



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty-first session

SUMMARY RECORD OF THE 1415th MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 5 June 2009, at 10 a.m.

Chairperson: Ms. LEE

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Third and fourth periodic reports of Romania (CRC/C/ROM/4, CRC/C/ROM/Q/4 and Add.1)

1. At the invitation of the Chairperson, the delegation of Romania took places at the Committee table.
2. Ms. SAVU (Romania) said that she had recently been appointed head of the National Authority for the Protection of Children's Rights. Those rights had been enhanced considerably over recent years thanks to the sustained efforts of previous Governments, guided by the Committee's concluding observations on the State party's previous reports. A series of new laws for the protection and promotion of children's rights had entered into force in 2005, establishing the foundations for inter-institutional collaboration coordinated by the National Authority. Although its place within the Government was unsuited to its mandate, the National Authority had managed to achieve most of its objectives by creating mechanisms, such as the Coordination Council, and implementing projects financed by the national budget and external sources.
3. The action plan for implementing the new laws, in particular the 2008-2013 National Strategy for the Protection and Promotion of Children's Rights, had guided the interventions of the relevant institutions. Significant progress had been achieved in raising the awareness of professionals, parents and children about the provisions of the new legislation to ensure enhanced protection from child abuse, neglect and exploitation, and improved services for at-risk children.
4. A widespread decentralization process had been initiated with particular attention being paid to supporting local authorities in order to enable them to fulfil their obligations in the area of children's rights, and to preparing the transfer of responsibilities from the central to the local level in the education and health sectors. During the process problems had arisen as regards financial and human resources and efforts were under way to strengthen the capacity of local social services by training their staff and raising the awareness of local decision makers about issues affecting children.
5. The number of children placed in family-type alternatives had increased compared to those placed in institutions. Currently, children were placed mainly as a result of abuse, neglect or exploitation, whereas, in the past, poverty and/or disabilities were the main reasons for institutionalization. Efforts had been made to increase the benefits and services for children who were disabled or living in poverty to prevent family break-ups; however, the support provided to parents needed to be improved by developing and diversifying the services offered, including parenting programmes. Measures had been taken to encourage national adoption by reducing the length of the procedure, and the Government would soon be approving a national five-year action plan to prevent and combat violence against children.
6. On the issue of children's health, the quality of medical services had improved, with greater attention being paid to pre- and post-natal health. A national strategy on the mental health of children that highlighted the need for early intervention would be finalized shortly. The

benefits granted to children with disabilities living at home had not always been accompanied by the required services; the National Authority had recently initiated a project to support the social integration of such children.

7. Education continued to be a priority and Romania had made substantial investments in infrastructure in recent years. The latest measures were aimed at increasing access to education for children living in disadvantaged communities, involving children and their parents in decision-making concerning the educational system, and improving preschool infrastructure. Regarding the provision of day-care services for children, the Government intended to achieve the Barcelona childcare targets by 2013, with services being developed by local authorities according to the needs of their communities. Attention was being paid to the creation of sports grounds and children's clubs, as well as parks and playgrounds for young children.

8. In the area of justice, special panels of judges had been created; judges and prosecutors working with cases involving children had received special training in the rights of the child, and collaboration had been initiated with the child protection services. Starting in 2005, many projects had been undertaken to train professionals in contact with children in the course of their daily activities. A recent UNICEF/World Bank study predicted that, in 2009, the number of poor children would increase significantly; hence, special attention was being paid to preventing and combating child poverty by increasing support for vulnerable children and their families. Lastly, Romania would continue to take advantage of the important allocations from European Union funds and submit new projects in the fields of education, health, social inclusion and decentralization.

9. Ms. HERCZOG (Country rapporteur) said that the last 20 years had brought fundamental changes to the lives of the children of Central and Eastern Europe. In addition to entailing new obligations, Romania's accession to the European Union had opened up many opportunities. The European Commission intended to strengthen implementation of the Convention on the Rights of the Child in its member States and had made programmes and resources available. For example, the European Union's programme to combat child poverty and social exclusion, although currently unrealistic for many countries on account of the global financial crisis, could provide guidelines for the future.

10. The non-governmental organization (NGO) sector had played an important role in recent years; however, many NGOs were leaving the country and the activities of the European Union usually required a 20 per cent counterpart contribution, which they were unable to provide. She asked how the Government was helping NGOs apply for funding so that they could take advantage of the European Union programmes to assist children and their families. The local authorities did not contract NGOs and a growing number of for-profit organizations were emerging to provide services; however, such services were available only to those who could pay for them. What was the Government planning to do to make the system more flexible and ensure services for all?

