

**IMPLEMENTATION OF THE CONVENTION  
ON THE RIGHTS OF THE CHILD**

**The response of the Romanian authorities  
to the list of issues to be taken up in connection with  
the consideration of  
the second periodic report of Romania  
(CRC/C/65/Add. 19)**

## Part I

### A. Data and statistics

1.

a) number and proportion of children under 18 living in the State party;

AGE	TOTAL			URBAN			RURAL		
	M+F	M	F	M+F	M	F	M+F	M	F
<u>1999</u>									
<b>Total Population</b>	<b>22458022</b>	<b>10984529</b>	<b>11473493</b>	<b>12302729</b>	<b>5943708</b>	<b>6359021</b>	<b>10155293</b>	<b>5040821</b>	<b>5114472</b>
0	231475	118758	112717	107295	55164	52131	124180	63594	60586
1	232851	119659	113192	107260	55231	52029	125591	64428	61163
2	223922	114826	109096	104482	53643	50839	119440	61183	58257
3	229898	118221	111677	105828	54704	51124	124070	63517	60553
4	228919	117650	111269	104443	53666	50777	124476	63984	60492
5	243524	124891	118633	112643	58069	54574	130881	66822	64059
6	242992	124667	118325	114631	58926	55705	128361	65741	62620
7	255364	130639	124725	125422	64367	61055	129942	66272	63670
8	248333	126896	121437	130251	66525	63726	118082	60371	57711
9	340520	173733	166787	188317	96018	92299	152203	77715	74488
10	343536	174361	169175	192563	97963	94600	150973	76398	74575
11	353430	180769	172661	201328	102943	98385	152102	77826	74276
12	367595	187008	180587	209273	106163	103110	158322	80845	77477
13	331026	168694	162332	193989	98842	95147	137037	69852	67185
14	341566	174390	167176	204102	104114	99988	137464	70276	67188
15	307792	157146	150646	182973	93185	89788	124819	63961	60858
16	302941	154100	148841	179992	91140	88852	122949	62960	59989
17	341705	174376	167329	203527	103631	99896	138178	70745	67433
<b>0-17</b>	<b>5167389</b>	<b>2640784</b>	<b>2526605</b>	<b>2768319</b>	<b>1414294</b>	<b>1354025</b>	<b>2399070</b>	<b>1226490</b>	<b>1172580</b>
<b>% 0-17 of total population</b>	<b>23.0%</b>	<b>24.0%</b>	<b>22.0%</b>	<b>22.5%</b>	<b>23.8%</b>	<b>21.3%</b>	<b>23.6%</b>	<b>24.3%</b>	<b>22.9%</b>

AGE	TOTAL			URBAN			RURAL		
	M+F	M	F	M+F	M	F	M+F	M	F
<b>2000</b>									
<b>Total Population</b>	<b>22435205</b>	<b>10968854</b>	<b>11466351</b>	<b>12244598</b>	<b>5907848</b>	<b>6336750</b>	<b>10190607</b>	<b>5061006</b>	<b>5129601</b>
0	229658	118140	111518	105912	54650	51262	123746	63490	60256
1	230019	117954	112065	105667	54302	51365	124352	63652	60700
2	232154	119289	112865	105479	54345	51134	126675	64944	61731
3	223430	114544	108886	102840	52759	50081	120590	61785	58805
4	229564	118018	111546	104604	54033	50571	124960	63985	60975
5	228695	117522	111173	103400	53138	50262	125295	64384	60911
6	243312	124780	118532	111699	57610	54089	131613	67170	64443
7	242827	124547	118280	113694	58385	55309	129133	66162	62971
8	255216	130540	124676	124457	63771	60686	130759	66769	63990
9	248217	126822	121395	128945	65886	63059	119272	60936	58336
10	340267	173574	166693	186731	95174	91557	153536	78400	75136
11	343184	174135	169049	191072	97150	93922	152112	76985	75127
12	353237	180650	172587	199894	102175	97719	153343	78475	74868
13	367394	186909	180485	207760	105369	102391	159634	81540	78094
14	330906	168625	162281	193739	98661	95078	137167	69964	67203
15	341371	174256	167115	204292	104150	100142	137079	70106	66973
16	307622	157038	150584	181984	92578	89406	125638	64460	61178
17	302762	153970	148792	178787	90476	88311	123975	63494	60481
<b>0-17</b>	<b>5049835</b>	<b>2581313</b>	<b>2468522</b>	<b>2650956</b>	<b>1354612</b>	<b>1296344</b>	<b>2398879</b>	<b>1226701</b>	<b>1172178</b>
<b>% 0-17 of total population</b>	<b>22.5%</b>	<b>23.5%</b>	<b>21.5%</b>	<b>21.7%</b>	<b>22.9%</b>	<b>20.5%</b>	<b>23.5%</b>	<b>24.2%</b>	<b>22.9%</b>

