe – CRONSEE, which aims to protect and promote children's rights at national and international levels through exchanges of experience and information sharing between members, through collaboration and the adoption and publication of joint statements on child rights.

#### **Allocation of resources**

21. In order to create the recommended mechanism and to set the basis for the financial framework needed to ensure a consistent and systematic response for supporting children in the special protection system, as well as to address funding disparities across the special protection system, Government Decision No. 23/2010 approving standard costs for social services was adopted, laying down financial mechanisms for the provision of social services aimed at the protection and promotion of children's rights (and other public social services).

22. Over the reference period, a transparent budget allocation mechanism was regulated for funding available to schools.

23. GD No. 1274/2011 approved the methodology for working out the standard cost per pupil/preschooler/year and funding for pre-university state schools financed from local budgets, based on standard costs per pupil/preschooler for 2012, through the local budgets of territorial administrative units in whose area the educational establishments are located, from value added tax earnings allocated to cover wage costs, as provided for by law, and related contributions, further education and staff appraisal costs, regular internal student assessment costs, as well as material, service and maintenance costs in pre-university state education.

#### **Data collection**

24. Drawing on these recommendations, in 2011-2012, DCP-MLFSPE implemented the project "Building the capacity of the Ministry of Labour, Family, Social Protection and the Elderly to coordinate the implementation of the UN Convention on the Rights of the Child in Romania", co-financed by the European Social Fund under the Operational Programme Administrative Capacity Development, with a budget of RON 1,598,944.27.

25. DCP-MLFSPE found it highly necessary to collect data using a unified set of indicators for informing coherent and efficient policies. Additionally, a set of indicators was also needed for a child rights-based approach to state budgeting, by implementing a

system that could track resource allocation and use for children across the budget and make investment for children more visible.

26. In its consideration of the combined third and fourth periodic reports submitted by Romania, the UN Committee on the Rights of the Child noted that the Central Monitoring Information System (CMTIS) was still experiencing difficulties. Regarding this matter, it should be said that one of the objectives of the project described in paragraphs 17-18 was the horizontal and efficient development of CMTIS. For reasons beyond the control of the project beneficiary (DCP-MLFSPE), this project component could not be implemented.

#### **Dissemination of the Convention and training**

27. Romania has continued its national efforts to widely disseminate the Convention. Hence, the Consideration of the combined third and fourth periodic reports of Romania submitted under Article 44 of the UN Convention and the UN Convention on the Rights of the Child were printed with the support of UNICEF Romania back in 2009, in 10,000 copies. The publication was handed out to all central and local institutions responsible for the protection and promotion of children's rights.

28. Moreover, the said publication, Children's Report on the Respect for Child Rights in Romania, prepared by SPUNE! Children's Council and the combined reports were uploaded to NAPCRA website – [www.copii.ro](http://www.copii.ro).

#### **Cooperation with civil society**

29. 29. In the light of the Committee's recommendations about cooperation with civil society, Romania has continued to embrace a transparent policy for the direct involvement of its representatives in the design of and debate over draft legal acts and for the conclusion of partnerships whereby central or local public administration authorities initiated and implemented child protection projects together with NGOs.

30. Thus, NGO representatives were consulted about the design of legal acts highly relevant for the protection of children's rights or the amendment of existing legal acts.

31. NGOs' work is regulated by a number of legal acts, which also equip them with the means to get funding from the state budget. This type of support is granted based on criteria that ensure full transparency and equal opportunities to all applicants. Regarding the Committee's concern "that NGOs with proven track record now face competition for resources from GDSACPs and that, since the latter are responsible for both monitoring and allocating resources to such services, this has in some cases resulted in a decrease in the quality of the services provided", we should mention that the work of GDSACPs and relevant NGOs is financed from different sources with no competition whatsoever between them.

32. The new Social Assistance Law No. 292/2011 sets forth the general framework for contracting social services, including those aimed at preventing the child's separation from his or her family or at providing special protection to a child temporarily or permanently separated from his or her family. In this respect, the law introduces a new section on the contracting of social services.

## II. Child definition

### (Article 1)

33. According to the data of the National Institute for Statistics, as of 1 January 2012, just under 18% of the population, approximately 3.9 million people were under 18 years of age. Almost 2 million of them were boys and 1.9 million were girls.

## III. General principles

### (Articles 2, 3, 6, and 12)

#### Non-discrimination (Article 2)

34. With a view to raising more awareness of discrimination, the National Audiovisual Council (NAC), the National Council for Combating Discrimination (NCCD) and the Council of Europe Information Office in Bucharest (CEIO) promoted in Romania, in collaboration with MAI and MNE, the Council of Europe's Say NO to Discrimination Campaign between 31 March and 31 July 2010.

35. State budget funds are annually allocated for approximately 3,000 special places for Roma students in high schools and nearly 500 special places in universities.

36. School segregation is a form of discrimination resulting in unequal access to quality education. In this respect, in 2007 MNE issued Order No. 1540 banning school segregation of Roma children and approving the methodology for preventing and addressing school segregation.

#### Best interests of the child (Article 3)

37. The entry into force of the new Civil Code shows the attention the State pays to this recommendation and the alignment of its provisions with the principles of the UN Convention on the Rights of the Child, which are fully reflected in the relevant national law, namely Law No. 272/2004 on the protection and promotion of children's rights.

38. For the full understanding of the principle of the child's best interests and to support all professionals working with children, Law No. 257/2013 amending and supplementing Law No. 272/2004 on the protection and promotion of children's rights introduces a number of elements that should inform professionals' child-related decisions.

#### Right to life, survival and development (Article 6)

39. In 2010, Romania followed to achieve two goals:

- Reduce infant mortality by 40% between 2002 and 2015;
- Halve the mortality rate in children aged 1-4 years between 2002 and 2015.

40. Romania has already reached these goals, but if we were to place the actual indicator values in a European context, we would see that their level is much higher than the one reported in EU countries, including in Central and Eastern Europe. The mean calculated by the World Health Organization (WHO) for European countries is 7.7 deaths per 1,000 live births, "for EU Member States before 2004 – 3.93‰ and for EU27 countries – 4.28‰." (2009).

41. The frequency of infant deaths is over five percentage points higher in rural areas (14%) than in urban settings (8.5%). This difference is even wider in children dying after the age of one month, 6.6% in rural areas compared to 3.3% in urban areas (data from 2010).

42. Therefore, at UNICEF's initiative, the National Parenting Programme in Preschool Education was started and based on the "Educate this way!" model, picked up and replicated nationwide by MNE.

43. Another programme supported by UNICEF is "How to Become Better Parents", addressing families with children under 3 years of age, as well as parents of primary and lower secondary school children, helping them to cope with the challenges of raising a child.

44. Over the period 2009-2012, the National School of Public Health Management and Professional Development in partnership with the West University of Timișoara, Timișoara County Public Health Directorate, Timișoara Regional Public Health Centre, Mureș County Public Health Directorate and Mureș Regional Public Health Centre implemented the project "Promoting social inclusion through the development of human and institutional resources for community nursing", financed by the European Union – the European Social Fund under the Sectoral Operational Programme Human Resources Development 2007-2013.

45. The overall project goal was to regulate Community Nursing (CN) in terms of gaining legal recognition for this specialisation (develop the occupational standard) while structuring and unifying community nursing practices. This toolkit assists the work of community nurses as both novice and experienced professionals.

46. The Practice Guide is structured into 7 sections and contains 111 individual working tools which can be used as such or adapted to local needs.

#### **Respect for the views of the child**

47. Regarding the involvement of children in school management and educational matters, MNE has introduced a number of provisions in the legal acts regulating education, which are meant to guarantee the respect for the views of the child.

48. Thus, the National Education Law No. 1/2011, as subsequently amended and supplemented, introduced provisions on consulting children.

49. We should also mention the Organizing and Operating Rules of the National Student Council (NSC) approved under Order of the Minister of Education, Research, Youth and Sport No 4.247/21 June 2010. NSC is a student advisory body in both private and public pre-university education, which is an MNE partner and seeks to develop and implement a viable and functional partnership across the Romanian education system, where students can freely express their interests and actively participate in decision making. This body is comprised of 45 members, as follows: 41 presidents of County Student Councils, the president and 3 vice-presidents of Bucharest City Student Council. NSC members are elected by democratic vote in each county and the City of Bucharest (each educational establishment has a School Student Council), and its governing bodies are the General Assembly and the Executive Board.