11. She commended the State party on the amendment to the Family Code establishing 18 years as the age of marriage for both boys and girls and introducing a new provision on paternity; also on an agreement concluded with the Italian Government in relation to unaccompanied Roma children who were living on the streets and committing offences in Italy.

12. According to the report, a high proportion of Romanian children knew about the Convention and their rights. Nevertheless, it would be useful to know what mechanisms children could use to enforce their rights and who could help children in that regard. She also wished to know whether the report has been translated into Romanian and distributed to children in the State party. Several national action plans had been implemented to enhance the rights and welfare of children; nevertheless, adequate means of monitoring and evaluation appeared to be non-existent and more attention should be paid to the most vulnerable groups of children, including the Roma, the disabled, children living with HIV/AIDS and street children.

13. Lastly, she noted that birth registration was not yet universal, resulting in some children being denied services. Often parents did not report the birth of a child, especially among the Roma and those residing in the country illegally.

14. Mr. GURÁN (Country rapporteur) said that, during the 1990s, Romania had been highly criticized for the situation of children's rights in the country and the improvement of those rights had been an explicit condition for Romania's accession to the European Union; thus significant attention had been paid to the situation. The Committee had noted a very dynamic change in the area of children's rights. Nevertheless, that had not always been matched by improvements in other related areas, such as enhancing administrative capacity in the new institutions at the local and county level and providing them with the necessary financial resources, and creating new rules and methods of cooperation and co-financing with the NGO sector for the provision of important services.

15. The Coordination Council had been established as an advisory body, under the National Authority for the Protection of Children's Rights, to coordinate national policy and programmes and monitor implementation in the field. The delegation should provide further information on the status of the Council and its responsibilities. The report mentioned that several ministries were represented on the Council; it would be useful to know the position occupied by the ministry representatives, and whether the Council's decisions were binding.

16. The National Strategy for the Protection and Promotion of Children's Rights was an excellent programme in principle but, according to the written replies, the plan of operation for 2009-2011 was still under discussion. When would it be approved? Also, what impact had the first phase of the programme in 2007 and 2008 achieved?

17. The delegation should provide the Committee with further information about financing mechanisms for the decentralized entities, as well as on the measures being implemented to remedy the disparity in the provision of services among different communities and whether a system existed for monitoring the quality of the services provided. Additional information should also be provided on the General Directorate of Social Assistance and Child Protection, and whether there was a conflict of interests between its roles as a service provider, a service contractor and a monitoring body for services.

18. A Deputy Ombudsman for child protection had been appointed, but it appeared that he was also responsible for the elderly and the disabled. According to the State party, the Romanian Parliament had recently rejected a draft bill creating the office of the Children's Ombudsman and had transferred existing activities to the National Authority, which was a State body. He asked

the delegation to explain how the State party intended to resolve the situation in a manner that was in conformity with the Convention and the Committee's concluding observations on the State party's last report.

19. Mr. KOTRANE commended Romania for the many positive measures taken since its last report, particularly with regard to legislation. Nevertheless, he was concerned about the effective implementation of the new laws; for example, he wished to know whether the Government had a programme for disseminating the amended Family Code, which raised the minimum age for marriage to 18, because, according to the statistics, 35 per cent of girls, especially among the Roma population, were under 16 years of age at the time they married.

20. In its written reply to the first question, the State party had not explained clearly whether the Convention had been invoked or referred to directly in domestic courts. It would be useful to know whether the Convention would prevail if a conflict arose between its provisions and Romanian law, and whether judges were aware of the Convention and applied it in specific cases.

21. Mr. ZERMATTEN said that, while it appeared that the legal framework for the application of the Convention existed, the Committee was concerned about how it was applied in practice. For example, according to article 3, the best interests of the child must be respected at all levels and in all decisions; the delegation should therefore provide information on how that provision was implemented by judges and decision makers. In addition, according to article 12, children had the right to express their views freely in matters that affected them. However, the report made no mention of the intervention of children in public life and, according to Save the Children, Romanian children had a very limited knowledge of their rights. What did the State party plan to do to ensure that the principles embodied in the Convention were put into practice?

22. Mr. CITARELLA said that, since the Convention had not been incorporated into the law of the State party, the delegation should explain the status of the Convention. He also wanted to know what measures the Government was taking to raise awareness of the Convention among the different ministries, the general public and the children themselves, and whether the study of human rights and, in particular the rights of the child, were included in the school curriculum.