<b>2001</b>									
<b>Total Population</b>	<b>22408393</b>	<b>10949490</b>	<b>11458903</b>	<b>12243748</b>	<b>5903537</b>	<b>6340211</b>	<b>10164645</b>	<b>5045953</b>	<b>5118692</b>
0	223424	114720	108704	104532	53717	50815	118892	61003	57889
1	228076	117240	110836	104893	54085	50808	123183	63155	60028
2	229366	117595	111771	104735	53752	50983	124631	63843	60788
3	231587	118976	112611	104860	54015	50845	126727	64961	61766
4	223053	114324	108729	102330	52487	49843	120723	61837	58886
5	229299	117870	111429	104284	53798	50486	125015	64072	60943
6	228501	117418	111083	103105	52921	50184	125396	64497	60899
7	243131	124668	118463	111481	57450	54031	131650	67218	64432
8	242721	124496	118225	113428	58252	55176	129293	66244	63049
9	255087	130482	124605	124209	63637	60572	130878	66845	64033
10	248135	126773	121362	128684	65692	62992	119451	61081	58370
11	340073	173461	166612	186542	95026	91516	153531	78435	75096
12	342890	173950	168940	190741	96997	93744	152149	76953	75196
13	353028	180536	172492	199497	101977	97520	153531	78559	74972
14	367252	186817	180435	209074	105926	103148	158178	80891	77287
15	330760	168511	162249	194690	99100	95590	136070	69411	66659
16	341187	174133	167054	204202	104047	100155	136985	70086	66899
17	307474	156936	150538	181735	92317	89418	125739	64619	61120
<b>0-17</b>	<b>4965044</b>	<b>2538906</b>	<b>2426138</b>	<b>2573022</b>	<b>1315196</b>	<b>1257826</b>	<b>2392022</b>	<b>1223710</b>	<b>1168312</b>
<b>% 0-17 of total population</b>	<b>22.2%</b>	<b>23.2%</b>	<b>21.2%</b>	<b>21.0%</b>	<b>22.3%</b>	<b>19.8%</b>	<b>23.5%</b>	<b>24.3%</b>	<b>22.8%</b>

b) number and proportion of children belonging to minority, refugee and internally displaced groups;

<b>Number of the refugee applications submitted in Romania (1999-2001)</b>					
<b>Age</b>	<b>0-10 years old</b>		<b>11 to 20 years old</b>		
<b>Country of origin</b>	<b>M</b>	<b>F</b>	<b>M</b>	<b>F</b>	<b>Total</b>
Afganistan	77	90	282	31	480
Bangladesh	0	0	28	0	28
China	0	0	1	0	1
Congo	2	1	1	4	8
Egipt	1	1	1	0	3
Eritreea	0	0	1	0	1
Jordan	2	0	4	1	7
India	0	0	13	0	13
Iran	1	2	11	3	17
Irak	32	18	33	17	100
Liban	2	0	2	2	6
Rep Moldova	1	1	0	0	2
Pakistan	0	1	6	0	7
Palestine	2	5	2	3	12
Russian Fed	2	1	0	0	3
Rwanda	2	0	0	0	2
Siria	0	0	1	0	1
Sierra Leone	1	0	9	1	11
Somalia	2	3	25	8	38
Sudan	1	2	1	1	5
Sri Lanka	1	0	0	0	1
Turkey	3	1	5	1	10
Yugoslavia	44	42	43	49	178
Zair	1	0	0	0	1
<b>Total</b>	<b>177</b>	<b>168</b>	<b>469</b>	<b>121</b>	<b>935</b>

c) rates of infant and child mortality and of malnutrition.