50. NSC is a structure that currently represents over 3,200,000 Romanian students, playing a key role in school democracy and fostering teacher-student partnership.

51. The academic year 2010/11 marked a milestone in the history of NSC as elections for student representatives were centralised, taking place at the same time and based on the same rules in all schools across the country.

52. Article 491 of the new Civil Code, effective since 2011, on the child's religion reads that based on their own beliefs, parents shall guide the child in choosing a religion, as provided for by the law, giving due consideration to his or her views, age and maturity and without forcing him or her into joining a certain religion or cult".

53. As to the Committee's observation about "the lack of specific provisions in criminal law for the hearing of child victims of crime ...", we should mention the fact that the new Criminal Procedure Code (Law No. 135 of 1 July 2010) introduces provisions on the protection of the injured party and the plaintiff (Article 113), and protective measures are applied upon the fulfillment of legal conditions.

## **IV. Civil rights and freedoms**

### **(Articles 7, 8, 13-17, 28, paragraph 2, 37(a) and 39)**

#### **Birth registration, name and nationality (7)**

54. Taking into account the Committee's recommendations to inform all health professionals about their responsibilities to register the child's birth, Order of the Minister of Health No. 359/2012 laying down the criteria for child birth registration and declaration was prepared and adopted.

55. Also, between 2009 and 2012, Law No. 119/1996 on vital records was successively amended and supplemented with regard to child birth registration as well and regulated the respect for this right.

56. For ensuring this right to the abandoned or found child, the legal provisions introduced by Law No. 272/2004 on the protection and promotion of children's rights and Law No. 119/1996 on vital records, as subsequently amended and supplemented, have not been amended.

57. Law No. 119/1996 on ensuring the child's dignity brought in new provisions stating that "the registrar may refuse to register first names made of words that are indecent, ridiculous or may affect public order and the morality or interests of the child, as the case may be, and shall motivate and communicate such decision in writing to the declarant". (Article 15(2)).

#### **Protection of privacy**

58. NAC Decision No. 220/2011 on the audiovisual content regulatory code introduces explicit provisions to ensure the adequate protection of children. As a novelty, audiovisual media service providers must respect "the principle of the best interests of the child". Under Article 3 of the same decision, "the minor has the right to protection of his or her image, privacy, intimacy and family life", and "the conditions for a child's participation in an audiovisual programme shall consider age-specific sensitivity and vulnerability issues, in general, and the child's personality, in particular".

59. At the same time, under Article 4 of the same Decision, "it shall be prohibited to broadcast any information that could lead to the identification of the child under 14 years of age who is a victim of sexual abuse, accused of or a witness to a crime". Along the same lines, in order to ensure the right to image, the same decision sets down that "where the minor under 14 of age is a victim of crime (...) or has been subject to physical or psychological abuse, any images or statements may be broadcast only with the child's consent and the written approval of his or her parents, legal representative or caregiver, whichever applicable."

60. Along the same line of the respect for children's rights, in 2010 NAC conducted a research on the Representation of Violence on TV and Child Protection. It was led by the director of the Centre for Media Studies and New Communication Technologies of Bucharest University, with the support of UNICEF Romania.

#### **Access to appropriate information**

61. After equipping schools in accordance with the new education law, MNE introduced Information and Communication Technologies as an optional subject for 1st to 4th graders and as a compulsory subject in lower and upper secondary schools (Article 68(3) of National Education Law).

62. With regard to non-formal education, children's access to information is facilitated through computer clubs held at children's palaces and centers and through national extracurricular competitions organized at national, regional and county levels, as well as through partnership projects run at national level to ensure that children use the computer and Internet safely (e.g. Magic desktop - 2010, Wild Web Woods – 2010, Techschool - 2012).

63. In Romania, child pornography through computer systems is fought by anti-cybercrime agencies and is covered under Romanian legislation mainly by two laws:

- Law No. 161/2003 on certain measures to ensure transparency when holding public dignities, a public office and in the business environment, to prevent and to punish corruption;
- Law No. 196/2003 on the prevention and fight against pornography expressly reads that: "It shall be prohibited to develop and manage paedophilic, zoophilic or necrophilic websites". We should also mention Law No 64/2004 ratifying the Council of Europe Convention on Cybercrime, adopted at Budapest in November 2001.

64. From a legal point of view, Internet services fall under the category of information society services regulated mainly by Law No 365/2002 on electronic commerce (as supplemented by Law No 121/2006).

65. Internet Service Providers are included in the category of those who simply transmit the information and are exempt from any responsibility for the transmitted content once they cumulatively fulfill certain minimum obligations.

66. As part of a governmental project, developed by the General Inspectorate of Romanian Police (GIRP) in partnership with MICROSOFT, Romania has initiated and implemented the "Child Safety Depends Mostly on You" Campaign. Under this partnership, the central activity has been the implementation by the Romanian Police of the CETS application (developed together with Microsoft – case management and database) for online child pornography. In partnership with Microsoft experts, the CETS application is currently used in all field offices fighting organized crime and a website has been developed for the Directorate for Countering Cybercrime. Romania is the only country in South-East Europe implementing this project.

67. Sigur.info project has been supporting children and their parents in preventing online risks. Another project goal is to combat illegal and harmful web content (pornography, racism, xenophobia, drug use, etc.) and to encourage the responsible use of Internet and new communications technologies.

68. Romania signed the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which further reflects the importance our country as State signatory of the UN Convention on the Rights of the Child gives to children's right to

participation. This makes it possible to set up additional more transparent mechanisms that facilitate the fulfillment of every child's right to access new remedies for reporting any violations of his or her rights, as stipulated in the Convention.

69. Given the need for Romania to meet its obligations under Law No. 109/2009 ratifying the Optional Protocol, adopted at New York on 18 December 2002, to the Convention against Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment, adopted at New York on 10 December 1984, MoJ drafted a law to amend and supplement Law No. 35/1997 on the organization and operation of the Ombudsman's Institution.

70. The draft law seeks to set up a National Mechanism for Prevention of Torture in Detention Facilities as part of the Ombudsman's Institution, with the aim of improving the protection of persons deprived of liberty through systematic, planned and unannounced visits to detention facilities. The National Mechanism for Prevention of Torture in Detention Facilities will be coordinated by a new deputy Ombudsman specialized in prevention of torture in detention facilities.

#### **Recommendations based on the United Nations Study on violence against children**

71. Following the said UN study, Law No. 257/2013 amending and supplementing Law No. 272/2004 includes provisions to handle all forms of violence against children. Hence, all violence must be reported, not only abuse and neglect, and specific measures must be taken along with those already stipulated by law: establish a protection measure if the assessment points in that direction, deliver specialized services, get the child ready for court, apply penalties, etc.

72. To strengthen national and local action, at the beginning of 2011, the Government approved two relevant methodologies under GD No. 49/2011: Framework methodology for multidisciplinary and network prevention and intervention in cases of violence against children and domestic violence (Annex 1) and the Methodology for multidisciplinary and interinstitutional intervention on exploited children and those at risk of child labour, child victims of human trafficking, and Romanian migrant children victims of other forms of violence on the territory of other states (Annex 2).

73. The endorsed framework methodology has helped to achieve some of the objectives included in the National Strategy for the Protection and Promotion of Children's Rights 2008-2013, approved under GD No. 860/2008, such as the respect for the child's right to protection from abuse, neglect and exploitation through multidisciplinary and interinstitutional interventions, and the setting up and development of a unified, coherent and comprehensive system for preventing, notifying/reporting and intervening in cases of child abuse, neglect and exploitation, including commercial sexual exploitation, child labour, child trafficking, illegal migration, domestic violence and other forms of violence against children. These methodologies will support the diversification of services delivered to children and families, and GDSACPs will build their capacity to manage the protection of children from abuse, exploitation and violence.