23. Ms. VILLARÁN DE LA PUENTE said that, in accordance with article 6 of the Convention, the right to life included the right to a life project; consequently, the State party should redouble efforts to ensure greater equity for women, minority groups and children in rural areas in the exercise and enjoyment of their rights.

24. Romania's infant mortality rate was the highest in Europe, with children dying from illnesses that were preventable and curable. It would be useful to know the official figure for the overall investment in children in the country, since the report provided information for different sectors, such as health and education, but did not give a global figure. The delegation should also inform the Committee how children participated in defining the State party's policy for children; whether the National Authority for the Protection of Children's Rights was the lead agency with regard to the Convention or whether the leadership was fragmented, and what measures had been taken to avoid a major impact of the current financial crisis on children.

25. Also with regard to the right to life, she asked for information on the number of adolescent pregnancies, abortions and deaths resulting from the latter, and she wanted to know whether information was available disaggregated by age, and whether abortion was used as a method of contraception.

26. Ms. ORTIZ said that the lack of adequate recreational facilities often resulted in vulnerable children turning to alcohol and drugs on the street as their only option. She asked whether the capacity existed at the local level to offer recreational and leisure services outside the school setting and, if so, whether such activities were free of charge or if parents had to pay for them.

27. Mr. KOOMPRAHANT, referring to the decentralization of child protection services mentioned in the report (para. 24 (e)), asked what measures had been taken to ensure quality control and which authority was responsible for that aspect.

28. Ms. MAURÁS PÉREZ said that the strategies and programmes outlined appeared to have been designed for specific sectors of the under-18 population rather than for children as a whole. Even the mandate of the National Authority for the Protection of Children's Rights seemed to focus on specific protection. Consequently, she wished to know what measures were being taken to ensure sectoral coordination, given that the Coordination Council appeared to play a merely advisory role and, as such, would not have sufficient authority with the different ministries.

29. The delegation should also provide further information on how the Government was ensuring a balance between welfare and development in the context of the National Strategy for the Protection and Promotion of Children's Rights, how the strategy would be financed at the different levels, and on the monitoring and quality control measures that had been put in place. Also, what was being done to disaggregate national statistics by age and sex as a basis for decision-making for policies and programmes? And what measures were being taken with regard to encouraging public/private partnerships to support the National Strategy for the Protection and Promotion of Children's Rights?

30. Ms. AL-ASMAR asked how children would participate actively in the context of the new law on the protection and promotion of their rights mentioned in the report (para. 23). She noted that the report also stated (para. 161) that the right to education was guaranteed to all Romanian citizens without discrimination based on a series of categories; the disabled were not included on the list and she wondered if that had been an oversight. In the case of kindergartens, she asked whether they were free of charge and, if not, whether there was an accessible alternative.

31. The CHAIRPERSON commended Romania on the efforts made to implement policies and programmes to promote the rights of the child. However, the Committee had information that corruption was a major issue in the country and undermined the delivery of social services, especially in the area of education and health care. She asked what measures the State party was taking to counter the problem.

The meeting was suspended at 11.15 a.m. and resumed at 11.40 a.m.

32. Ms. SAVU (Romania), referring to the mechanisms for implementing and monitoring the rights of the child, said that the Coordination Council was composed of experts rather than ministers, although the ministers for the sectors concerned were invited to meetings. The Council

had been re-established in 2009. At its first meeting, it had adopted rules of procedure and, at the second, it had prepared the third and fourth periodic reports for the Committee and proposals for legislation on day-care and family services. The National Authority had received excellent collaboration from all ministries responsible for children's affairs.

33. Ms. HERCZOG (Country rapporteur) asked why the Office for Adoptions was directly answerable to the Government, and why the National Authority for the Protection of Children's Rights was part of the Ministry of Labour, Family and Equal Opportunities. That structure hinted at an emphasis on the protection of children who were at risk rather than the general welfare of all children, which was the scope of the Convention.

34. Ms. SAVU (Romania) said that there had been much debate on adoption, which had required that it be addressed at government level. Child protection was part of that ministry because all social issues fell within its remit. The Government tried to alleviate child poverty by providing families with financial assistance, thus improving the standard of living of many children. There was good cooperation between all the ministries that worked to implement the Convention.

35. Given that there were currently no specific budgetary allocations for children, no child-impact assessments had been conducted at government level. She agreed that the Coordination Council should gather all data relating to children from the relevant ministries and use them to obtain a budget for children.