Rates of infant (under 1) and child mortality

Age	Total			Urban			Rural		
	M+F	M	F	M+F	M	F	M+F	M	F
<b><u>1999</u></b>									
Under 1	<b>18.6</b>	20.3	16.8	<b>15.2</b>	16.8	13.5	<b>21.5</b>	23.2	19.7
1	<b>1.8</b>	1.9	1.6	<b>1.5</b>	1.6	1.3	<b>2.0</b>	2.1	1.9
2	<b>1.0</b>	1.1	0.9	<b>0.7</b>	0.8	0.7	<b>1.2</b>	1.3	1.1
3	<b>0.7</b>	0.9	0.6	<b>0.7</b>	0.7	0.6	<b>0.8</b>	1.0	0.6
4	<b>0.6</b>	0.7	0.5	<b>0.5</b>	0.5	0.4	<b>0.7</b>	0.8	0.6
5	<b>0.6</b>	0.7	0.4	<b>0.4</b>	0.4	0.5	<b>0.7</b>	0.9	0.4
6	<b>0.5</b>	0.5	0.4	<b>0.4</b>	0.5	0.3	<b>0.5</b>	0.6	0.4
7	<b>0.6</b>	0.6	0.5	<b>0.4</b>	0.5	0.4	<b>0.7</b>	0.7	0.6
8	<b>0.6</b>	0.7	0.4	<b>0.5</b>	0.6	0.4	<b>0.6</b>	0.8	0.4
9	<b>0.7</b>	0.9	0.5	<b>0.6</b>	0.9	0.3	<b>0.8</b>	0.9	0.7
10	<b>1.0</b>	1.2	0.8	<b>0.8</b>	1.0	0.7	<b>1.2</b>	1.4	1.1
11	<b>0.6</b>	0.8	0.4	<b>0.6</b>	0.7	0.4	<b>0.6</b>	0.8	0.4
12	<b>0.5</b>	0.5	0.4	<b>0.4</b>	0.5	0.3	<b>0.5</b>	0.5	0.5
13	<b>0.4</b>	0.6	0.3	<b>0.4</b>	0.5	0.2	<b>0.6</b>	0.7	0.4
14	<b>0.4</b>	0.6	0.3	<b>0.3</b>	0.4	0.3	<b>0.6</b>	0.8	0.3
15	<b>0.5</b>	0.7	0.4	<b>0.5</b>	0.7	0.3	<b>0.6</b>	0.8	0.4
16	<b>0.6</b>	0.8	0.3	<b>0.5</b>	0.7	0.3	<b>0.7</b>	1.0	0.4
17	<b>0.6</b>	0.9	0.4	<b>0.6</b>	0.8	0.4	<b>0.7</b>	1.0	0.3
0 - 17	<b>1.5</b>	<b>1.7</b>	<b>1.3</b>	<b>1.1</b>	<b>1.3</b>	<b>0.9</b>	<b>1.9</b>	<b>2.1</b>	<b>1.6</b>
<b><u>2000</u></b>									
Under 1	<b>18.6</b>	20.6	16.6	<b>16.1</b>	17.7	14.4	<b>20.8</b>	23.0	18.4
1	<b>1.5</b>	1.6	1.5	<b>1.2</b>	1.1	1.2	<b>1.8</b>	2.0	1.7
2	<b>1.0</b>	1.0	1.0	<b>0.8</b>	0.8	0.7	<b>1.2</b>	1.2	1.2
3	<b>0.7</b>	0.8	0.6	<b>0.5</b>	0.5	0.5	<b>0.9</b>	1.0	0.7
4	<b>0.4</b>	0.5	0.3	<b>0.4</b>	0.3	0.4	<b>0.5</b>	0.7	0.3
5	<b>0.5</b>	0.6	0.5	<b>0.5</b>	0.6	0.4	<b>0.5</b>	0.6	0.5
6	<b>0.5</b>	0.5	0.5	<b>0.5</b>	0.5	0.4	<b>0.5</b>	0.5	0.5
7	<b>0.4</b>	0.5	0.2	<b>0.4</b>	0.5	0.2	<b>0.4</b>	0.6	0.2
8	<b>0.4</b>	0.4	0.3	<b>0.3</b>	0.4	0.2	<b>0.4</b>	0.4	0.4
9	<b>0.5</b>	0.6	0.3	<b>0.4</b>	0.5	0.2	<b>0.6</b>	0.7	0.4
10	<b>0.6</b>	0.7	0.5	<b>0.6</b>	0.7	0.5	<b>0.6</b>	0.7	0.5
11	<b>0.9</b>	1.0	0.7	<b>0.7</b>	0.8	0.6	<b>1.1</b>	1.3	0.9
12	<b>0.6</b>	0.6	0.6	<b>0.5</b>	0.5	0.5	<b>0.7</b>	0.7	0.6
13	<b>0.5</b>	0.6	0.3	<b>0.4</b>	0.4	0.3	<b>0.5</b>	0.8	0.3
14	<b>0.4</b>	0.5	0.3	<b>0.3</b>	0.5	0.2	<b>0.6</b>	0.7	0.4
15	<b>0.6</b>	0.8	0.3	<b>0.5</b>	0.7	0.3	<b>0.6</b>	0.8	0.4
16	<b>0.5</b>	0.7	0.4	<b>0.5</b>	0.7	0.2	<b>0.6</b>	0.7	0.5
17	<b>0.6</b>	0.8	0.4	<b>0.6</b>	0.8	0.3	<b>0.7</b>	0.9	0.6
0 - 17	<b>1.4</b>	<b>1.6</b>	<b>1.2</b>	<b>1.2</b>	<b>1.3</b>	<b>1.0</b>	<b>1.8</b>	<b>2.0</b>	<b>1.5</b>