74. Regarding the enhanced support provided to victims of violence, abuse, neglect and maltreatment in the family, in order to avoid their re-victimization during trial and to offer wider access to adequate recovery services, counseling and other forms of reintegration throughout the territory, in November 2012 the Romanian Government approved the National Strategy for Preventing and Combating Domestic Violence 2013-2017 (GD No. 1156/2012).

75. Besides the national awareness-raising campaign on domestic violence conducted by DCP-MLFSPE as part of the Programme for Domestic Violence Victims, preventive action was taken under Sigur.info project (see paragraph 68) with NAPCRA as a partner. Between

2008 and 2013, 650 volunteers were involved, 43,000 parents and teachers were informed, as well as 68,000 children and young people, and www.sigur.info had over 1,000,000 visits.

76. For the promotion of non-violent values, MLFSPE implemented the Programme for Domestic Violence Victims until February 2013, under Loan Agreement No. 4825 RO concluded between Romania and the International Bank for Reconstruction and Development, ratified by Law No. 40/2006. The project aimed mainly at improving the living conditions and social inclusion of domestic violence victims. One of the main programme objectives was to run public awareness and information activities. The “Public awareness campaign for combating and preventing domestic violence” was run between November 2012 and January 2013.

77. Between 2010 and 2012, DCP-MLFSPE implemented the National Interest Programme 2 (NIP 2) “Intervention in Domestic Violence Cases” approved by GD No. 1007/2010. Under this programme, two projects were approved and implemented by GDSACP from the counties of Vaslui and Alba which set up specialised services and ran information campaigns.

## V. Family environment and alternative care

(Articles 5, 18 (1)(2), 9-11, 19-21, 25, 27(4) and 39)

### Family environment

78. In this respect, MLFSPE continued to implement the project “Community-Based Services Aimed at Preventing Children’s Separation from Family and Associated Staff Training”. The project is financed based on an agreement between the Council of Europe Development Bank (CEB) and the Romanian Government. The total loan amounts to EUR 10 million and the contribution of the Government of Romania, local authorities and other donors reaches EUR 4.3 million. The loan agreement was ratified by Decision No. 928/05.09.2007.

79. The overall project goal is to develop a network of community-based services at city, town, commune and Bucharest levels in order to prevent children’s separation from their families. A specific project objective is to create approximately 200 community-based services for preventing children’s separation from family. Another specific objective is to train nearly 4,300 employees (from the newly created services and from PSAS) on ways to organize and deliver services for addressing difficult circumstances which may lead to children’s separation from their families.

80. Furthermore, to build the capacity of public social assistance services, between 2010 and 2011 DCP-MLFSPE implemented the project “Capacity Building for Local Public Authorities in Romania to Support Children with Disabilities in Their Own Families”, financed under the European Economic Area Financial Mechanism, with a budget of EUR 2,919,052. The project targeted both children with disabilities and their families, and the professionals who work directly with them, and the results of the activities carried out in the project fall under two major components:

- Set up 20 multidisciplinary mobile teams to offer support to children with disabilities, their parents and professionals from children’s community;
- Train certain groups of professionals who, by the nature of their profession, are constantly interacting with this group of children with disabilities. Hence, 114 training sessions were organized in the project for the aforementioned professional categories, whereby 2,750 professionals were trained.

**Family environment and parental guidance consistent with the child's evolving capacities (Article 5)**

81. The new Civil Code introduces a number of provisions on parental guidance consistent with the child's evolving capacities. Thus, parents are the main duty bearers when it comes to raising and educating their underage children. (Article 261) Parents also have the duty to raise the child in conditions that guarantee his or her well-balanced physical, mental, spiritual, moral and social development. (Article 491) To this end, parents must:

- (a) Cooperate with the child and respect his or her intimacy, privacy and dignity;
- (b) Present and allow the child to get information and explanations about all acts and facts that may affect him or her, and take into account his or her views.

82. Under the new Civil Code, the legislator regulates (Article 503) the principle of parents' joint responsibility for the child's upbringing to reflect the principle of equality between men and women.

83. Parents exercise parental authority only in the best interests of the child, with due respect paid to the latter, while involving the child in the decisions that concern him or her, in accordance with his or her age and maturity.

84. DCP-MLFSPE was a partner in the project "Women for Women – National Programme for the Qualification and Accreditation of Women as Babysitters" implemented by Romanian Angel Appeal Foundation, between October 2010 and September 2013, with the following results: 64 sessions organized for training 160 trainers and 1,276 babysitters (certificate of qualification); 325,300 unemployed or inactive women were informed about qualification courses, along with 2,000,000 other persons who found out about the Babysitting School through promotional campaigns organized in the project; 100 specialists from public institutions were trained as supervisors to monitor the activity of qualified babysitters who would work in the public home-based child care system.

85. Between December 2010 and December 2013, MLFSPE implemented the project "Equilibrium – A New Approach to Work-Life Balance", with the following results: 3 centres of excellence – Neghinița Multifunctional Social Centre (Crèche 13)/District 6 GDSACP for children aged 1 to 4 years, Happy Centre/Braşov City Hall for children from birth to 4 years of age, and Prâslea Centre/District 3 Local Council for children of 3 to 6 years of age; 2 studies – Child Care Facilities, and Opportunities and Obstacles.

**Recovery of maintenance for the child (Article 27, paragraph 4)**

86. Romania has made efforts to improve the national legal framework on the recovery of maintenance for the child as a fundamental component of the child's right to an adequate standard of living. Hence, Law No. 36/2012 lays down the provisions for translating into Romanian laws the measures needed to implement regulations and decisions of the EU Council and international private law instruments concerning maintenance obligations. Its provisions set forth effective ways to obtain maintenance in EU Member States, responsibilities for the courts, the means to obtain maintenance in third countries to the 2007 Hague Convention and in Romania.

**Families affected by migration**

87. Romania continued its efforts to regulate the situation of children left behind by migrating parents. Hence, Law No. 257/2013 amending and supplementing Law No. 272/2004 includes a special chapter devoted to this issue with provisions on parent's responsibility to designate the person who will raise the child in their absence, as well as

the obligation for local authorities to monitor the state of these children and take appropriate measures for their best interests.

88. Nonetheless, it should be mentioned that Romanian authorities are concerned about the large number of Romanian children whose repatriation has been requested by the Romanian state but who haven't returned home because foreign authorities have denied their repatriation despite the fact that they are Romanian citizens and the Romanian state has all the means to ensure their effective protection on the national territory.

89. Thus, despite CRC provisions regarding the child's right to grow up with his or her parents or in a family environment, there are still many cases where the solutions provided by the Romanian state are rejected and Romanian children are kept in residential facilities on the territory of another state, or cases where several siblings are separated on foreign territory and placed in different institutions, which is also against the Convention.

90. Regarding the opportunity of signing bilateral agreements with other European states in which unaccompanied Romanian minors are found, we should emphasize that Romania has been constantly open to concluding such agreements. This has always come from Romania's wish to develop a common set of rules and procedures to ensure the return of Romanian children to their country of origin and prevent them from being unjustifiably withheld on foreign territory.

91. In this respect, after 2006, the end date of the first Agreement between the Romanian Government and the French Government on cooperation for the protection of unaccompanied Romanian minors found on the territory of the France and their return to the country of origin, and for fighting against child exploitation networks (approved by the Romanian party under GD No. 1295/2002), bilateral cooperation for the protection and repatriation of unaccompanied minors continued based on a tacit agreement between the parties until 2010, when the Constitutional Council of France declared that the second agreement signed by the parties on 1 February 2007 and ratified by Romania under GD No. 1237/2007 was contrary to the provisions contained in the French Constitution.

92. Romania signed another cooperation agreement on the protection of unaccompanied minors with Italy in 2008. After its entry into force, the Romanian party even proceeded to changing its own working procedures to be able to respond to Italian partners' requests and align the data to be sent to Italy with the administrative model used by this country's institutions responsible for implementing the agreement. Nonetheless, the transmission of requests for repatriation and of related documentation directly to the Central Liaison Body (CLB) for Unaccompanied Community Minors under the Italian Ministry of Interior, whose role is to coordinate at national level the entire activity concerning the return of unaccompanied Romanian minors, has not brought about great results.