36. The Government was backing draft legislation on contracting services from NGOs. Those organizations were invited to the Coordination Council's meetings, at which they had the opportunity to contribute to all legislation on child protection. While it was difficult for NGOs to access structural funds, discussions were under way with child protection NGOs on a joint project on training in children's rights.

37. Ms. MAURÁS PÉREZ asked whether the Government was taking steps to encourage the private sector to take on its social responsibilities, particularly regarding children's rights.

38. Ms. SAVU (Romania) said that the Government was interested in promoting public-private partnerships. Some large companies had set up day-care centres for employees' children, which were partly government funded.

39. The Coordination Council had called for a revision of the National Strategy for the Promotion and Protection of Children's Rights, as several of its current provisions were out-of-date and it was not yet fully comprehensive. Nonetheless, several sectoral strategies had been developed and implemented in areas such as education, non-discrimination, improving the situation of the Roma and combating domestic violence. The Coordination Council was responsible for monitoring the implementation of the National Strategy.

40. The decentralization of child protection services was being carefully monitored with assistance from the United Nations Children's Fund (UNICEF) prior to restructuring, which would take place in cooperation with relevant NGOs. At the local level, mayors would be trained in child protection to raise their awareness of their responsibilities.

41. Mr. GURÁN (Country rapporteur) asked what stage had been reached in the decentralization process, and whether it was clear to the public where they should go to access different services. If the intention was to fully decentralize all social services to the local level, it would be useful to learn whether smaller communities would be encouraged to cooperate in providing joint services.
42. Mr. CITARELLA asked whether there was a risk that the decentralization process could result in different levels of services for children in different areas.
43. Ms. VILLARÁN DE LA PUENTE asked which authorities were currently responsible for health and education services, and to what degree the budget had been decentralized.
44. Ms. SAVU (Romania) said that while central Government allocated budgets for the counties, the counties did not allocate money at the local level. Child protection was currently being transferred from county to local level, in accordance with government policy.
45. Ms. HERCZOG (Country rapporteur) asked whether the Government had introduced a universal general assessment and documentation system for every child. If so, that could be used to monitor and evaluate the delivery of services, thus making the local authorities accountable for the provision or lack thereof.
46. The CHAIRPERSON, speaking as a member of the Committee, requested additional information on the data system for children under the age of 18. In order to properly monitor and evaluate children's enjoyment of rights under the Convention, a comprehensive system that provided disaggregated data was required.
47. Ms. SAVU (Romania) said that the current data collection system covered only children registered with the General Directorate of Social Assistance and Child Protection. It did not therefore allow for early identification of children at risk or violation of children's rights at the local level. Measures had been taken to improve the current use of the system within the General Directorate, and to extend it to the local level.
48. Ms. PALAGHIE (Romania) said that children were registered immediately after birth. In 2005, a ministerial agreement had been signed aimed at preventing children from being abandoned in hospitals and clinics, and to ensure that all children had identity documents from birth. Births were normally registered by one of the parents, but if that was not possible, the responsibility fell to the birth attendants. Regular checks were carried out to ensure that children were registered. In 2007, the authorities had found that some 259 births had not been registered; about 539 in 2008, and 128 in the first three months of 2009.
49. Ms. HERCZOG (Country rapporteur) requested clarification of what happened to children who did not appear in the system because they had never been registered, either at birth or subsequently. She asked if there were any regulations concerning mandatory reporting by health professionals or local authorities of children whose births had never been registered.
50. Ms. PALAGHIE (Romania) said that requests to register children who had not been registered at birth had to be made through the judicial system.