Age	Total			Urban			Rural		
	M+F	M	F	M+F	M	F	M+F	M	F
<b><u>2001</u></b>									
Under 1	<b>18.4</b>	20.5	16.2	<b>15.6</b>	17.9	13.1	<b>20.9</b>	22.7	18.9
1	<b>1.4</b>	1.4	1.4	<b>1.1</b>	1.0	1.2	<b>1.7</b>	1.7	1.6
2	<b>0.8</b>	0.9	0.7	<b>0.6</b>	0.7	0.5	<b>1.0</b>	1.1	0.9
3	<b>0.6</b>	0.7	0.5	<b>0.5</b>	0.6	0.5	<b>0.7</b>	0.9	0.5
4	<b>0.5</b>	0.5	0.5	<b>0.4</b>	0.5	0.3	<b>0.6</b>	0.5	0.6
5	<b>0.4</b>	0.5	0.3	<b>0.3</b>	0.3	0.3	<b>0.5</b>	0.6	0.4
6	<b>0.4</b>	0.4	0.3	<b>0.4</b>	0.4	0.3	<b>0.4</b>	0.4	0.3
7	<b>0.4</b>	0.6	0.3	<b>0.4</b>	0.4	0.4	<b>0.5</b>	0.7	0.3
8	<b>0.3</b>	0.4	0.2	<b>0.3</b>	0.3	0.2	<b>0.4</b>	0.5	0.2
9	<b>0.3</b>	0.4	0.3	<b>0.3</b>	0.4	0.3	<b>0.3</b>	0.4	0.2
10	<b>0.5</b>	0.7	0.3	<b>0.5</b>	0.7	0.3	<b>0.5</b>	0.6	0.4
11	<b>0.5</b>	0.6	0.4	<b>0.4</b>	0.5	0.4	<b>0.6</b>	0.7	0.5
12	<b>0.9</b>	1.1	0.7	<b>0.8</b>	0.9	0.7	<b>1.0</b>	1.3	0.8
13	<b>0.6</b>	0.7	0.5	<b>0.6</b>	0.7	0.4	<b>0.7</b>	0.7	0.6
14	<b>0.4</b>	0.5	0.3	<b>0.3</b>	0.4	0.3	<b>0.5</b>	0.6	0.4
15	<b>0.4</b>	0.5	0.3	<b>0.3</b>	0.3	0.3	<b>0.6</b>	0.8	0.4
16	<b>0.5</b>	0.7	0.3	<b>0.4</b>	0.5	0.3	<b>0.7</b>	1.0	0.4
17	<b>0.6</b>	0.7	0.4	<b>0.4</b>	0.5	0.3	<b>0.8</b>	1.0	0.5
<b>0 - 17</b>	<b>1.4</b>	<b>1.5</b>	<b>1.2</b>	<b>1.1</b>	<b>1.2</b>	<b>0.9</b>	<b>1.7</b>	<b>1.9</b>	<b>1.4</b>

2.

a) **education (different types of education, i.e. pre-primary, primary and secondary education);**