93. One of the most sensitive issues on the bilateral agenda of the two countries is the practice of Italian courts of declaring Romanian children identified unaccompanied or in difficult circumstances on the Italian territory adoptable, ignoring or rejecting Romanian party's requests for their repatriation to the country of origin.

94. During the reference period, the Agreement on cooperation for the protection of unaccompanied Romanian minors in Spain, their repatriation and the fight against child exploitation, signed by the Romanian Government and the Spanish Government on 15 December 2005, continued to be implemented. On the whole, the Agreement aims to "address the issue of unaccompanied Romanian minors found in Spain at risk of abuse, exploitation or involvement in crime, and prevent such situations", although it fails to specify which groups of children are considered unaccompanied by these countries. The Agreement seeks to ensure institutional cooperation mechanisms and administrative procedures for the repatriation to the country of origin of Romanian children who are not in the care of their parents or legal representatives and for whom a special protection measure

has been established for a limited period of time in Spain as a means to protect them until their return to Romania.

#### **Children deprived of a family environment**

95. Foster care continues to be a type of alternative care for children temporarily or permanently separated from their families. Hence, whilst 29.8% of children looked after by the State were in foster care at the end of 2009, their share reached 30.2% as of 31 December 2012.

96. Under applicable legal provisions, namely Law No. 272/2004, the child has the right to be heard, to seek and receive relevant information, to be consulted, to express his or her views and to be informed about the consequences of his or her views if taken into account and those of any decision that concerns him or her. In all cases, the views of the heard child will be considered and given due importance, according to his or her age and maturity. To ensure extensive knowledge of these provisions, in 2008-June 2009 NAPCR implemented the Twinning Light project called "Creating a training system for foster carers in Romania".

97. With the entry into force of the Law No. 272/2004, the placement of children under 2 years of age in residential care is prohibited (Article 64(1) of republished law). Romania joined the campaign started by UNICEF and OHCHR in 2011 at the European Parliament to end the placement of children under three in institutions. The National Strategy for the Protection and Promotion of Children's Rights 2014-2020 considers an increase in the minimum age for institutionalization from 2 to 3 years.

#### **Domestic and inter-country adoption (Article 21)**

98. In the period following Romania's submission of its previous periodic report, Romanian adoption laws have been amended and supplemented with the entry into force of the new Civil Code as of 1 October 2011 and of Law No. 233/2012 amending and supplementing Law No. 273/2004 on the legal regime for adoption, effective as of 1 April 2012.

99. Under the latest legal amendments, in Romania adoption is considered a civil law matter, not a protection measure since it is final and produces irreversible legal effects (a new filiation).

100. Law No. 233 of 5 December 2011 amending and supplementing Law No. 273/2004 on the legal regime for adoption was passed by the Romanian Parliament and entered into force in April 2012, along with the detailed rules for its implementation.

101. A procedure is now in place to avoid the extension of the time frame for declaring adoptable the child whose reintegration or integration in his or her own family is not possible, with guarantees that action has been taken to reintegrate him or her with the natural parents and to integrate him or her into the extended family.

102. Another legal novelty is the obligation to get consent for the child's adoption from the underage parent who has turned 14 years of age assisted by his or her legal guardian. The child whose natural parents have not turned 14 years of age cannot be adopted.

103. Regarding the adoption of the child born outside of marriage by his or her father's spouse, in order to end the attempts of eluding adoption proceedings by recognizing the paternity of certain children born out of wedlock and their later adoption by the spouse, the child's filiation in relation to the father must be confirmed by DNA testing.

104. With a view to undergoing inter-country adoption proceedings, the selected person or family must travel to and effectively live in Romania for at least 30 consecutive days in order to interact with the child. After the adoption order, ROA must monitor the progress of

the adopted child and of his or her relationship with the adoptive parents with a view to fully integrating the child into the adoptive family and to early identifying any difficulties that may arise at this time. Post-adoption monitoring is performed for at least two years after the adoption order by the competent central authority or the organization accredited or authorized in the receiving country.

105. In the context of the European Convention on the Adoption of Children (revised) from Strasbourg, ratified by Romania in 2011, corroborated with Article 7 of the UN Convention on the Rights of the Child, the Romanian state promotes the right of adopted persons to know about their identity and origins. Under Law No. 273/2004 as subsequently amended and supplemented (Articles 66-70), adopted persons are entitled to knowing their origins and their past and they benefit from support to contact their natural parents or birth relatives, with due respect to the principle of confidentiality when disclosing personal data and with the protection of those involved via appropriate counseling.

### **Abuse and neglect**

106. In conformity with relevant national and international regulations, violence against children encompasses various forms of physical, verbal, emotional and sexual abuse, neglect, economic exploitation/child labour, sexual exploitation, abduction and/or disappearance, high-risk migration, trafficking, Internet violence, and more, relating to all players that have contact with the child: the family, educational, medical and protection institutions, prosecution and rehabilitation/detention centers, the Internet, the media, workplaces, sports facilities, the community.

107. Taking into account the Committee's recommendations, DCP-MLFSPE found it necessary to develop and approve GD No. 49/2011 approving two common working methodologies: Framework methodology for multidisciplinary and network prevention and intervention in cases of violence against children and domestic violence and Methodology for multidisciplinary and interinstitutional intervention on exploited children and those at risk of child labour, children victims of human trafficking, and Romanian migrant children victims of other forms of violence on the territory of other states.

108. The endorsed framework methodology has helped to achieve some of the objectives included in the National Strategy for the Protection and Promotion of Children's Rights 2008-2013, approved under GD No. 860/2008, namely the respect for the child's right to protection from abuse, neglect and exploitation through multidisciplinary and interinstitutional interventions, and the setting up and development of a unified, coherent and comprehensive system for preventing, notifying/reporting and intervening in cases of child abuse, neglect and exploitation, including commercial sexual exploitation, child labour, child trafficking, illegal migration, domestic violence and other forms of violence against children.

109. Violence against children may also be reported at the Child Helpline Association which is authorized to implement the single European child assistance number (116 111). Under concluded protocols, the Child Helpline Association reports any cases of violence against children to competent authorities. Cases of missing children are reported by calling 116.000 (single European hotline for missing children).

110. During the reporting period, GDSACPs ran awareness campaigns on violence against children and domestic violence.

### **Corporal punishment**

111. Between 16 October and 10 December 2008, Romania rolled out a campaign against corporal punishment of children: "Your hands should nurture, not punish! Raise your hand against smacking!" initiated by the Council of Europe and launched at European level on

15 June 2008. The Campaign against corporal punishment of children sought to send out a clear message – children have the right to be protected from all forms of violence and to benefit from equal protection before the law, to support existing policies through new measures, to ensure better policy application and better information of those who work with children and families, to inform the general public about children’s rights and to change attitudes and behaviors.

112. Thematic meetings were also organized with the support of the local trainer from the Child Rights Education Campaign, with the distribution of 7,500 copies of the Council of Europe handbook “Abolishing Corporal Punishment of Children – Questions and Answers”, used as a starting point for debates with teachers, children and parents. To change attitudes and behaviors, Campaign information and materials sent out the clear message – “children have the right to be protected from all forms of violence and to benefit from equal protection before the law” – through a TV spot, posters (31,000 copies) and postcards (260,000 copies).

## **VI. Disability, health and welfare**

### **(Articles 6, 18(3), 23, 24, 26, 27(1)-(3) and 39)**

#### **Children with disabilities (Rec. 60)**

113. Regarding these comments and recommendations, we should mention that Romania ratified the UN Convention on the Rights of Persons with Disabilities by Law No. 221/2010, undertaking to adopt all appropriate legislative, administrative and other measures to implement the rights recognized thereby. MLFSPE is the central coordinating agency for the implementation of the UN Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly at New York on 13 December 2006, and signed by Romania on 26 September 2007.

114. As for the recommendation to train professionals working with children with disabilities, it should be mentioned that central and local governments made constant efforts in that direction given the need to deliver quality care to these children.