51. Ms. HERCZOG (Country rapporteur) said that the Committee was concerned about the high number of children who were born in Roma communities or isolated communities, and whose births were not registered because they were not born in hospitals. She asked if there was any mechanism to reach those children and their families.
52. Ms. VILLARÁN DE LA PUENTE asked whether there was a system of family allowances for which birth registration was a prerequisite for eligibility. Such systems were often effective in encouraging the most vulnerable persons in society to register their children's births.
53. Ms. SAVU (Romania) said that there was no legislation obliging professionals who worked with children to report them. Teachers, health-care professionals and social workers did, however, raise parents' awareness of the need to register their children and helped them to complete the process.
54. The Deputy Ombudsman for Child Protection had proposed amending the legislation on children in conflict with the law. While Parliament had not yet approved the establishment of a children's ombudsman, several departments and NGOs would continue lobbying in favour of that development.
55. Mr. GURÁN (Country rapporteur) asked why so few of the complaints received by the Ombudsman concerned children's rights.
56. Ms. SAVU (Romania) said that it was mostly a problem of a lack of information. Steps would be taken to raise the public's awareness of the role of the Ombudsman.
57. Ms. ION (Romania) said that the Convention could be directly invoked before Romanian courts at any stage of the judicial process. The majority of the rights enshrined in the Convention had also been incorporated in domestic legislation, which was why most court decisions concerning children's rights cited Romanian laws. Nonetheless, in higher courts, the Convention had been invoked. The principle of the best interest of the child was also incorporated in several instruments of domestic legislation, including those concerning cases of parents who divorced.
58. Ms. HERCZOG (Country rapporteur) said that the Committee was concerned that, according to domestic legislation, personal information regarding children aged 14 and above could be disclosed in the media, including details of child victims of psychological, physical or sexual abuse. She failed to understand how that provision respected the best interest of the child. Likewise, teachers or medical professionals were free to disclose the fact that a child was infected with HIV/AIDS, which often led to discrimination against the children concerned and violation of their rights. The non-public character of judicial reviews concerning children in conflict with the law was not being respected, thus constituting a further breach of the best interest of the child. She would welcome the delegations' comments on those questions.
59. Ms. ION (Romania) said that legislation prohibited the media from revealing the identity of child victims, particularly in the case of sexual offences. Juveniles in conflict with the law appeared before court in private session in cases of human trafficking or domestic violence. Child victims of domestic violence did not give evidence in the courtroom.

60. Ms. HERCZOG (Country rapporteur) asked what measures were being taken to resolve the problem of children who were abandoned in hospitals at birth or in infancy. It would be useful to learn what steps were taken to help strengthen parents' capacities. She remained concerned that legislation allowing children with disabilities who were under the age of 2 to be placed in institutions was resulting in many able-bodied children being registered as disabled as a means of qualifying for entry into institutions.

61. Mr. GURÁN (Country rapporteur) requested clarification of the data on domestic adoptions, particularly whether there had been only 485 cases of adoption in 2007, despite the high number of children living in institutions and awaiting adoption.

62. Ms. VARMAH asked what efforts were being made for the inclusive education of children with all forms of physical and mental disability. What steps were being taken to ensure that the health professionals and other resources necessary to meet disabled children's needs were available, particularly at local level? Were resources available to promote and expand community-based social inclusion and rehabilitation programmes?

63. Mr. ZERMATTEN asked whether the right of juveniles in conflict with the law to legal counsel was respected in all cases, and whether parents could intervene at the investigation stage. The delegation should clarify whether juveniles were held together with adults in pretrial detention in police stations. He asked whether there were sufficient juvenile judges to handle all cases, and whether the role of juvenile judge was well regarded in the legal profession. It would be useful to know whether real efforts were being made to apply alternative punishments to deprivation of liberty in juvenile cases, and whether young offenders' centres provided adequate educational and reintegration facilities.

64. Mr. KRAPPMANN asked whether the State party planned to continue its efforts to eliminate the remaining shortcomings regarding access to education. He would welcome the delegation's comments on the need for resources to put an end to teaching shifts, equip all schools with adequate sanitation facilities, eliminate existing disparities between educational provision in urban and rural areas, more effectively include children with disabilities, overcome the under-attendance and underachievement of Roma children, and facilitate access to education for street children. He asked how the State party planned to ensure that children completed their primary schooling, and that children without the proper documents enjoyed the right to education. He wished to know which authorities took care of adolescents who failed to make the transition from education to the labour market. He also asked whether there was adequate provision for preschool education.

65. Mr. KOOMPRAHANT asked what legislative provisions facilitated a balance between the roles of fathers and mothers, such as maternity and paternity leave. He asked how the State party was aware of whether parents were carrying out their responsibilities adequately. In cases of domestic abuse, he asked who decided what was in the child's and the family's best interest, and whether professionals strove to find the root cause of the violence. Were abusive parents obliged to attend any compulsory programmes? He also wished to know who was responsible for the subsequent social reintegration of the child.

66. Ms. AIDOO asked what steps the State party was taking to change the public perception of children with disabilities so that they were seen as rights holders, not people with special needs. She would like details of the situation of children with disabilities who lived with their families, particularly as many families denied the conditions of the children for fear of being stigmatized. She requested further information on the training and accountability of staff working in institutions caring for children with disabilities.

67. She asked how the State party monitored poverty among different groups of children, and how the impact of poverty on the different groups was analysed. It would be interesting to learn whether the poverty reduction programmes targeted children and their families in a way that removed disparities between the groups.

The meeting rose at 1 p.m.