115. With reference to the recommendation concerning the careful and comprehensive assessment of persons with disabilities, it should be mentioned that MLFSPE, via its Directorate Protection of Persons with Disabilities, has been implementing since 2012, for a period of two years, the “Grant for technical assistance and development to support persons with disabilities” provided by the Government of Japan under the Policy and Human Resources Development Fund (PHRD) managed by the World Bank.

116. The project aims to improve the policy development process and the institutional framework for persons with disabilities and it is deemed highly important for Romanian society.

117. Following the initiative of and cooperation between DCP-MLFSPE and RENINCO Romania, with assistance from UNICEF Romania, in 2011-2012 the International Classification of Functioning, Disability and Health for Children and Youth (ICF - CY), adopted by WHO in 2007, was translated and validated. The working group was comprised of representatives of MLFSPE, MoH, MNE, universities, non-governmental organizations and independent experts.

118. Between 1 October 2010 and 30 September 2013, DCP-MLFSPE was a partner in the project “They, too, need a chance! – Programme for the social and professional integration of persons with autism spectrum disorders” implemented by Romanian Angel

Appeal Foundation, with the following results: 40 counseling and assistance centers for persons with autism spectrum disorders were opened in 35 counties and in Bucharest to deliver services free of charge; 1,487 autistic people (mainly children and youth) benefited from services at these centers; 624 professionals were trained on therapeutic interventions for autistic people (psychologists and educational psychologists); 1,233 family doctors and pediatricians signed up for online early detection courses; a National Strategy for the Social and Professional Integration of Persons with Autism was drafted in collaboration with competent authorities and with non-governmental partners; two national information and awareness-raising campaigns were implemented, reaching 8,154,000 individuals from the general public and 35,715 caretakers of people with autism.

### **Health and health services**

119. The Ministry of Health paid special attention to reducing mortality and premature deaths, ensuring equitable access to health services and improving the efficiency of the health sector, including of mother and child care. Therefore, it implemented the Health Care Reform – Phase 2 project, financed by the International Bank for Reconstruction and Development (IBRD) and the European Investment Bank (EIB), aimed to ensure services that are more accessible, of better quality and with better health outcomes in maternal and neonatal care.

120. The project targeted the rehabilitation of maternity and neonatal health care facilities, provision of medical equipment and technical assistance, and staff training on delivering modern obstetrics, gynecology and neonatology services.

121. Over the reference period, the Federation of NGOs for the Child (FONPC) implemented the “Birth Accompaniment” project financed by the French and Dutch Embassies to Romania. The project focused on the fulfillment of mother and child rights during the perinatal period by promoting mother and child health, highlighting parents’ needs for accompaniment before, during and after the birth of a child, supporting parents in their new role, and preventing child abandonment and attachment disorders. Some of the project results were three national conferences, a national working group and the first national study on birth accompaniment in Romania.

122. In 2010, with a view to developing a FONPC (lobby and advocacy) strategy for integrated medical-psycho-social services meant to improve perinatal accompaniment policies and practices, a working group was formed under the Secretariat-General of the Government (SGG) to introduce “birth accompaniment” on the public agenda.

123. Birth accompaniment is defined as psychological, social and medical support to the mother, father and child throughout the perinatal period (prenatal, intranatal and postnatal).

124. Romania has continued its efforts to improve the health of infants and young children. The actual measures taken to this end are presented in paragraphs 132-134.

### **Mental health**

125. Since 2009, the National Mental Health and Anti-Drug Centre (NMHADC) has been working under MoH as a specialized public agency holding legal personality, whose role is to coordinate, implement and evaluate mental health policies at national level. The mission statement of NMHADC is to contribute to creating a mental health system where all citizens have access to quality health care according to their specific needs.

126. The main areas of work of NMHADC are: develop mental health policies and laws, provide training and continuing medical education to middle- and top-level employees from mental health care facilities, and support mental health care development projects.

Nationwide, there are 29 Mental Health Centres for children and 51 for adults (as of 1 June 2014).

127. In 2011, it drew up a project for the development of a national child and adolescent mental health policy based on the ongoing reform of the mental health care system and the need for a coherent policy integrating mental health services into health, education and social systems.

128. The project was developed by the Secretariat-General of the Government and coordinated by the Office of the High Representative for Child Protection and Care (a structure currently working under the Prime Minister's Office). To develop the National Strategy for Child and Adolescent Mental Health, an inter-ministerial working group was set up with experts in pediatric psychiatry from the pediatric psychiatry faculty at Bucharest University of Medicine and Pharmacy, representatives of MoH, MNE, DCP-MLFSPE, MoJ, professional associations, non-governmental organizations, parent associations and UNICEF.

129. The National Strategy for Child and Adolescent Mental Health has three priorities: promotion, prevention and specialised (medical, psychological, educational and social) interventions as identified by NMHADC in partnership with mental health institutions, and specific actions to be implemented in line with these priorities. The Strategy goal is to ensure the wellbeing of the child and family, in particular, and of the Romanian population, in general, offering the guidance, resources and mobilization needed for implementation. Secondly, the Strategy seeks to reduce the incidence of mental health problems and disorders in children and adolescents.

130. In the field of education, some policy documents tackle this issue and mental health is included in the health education curriculum, which however is an optional subject; the scale of this phenomenon needs to be assessed and intersectoral policies should be developed.

#### **Adolescent health (Rec. 69)**

131. In response to these statements, it should be mentioned that in 2009 Romania's overall suicide rate was just over the EU-27 mean (10.47 per 100,000 people, and 9.44 respectively). Suicide is the main external cause of death in men and the second leading cause of death in women. In the age group 10-14, suicide and deliberate self-mutilation dropped from 27 cases in 2004 to 13 cases in 2009 while the number of suicides remained relatively stable among 15 to 19-year-olds (68 cases in 2004, 62 cases in 2009).

132. Between April 2009 and April 2011, MoH and the National Public Health Institute in Bucharest, via its Sibiu Regional Public Health Centre, implemented the project "Increased access to primary preventive health care for Romanian children and adolescents. Healthy diet and physical activity among Romanian children and adolescents", in conformity with the KnRin/-2008/108643/20 February 2009 Grant and Order of the Minister of Health No. 630/2009, as subsequently amended and supplemented. The project had national coverage and aimed at stopping and reversing by 2020 the increasing overweight and obesity rate among Romanian children and adolescents by adopting a healthy lifestyle.

133. The Campaign reached 501 schools and kindergartens all over the country, which implemented micro-projects over the period 2011-2013 for the adoption of the 4 healthy behaviours (868 school and kindergarten teachers trained in the project, an intervention handbook defined with lesson plans for training the desired behaviours in schools and kindergartens, sporting supplies distributed during the project to the 501 schools and kindergartens), with an estimated number of 50,000 child beneficiaries and 10,000 parent beneficiaries. Also, intersectoral working groups were set up at county level, over

400 partnership agreements were signed between public institutions, NGOs and the media at county level, more than 100 county level decision makers were trained to draw up and implement county action plans for a healthy lifestyle. The materials used and distributed during the campaign were: 4 radio spots, 3 video spots, an online Resource Centre – [www.comunitate-sanatoasa.ms.ro](http://www.comunitate-sanatoasa.ms.ro), 65,600 posters, 125,000 leaflets, 125,000 bookmarks, 500,000 stickers, 125,000 postcards, 504 flags.

#### **Drug, tobacco, alcohol and other substance use**

134. The National Anti-Drug Strategy, implemented over the period 2005-2012, primarily aimed at creating an integrated system of public institutions and services that can reduce the incidence and prevalence of drug use among the general population, as well as providing health, psychological and social care to drug users.

135. An Action Plan was drawn up to implement the measures under the National Anti-Drug Strategy 2010-2012, approved by GD No. 1369 of 23 December 2010, listing the activities needed to reach each specific objective of the National Anti-Drug Strategy, the institutions responsible for their implementation and evaluation and performance time frames.

136. In 2009, the 6th edition of the national MY ANTI-DRUG MESSAGE project was implemented and monitored, comprising 6 sections (literary essay, web page, eco-friendly projects, sports, short films, digital photography and spots) aimed to maintain drug use at a low level and to reduce the number of new users among pre-university (lower secondary and high school) and university students.

137. The 7th edition of the national MY ANTI-DRUG MESSAGE project was implemented in 2010. Structured into sections devoted to literary essay, web page, visual arts (graphics, drawing, posters, short films, spots, digital photography) and sports (at county level), the activities were planned, organised and coordinated in each county by the Centres for Drug Prevention, Evaluation and Counselling. The total number of students involved in project activities was 180,000, with 68 of them being awarded prizes and distinctions.

138. The UNCENSORED project continued in 2011 for a number of approximately 800 students aged 12-13 years from 29 classes in Bucharest District 4.

139. Another project was “Fred Goes Net – early intervention for first-time noticed drug users”. This project was successfully implemented and evaluated in Germany in 2000-2002, and then again in 2003-2004. Between 2007 and 2010, nine countries piloted the project (pilot partners): Austria, Belgium, Germany, Ireland, Iceland, Latvia, Poland, Romania and Slovenia. From 2007 to 2010, the project was implemented in Bucharest with 105 students as beneficiaries. The main project goal was to conduct an early intervention on young people who were noticed as drug users for the first time (especially by the police, but also by the school and/or employers/work colleagues) in order to reduce the risk of them becoming drug addicts. In 2011, CDPEC ran 129 FRED sessions for 1,045 participants.

140. Also, in 2011, based on Cooperation Protocols concluded between NADA, the Institute for Mother and Child Care (IMCC) and the Romanian Neonatology Association, a methodology was developed for collection of data on drug-using mothers, applied from 2012 to all level 2 and 3 neonatology and obstetrics-gynecology wards under a national survey called “Drug-Using Parents”.

141. MoH continued to implement the HIV monitoring and control sub-programme carrying out the following activities:

- Purchasing of HIV tests (125,000 rapid HIV tests and 250,000 ELISA HIV tests were purchased in 2011 alone);

- Voluntary counseling and testing free of charge for at-risk populations;
- Creating an HIV/AIDS information system;
- Clinical, immunological, virological monitoring of HIV-positive patients from the designated area, diagnosis and treatment of opportunistic/associated infections.

142. Furthermore, MoH continued to implement the national monitoring and control programme for communicable diseases aimed at the early detection and etiological diagnosis of communicable diseases with a view to implementing measures that prevent their spread at national and global levels. One sub-programme was aimed at STI monitoring and control.

### **Standard of living**

143. In 2010, Law No. 277/2010 on family allowance was approved, repealing Government Emergency Order No. 105/2003 on the complementary family allowance and single-parent family allowance. Under the new law, the upper income threshold for the allowance is set at RON 370/person; family allowance is provided in a differentiated manner based on family income and number of children in the family, with more support given to low-income families; family income is assessed the same as for welfare; the allowance is means/assets-tested and aims at increasing school attendance of school-age children from beneficiary families since the allowance rate may be diminished according to children's school absences as recorded in the statements sent by county or Bucharest school inspectorates.

144. With demographic changes, changes in family structure, negative labour market trends, pressures related to public spending cuts and lack of specialized staff in the social assistance system, came the need to review the social assistance system. Therefore, in 2011, a new Social Assistance Law – Law No. 292 – was approved.

145. It also introduces social audit as a tool available to private social service providers, contracting authorities, and other natural or artificial persons funding social services, to evaluate the social impact of financed activities. Furthermore, the new social assistance law defines social economy as an economic sector whose main goal is to produce goods and services with and for underprivileged groups.

146. With respect to the citizens belonging to the Roma minority, public policy approach has focused on social measures: education, employment, health, housing and small infrastructure, accompanied by measures taken to address discrimination, combat poverty and promote equal opportunities. Programmatic documents with major relevance are the Romanian Government's Strategy for Improving the Condition of the Roma, adopted in 2001, and the Decade of Roma Inclusion 2005-2015, whereby the Romanian Government undertook an international political commitment.

## **VII. Education, leisure and cultural activities**

**(Articles 28, 29, 30, 31)**

### **Education, including vocational training and guidance**

147. Regarding these recommendations, MNE focused on legislative initiatives to increase children's school participation and introduced a number of provisions in the new National Education Law No. 1/2011 meant to foster universal completion of compulsory schooling and increase the quality of education. A key provision in this respect concerns the

compulsory attendance of the preparatory year held in schools by all 6-year-olds as part of primary education.

148. In this respect, during the reporting period, a number of early childhood education programmes were started and implemented. Significant were the Inclusive Early Childhood Education Programme (IECEP – started in 2007) – seeking to develop the early childhood education concept and to create a framework for the national implementation of the programme; Together with Children for Quality School Debut Programme (financed by ESF) – whose overall goal is to increase school adaptability while preventing academic failure of preschool children in the final year of kindergarten by creating/testing/piloting digital teaching tools and an alternative methodology for preparing children for school; and the National Early Childhood Education Reform Programme (ECERP – started in 2007) – seeking to ensure the infrastructure and resources needed for its implementation.

149. MNE also took action to increase pupils' school participation and to reduce discrepancies in children's access to education under several lines of action:

- Invest in school infrastructure in small and medium-sized communities from rural or disadvantaged areas (between 2008 and 2011, 2,537 schools were rehabilitated, 120 schools were equipped with sanitation, electrical and heating systems, 159 schools were fixed, 128 schools were equipped with teaching-learning materials, 35 schools were reinforced, 783 kindergartens, schools and school campuses were built);
- Restructure the national school network by hiring only qualified teaching staff;
- Strengthen children's school participation via educational, support and social protection programmes.

150. Free school transport–MNE purchased and allocated school minibuses to county school inspectorates based on the number of pupils who don't study in their home community: 2008 – 1,000 minibuses, 2010 – 170 minibuses, 2011 – 185 minibuses, 2012 – 185 minibuses. Reimbursement of travel expenses for pupils attending a school which is over 50 km away from their home community: 2008 – RON 87,032 thousands, 2009 – RON 92,244 thousands, 2010 – RON 105,559 thousands, 2011 – RON 139,718 thousands.

151. Provision of school supplies to pupils from disadvantaged families: 2008 – 710,594 beneficiaries, 2009 – 672,964 beneficiaries, 2010 – 732,327 beneficiaries, 2011 – 767,894 beneficiaries.

152. The EUR 200 Programme supporting PC purchase by pupils from disadvantaged families: 2008 – 35,128 beneficiaries, 2009 – 24,658 beneficiaries, 2010 – 22,392 beneficiaries, 2011 – 21,559 beneficiaries, 2012 – 20,610 beneficiaries.

153. Money for High School Programme–supporting school participation of high school students from disadvantaged families: 2008 – 141,254 beneficiaries, 2009 – 133,849 beneficiaries, 2010 – 124,680 beneficiaries, 2011 – 121,145 beneficiaries.

154. Croissant and Milk Programme – stimulating school participation of preschoolers, primary and lower secondary school children: 2008 – RON 250,054 thousands, 2009 – RON 460,232 thousands, 2010 – RON 437,665 thousands, 2011 – RON 431,638 thousands.

155. Promotion of “A Second Chance” educational programmes organized by MNE in partnership with local public administration authorities via school inspectorates, for primary and secondary education levels;

156. Under the “A Second Chance” Programme:

- Lower secondary education graduates who didn't attend high school have the opportunity to complete before the age of 18 at least a vocational training

programme allowing them to get appropriate qualification under the National Qualifications Framework (Article 30(2)(3) of National Education Law No. 1/2011);

- Educational programmes are designed and implemented to prevent academic failure.

157. With respect to the recommendations made to the State Party about supporting Roma children's access to various forms of education, efforts were further made to support full instruction in Romani, their mother tongue, in primary education (with 4 mandatory hours/week of Romanian language and literature; almost 900 Roma students chose this type of education), based on a bilingual approach (Romani-Romanian). A number of 22 kindergartens offer teaching in Romani as a mother tongue, based on a bilingual approach (Romani-Romanian, Romani-Hungarian), promoting Romani language, history and culture in the teaching process, securing positions and funding for teachers of Romani language and Roma history and for schoolteachers teaching in Romani language, maintaining the network of methodologists for Roma language, history, traditions and education (in each county, between 2-6 methodologists, of which at least one for Roma language, history and traditions (approx. 126-180 methodologists).

158. The training of Roma school mediators continued. MNE and its partners (UNICEF, the National Agency for the Roma – NAR, PHARE Programme) trained 848 Roma school mediators in the past 8 years. Furthermore, funds were further injected into national Roma language and history school competitions: the National Romani Contest – 12th edition, the National Roma History and Traditions Contest–4th edition, 2011, the National Diversity Contest – 5th edition.

159. Simultaneously with the periodic revision of school curricula (for 1st to 12th grades) and of textbooks for Romani language and literature, Roma history and traditions, summer kindergartens were organised in preparation for 1st grade and a strategic programme was implemented under the name “All in Kindergarten!, All in 1st Grade!”. 8,400 Roma children benefited from this programme, whose main goal was to prevent and reverse early school leaving among children aged 5-8 years from 420 disadvantaged communities with high shares of Roma, from rural and small urban settings.

160. In the period following the consideration of the latest periodic report, “A Second Chance” programmes were continued and funded to end drop-out. Annually, around 10,000 adolescents, young people and adults benefit from this type of classes.

161. Regarding Committee's recommendations about the situation of children with disabilities and their facilitated access to mainstream schools, it should be mentioned that, in the pre-university education system, children with special educational needs are provided with special educational facilities adapted to their type and level of disability. Furthermore, under the new education law, MNE initiated and reviewed several regulatory acts on the schooling of children with special educational needs. These are the Organising and Operating Rules of special education and integrated special education (approved by OMERYYS No. 5.573/7 October 2011), the Methodology for organizing learning support services for children, pupils and youth with special educational needs integrated in mainstream schools (approved by OMERYYS No. 5574/7 October 2011), the Methodology for the assessment, psychoeducational assistance, school and vocational guidance for children, pupils and youth with special educational needs (approved by OMERYYS No. 6552/13 December 2011) and the Framework methodology for home schooling and creation of groups/classes in hospitals (approved by OMERYYS No. 5575/7 October 2011).

162. MNE has also showed interest in developing partnership projects with different organizations, to train teachers who deliver education to children with special educational needs. A relevant example is the educational project for ADHD students, called “Accept Me, Understand Me, Teach Me”, run in partnership with the National Mental Health and

Anti-Drug Centre and the foundation Eli Lilly Romania. In the first stage, 91 meetings were held (42 with school counselors and 49 with school teachers), 60% more than planned.

### **Right to leisure and play**

163. Regarding this issue, under the new national education law, non-formal education was re-evaluated and given major importance in the training of a student. Thus, the educational portfolio is now compulsory for every student, containing all the degrees and certificates received following participation in different formal, non-formal or informal learning activities (Article 73(1)). Also, the Organizing and Operating Rules of the units offering extracurricular activities were revised and approved by OMERYS No. 5567/7 October 2012, which stipulates that children's palaces and clubs may issue skills certificates to students and children who have participated in a club for at least 3 consecutive years, based on their results and level of skills.

164. As for the promotion of sports in pre-university education, with its educational policy MNE has always looked to diversify physical education and sport activities and to increase the quality of teaching for these subjects. Hence, the Common Core comprises 1-2 hours of physical education to which more PE classes may be added under the school-based curriculum, 1 hour of entertaining sports and 2 hours of practice for sports teams participating in school races, contests and competitions.

165. At the same time, to facilitate children's access to museums and other cultural institutions, Order of the Minister of Culture and National Heritage No. 2407/24 September 2009 on provision of free and discounted admission at museums under the Ministry of Culture and National Heritage (the current Ministry of Culture – MoC) prescribes free admission at museums for preschoolers (until the age of 7), children under 18, those with special needs or disabilities, children under 18 with special protection measures, children under 18 during holidays, with the exception of the persons who benefit from free admission at all times, Romanian students and citizens living abroad, recipients of scholarships offered by the Romanian state, Euro<26 Card holders, under 30 years of age.

166. Public cultural institutions under MoC are equally concerned with projects aimed at child rights issues. Hence, since 2009 the National Library of Romania has been carrying out a series of meetings with pupils called "Literature Class at the National Library of Romania" as a means to complement lessons of Romanian literature held in schools. "Literature Class at the National Library of Romania" intends to offer audient pupils and students a more relaxed and hence more adequate approach to Romanian literature and to provide pupils with the right setting for discovering the joy of reading. Every event has been accompanied by exhibitions of books, photography, manuscripts of studied authors, and readings of extracts from their works.

## **VIII. Special protection measures**

### **(Articles 22, 30, 32-36, 37(b)-(d), 38, 39 and 40)**

#### **Asylum-seeking and refugee children**

167. Under Law No. 122/2006 on Asylum in Romania (Article 41), the age of a child is established based on medical examination when there are serious doubts about it. The result of the medical examination (providing an age range) is interpreted according to the principle of the best interests of the child. In practice, the lower age limit established through medical examination and the situation of the respective minor are both taken into consideration.

168. Asylum seekers are provided with an interpreter free of charge throughout the asylum procedure. The unaccompanied child may be assisted by a lawyer or legal adviser from an NGO or the Office of the United Nations High Commissioner for Refugees (UNHCR), in accordance with asylum laws.

169. For unaccompanied children benefiting from a form of protection in Romania, asylum laws provide that family reunification must take into account the best interests of the child and be started ex-officio by Romanian authorities, with the consent of the legal representative or, as the case may be, of the unaccompanied child paying due consideration to his or her views.

170. GII teamed up with UNHCR to implement the project “Ensuring effective responses to vulnerable asylum-seekers: promotion of adequate standards for identification and claim determination for people with special needs”, financed by the European Refugee Fund. The project was implemented for a period of 14 months (December 2012-2013) and targeted six Member States of the European Union (Bulgaria, Hungary, Poland, Romania, Slovakia and the United Kingdom), with the aim of identifying relevant national laws, monitoring and evaluating national practices and conducting activities for institutional capacity building.

171. Also, a representative of the General Inspectorate for Immigration attends a “train-the-trainer” module on Interview Techniques, developed by the European Asylum Support Office under the European Asylum Curriculum. Upon completing the module (in March this year), s/he will train national stakeholders responsible for interviewing, analyzing and making decisions about applications for asylum.

172. Under the 2013 Annual Programme for European Refugee Fund implementation, Romania envisages the development of unified asylum procedures with the involvement of all relevant stakeholders. In this context, the persons designated by competent Romanian authorities as legal representatives of the children will be familiarized with specific asylum procedures and safeguards established for the persons they represent.

#### **Implementation of previous observations on the Optional Protocol**

173. Regarding the minimum draft age, under Article 55 paragraph 3 of the Constitution of Romania, Romanian citizens may be drafted from age 20 to age 35, except for volunteers.

174. Article 23 of Law No. 446/2006 on preparing the population for defense states that “(1) Romanian men who have turned 20 years of age shall be drafted” and “(3) The maximum draft age for Romanian men is 35.”

175. Regarding the minimum age for voluntary enlistment, Article 23 paragraph 2 of Law No. 446/2006 on preparing the population for defense states that volunteers may be enlisted on demand, right after turning 18.

176. Since Romania has not been faced with armed conflicts involving children, there are no particular issues to be mentioned under the Optional Protocol.

#### **Economic exploitation, including child labour**

177. Regarding national efforts for the harmonization of domestic legislation with relevant international regulations, in 2009 Romania adopted GD No. 867/2009 banning hazardous work for children. It set out the list of hazardous work for children, in line with Article 4(1) of the Convention of the International Labour Organisation No. 182/1999, and a series of definitions and measures meant to ban and eliminate hazardous work for children.

178. Also, extended legal provisions are contained in Law No. 257/2013 amending and supplementing Law No. 272/2004 on the protection and promotion of children's rights, which distinctly regulate the performance by children of certain cultural, artistic, sporting, advertising and modelling activities.

179. Children may perform paid work in cultural, artistic, sporting, advertising and modelling industries upon the prior notification of PSAS from the child's domicile. Working conditions in these cases and the prior notification procedure will be set out in a government decision.

### **Street children**

180. To improve the situation of street children, the STREET CHILDREN INITIATIVE was implemented in Romania with funding under the Loan Agreement F/P 1480 Add1(2005) concluded between Romania and the Council of Europe Development Bank, ratified by Law No. 388/2006, with a budget of EUR 2,591,016.88.

181. The overall project goal was to reduce the root causes and effects of the street children phenomenon in Romania, while specific objectives were aimed at setting up around 20 centres for street children providing day and night shelter to 300 children, and continuing training for nearly 150 professionals from the newly created social services for street children. It was estimated that in three years of operation the number of child beneficiaries would reach approximately 3,000.

182. The project achieved the following results: 14 centres set up (Arad, Bacău, Bihor, Bistrița-Năsăud, Bucharest District 3, Cluj, Covasna, Galați, Iași, Maramureș, Mehedinți, Vaslui, Sălaj and Suceava) and 134 people trained.

183. Law No. 84/2008 approving Government Emergency Order No. 74/2007 on ensuring a social housing stock for evicted tenants or those who are to be evicted from houses regained by former owners brought in a series of provisions in line with the Committee's recommendation.

184. Thus, under the housing stock development strategy, local councils and the General Council of Bucharest City ensure the housing stock needed to cover local demand, with priority given to requests submitted by evicted tenants or those who are to be evicted from houses regained by former owners.

### **Sexual exploitation and abuse**

185. Also, after Romania's ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (by Law No. 300/2006), a new criminal offence was created, namely the use of services which are the object of exploitation of a trafficked person (criminalisation required by Article 19 of the Convention).

186. As for Criminal Code amendments and additions, they aimed to regulate the offences of trafficking and exploitation of vulnerable persons. The provisions incriminating human and child trafficking were systematized for easier understanding and better correlation with other criminal provisions, while child trafficking was maintained as a self-standing criminal offence, the same as the use of services which are the object of exploitation of a trafficked person.

187. The same legal act also regulates the offence of solicitation of children for sexual purposes (Article 222 of the new Criminal Code) defined as the act whereby an adult proposes to a child under 13 years of age to meet with the intent of committing an act under Article 220 or Article 221, including where such proposal is made by means of distance communication. It is punishable by imprisonment from one month to one year or fine.

188. Under Article 213, the new Criminal Code also incriminates procuring, defined as the provision or facilitation of prostitutes or gaining material benefits from the prostitution of one or several persons. It is punishable by imprisonment from 2 to 7 years and deprivation of certain rights. Determining a person to start or continue prostitution by coercive means is punishable by imprisonment from 3 to 10 years and deprivation of certain rights. Under paragraph 3 of the same article, where the acts are committed against a minor, minimum and maximum sentence limits are increased by half.

189. In 2010, Law No. 252/2010 was adopted ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse, adopted at Lanzarote on 25 October 2007 and signed by Romania at Lanzarote on 25 October 2007.

### **Helplines**

190. The Child Helpline Association was established in 2006, at the end of the 5-year operation of the 0800 8 200 200 service, under PHARE programmes financed by the European Union and implemented by the former National Authority for Child Protection and Adoption, being promoted through the “Children’s Home Is Not a Home” and “Children’s Rights Are the Law” campaigns.

191. In July 2008, the National Authority for Communications granted the Child Helpline Association, under a partnership with Romtelecom, the licence to implement the European harmonised number for child helplines, 116 111. On October 1st, 2008 it became operational nationwide in the Romtelecom network. Romania was the third country in the European Union to make this harmonised number available to children.

### **Administration of juvenile justice (Article 40)**

192. With respect to juvenile justice administration (Article 40), the need for specialised or separate courts and the age of criminal responsibility, the new Civil Code (NCC) contains provisions on the jurisdiction of wardship and family court (hereinafter called the wardship court), according to which the procedures, as set out in the Code, implemented to protect a person by way of guardianship or trusteeship fall under the responsibility of the wardship court established under the law.

193. On a transitional basis, until wardship courts are set up, (Articles 229 and 2291 of Law No. 71/2011 for the implementation of Law No. 287/2009 and Article 76 of Law No. 76/2012 for the implementation of Law No. 134/2010 on the Civil Procedure Code), the responsibilities of the wardship court are fulfilled by court departments/panels specialised in child and family cases (common law jurisdiction for the resolution of cases in matters falling within the competence of the wardship court granted to court departments/panels specialised in child and family cases).

194. As for children convicted to custodial sentences, they serve time in detention facilities (under the National Prison Administration - NPA). Children and youth serve their custodial sentences separate from adult convicts or in special detention facilities (juvenile detention centres), and during their time in prison they are included in special counseling and assistance programmes according to their age and personality.

195. Minors serve custodial sentences separate from adults or in special detention facilities and girls are separated from boys. Immediately after the child’s admission, detention facility management must communicate to the person designated by the minor the place where s/he is being kept, in accordance with the provisions of Article 29(4) of Law No. 275/2006 on the execution of sentences and measures ordered by judicial bodies in a criminal trial. Minors have the right to visits from their defence lawyer at all times, conducted under conditions of confidentiality.

196. Psychosocial education and intervention programmes are geared towards favouring contact with society and especially with the family so that, upon release, children and young people are not faced with school, vocational or social disadvantages. When turning 21, persons deprived of liberty may be kept in juvenile detention centers to complete their sentence only for the purposes of schooling and vocational training until the age of 25.

197. Minors must attend school classes held in juvenile detention facilities and may be signed up all through assistance, even when they are provisionally detained in adult prisons. Illiterate minors must be included in a literacy programme implemented by a teacher or educator. Girls and boys may attend schooling and vocational training together, as well as the other educational activities.

#### **Protection of witnesses and victims of crimes**

198. With reference to the Committee's concern that child victims or witnesses of crime may participate in radio and TV shows, we should mention that audiovisual legislation has been significantly improved since the previous report.

199. A major novelty under the new Criminal Code is the repeal of sentences for criminally responsible children and their replacement with educational measures. Hence, the legislator states that repealing sentences for children and the execution – in most cases – of custodial sentences in specialized institutions and turning them into educational measures can lead to great results for the education and social reintegration of minors.

200. The Code sets forth as a rule the establishment of non-custodial educational measures for minors and handing down custodial sentences as a last resort for serious crimes or minors charged with multiple crimes.

201. The new Criminal Code categorizes educational measures as non-custodial and custodial.

202. Non-custodial educational measures are, in order of seriousness: civic traineeship, surveillance, weekend confinement, daily assistance.

203. Custodial educational measures are: confinement in a rehabilitation centre for 1 to 3 years and confinement in a detention centre for 2 to 5 years or, exceptionally, for 5 to 15 years.

204. As for procedural aspects, the new Criminal Procedure Code contains special provisions for child protection during criminal trial, with a separate chapter on special proceedings for child defendants.

#### **Children belonging to minority groups**

205. Regarding the State Party's approach to these issues, in 2011, Government Decision No. 1221/2011 approved the Romanian Government's National Strategy for the Inclusion of Romanian Citizens Belonging to the Roma Minority 2012-2020.

206. The goal of the Romanian Government's Strategy for the Inclusion of Romanian Citizens Belonging to the Roma Minority 2012-2020 is to ensure the social and economic inclusion of Romanian citizens belonging to the Roma minority through integrated policies in the fields of education, employment, health, housing, culture and social infrastructure. The Government's Strategy also seeks to render central and local public authorities, the Roma minority and civil society responsible for the broader social and economic inclusion of Romanian citizens belonging to the Roma minority.

207. To further ensure Roma children's right to education, in the past years (2008-2011) MNE envisaged a series of actions, programmes and projects, in the light of the Decade of Roma Inclusion (2005-2015), the Romanian Government's Memorandum No. 5/1805/18

March 2011, the Government's Strategy for the Inclusion of Romanian Citizens Belonging to the Roma Minority 2012-2020, National Education Law No. 1/2011, and relevant European recommendations and decisions.

**Ratification of international human rights instruments**

208. Romania ratified the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol on 31 January 2011.

209. Romania signed the International Convention for the Protection of all Persons from Enforced Disappearance on 3 December 2008.

---