2000 – state budget – 13.958.050.065 thousands ROL

- local budgets – 2.600 billion ROL

2001 – state budget – 1.222.052.853 thousands ROL

- local budgets – 25.769,4 billion ROL

2002 – state budget - 1.604.803.063 thousands ROL

- local budgets – 34.608, 9 billion ROL

2003 – local budgets – 44.425, 8 billion ROL

b) **health care (different types of health services, i.e. primary health care, vaccination programs, adolescent health care and other health care services for children);**

The financing of child and family programs from the budget of the Ministry of Health and Family (including vaccination, adolescent health care, HIV/AIDS and other health care services for children) in 2000-2002 period is:

-2000 – **221.1 billion** of ROL (representing 0.15% from total expenditures of state budget)

-2001- **657.5 billion** of ROL (representing 0.36% from total expenditures of state budget)

-2002- **929.2 billion** of ROL (representing 0.39% from total expenditures of state budget).

c) **programs and services for children with disabilities;**

Following the decentralization and the diversification of the financial sources for the institutions of protection, the Government of Romania passed an **Emergency Ordinance no. 163/2000** allocating from the state budget the necessary funds for the protection of disabled persons. This measure was incorporated in the Law on the 2001 State Budget. Accordingly, through the contribution to the local budgets from the state budget will be covered the salaries of the personal assistants and their common urban transportation. Also, these funds will cover the expenses of the institutions of special protection for the disabled persons. The local authorities have the obligation to further complete these funds with allowances from the local budgets.

Annually, according to the Law on the State Budget, the authorities have at their disposal amounts of money for the protection of disabled persons and for the system of child protection.

In April 2000, continuing the de-centralizing policy in the field of child welfare, the child protection institutions subordinated to the State Secretary for the Persons with Disabilities, the Ministry of Education, and the Ministry of Health, were transferred under the responsibility of the county councils through the Governmental Decision no. 261/2000.

The integration of new institution into the local child protection system was realized with allowance of necessary financial resources, both directly to the county councils and through the national interest programs<sup>1</sup>.

In April 2000, the **Government Decision no. 260 regarding the approval of the national interest programs in the field of child protection** was issued. According to this Government Decision, the central authority in the field of child protection co-financed these programs, with funds from its own budget, together with county/local councils, based on conventions concluded between the two parties. This Government Decision included the following national interest programs:

- “Sustaining function of the specialized public services”,
- “Promotion of the familial-like environment protection of the child in difficulty” and
- “Reorganization of the residential institutions”.

Based on another two **Government Decisions no.380/2000** and **no.610/2000**, two other national interest programs were financed, respectively: for the social integration of street children and for increasing the quality of services provided to children with disabilities protected in institutions.

The last program (286,700,000,000 thousands ROL) and the third program (47,940,000 thousands ROL) were designed especially for those institutions which protected children with disabilities in order to improve the living conditions, on the one hand, and to reorganise the institutions in family type modules. The amount allocated for children with disabilities represents **43.25%** from total amount allocated for child protection under the national interest programs in the year 2000.

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<sup>1</sup> The National Interest Programs are those programs, which contribute to accomplish the objectives of the reform process of the services, and institutions for care, protection and promotion of children’s rights, and also contributes to ensure the proper functioning of the system in order to improve the performance indicators of the services and institutions.

The above-mentioned two national interest programs continued also in the year 2001, based on the provisions of *Government Decision no.552/2001*. The amounts have been increased as follows: “Continuation of the reform concerning the system of services and institutions for care, protection and child’s rights promotion” (1,183,000,000 thousands ROL) and “Restructuring the residential institutions that have been transferred to the specialized public services, according to GD no. 261/2000” (50,000,000 thousands ROL).

In the same year (2001), a new national interest program was promoted: “Promoting the protection of the children in need with handicap or suffering of AIDS in foster parents” - 60,192,000,000 thousands ROL, funds which have been used as staff expenses for 1,800 foster parents, differentiated according to the handicap degree of the child under care. In these conditions, the amount allocated for children with disabilities increased in the year 2001 (84.44% from total amount allocated for 2001 compared with only 43.25% for 2000).

For the year 2002, from the national budget 144,000,000 thousands ROL were allocated, in order to close down 5 institutions for children with disabilities, which means approx. 67% out of the total allowance for this year.

All these figures show our concerns regarding the protection of children with disabilities and the concrete measures, which have been taken in order to:

- improve the living conditions in the institutions;
- develop alternative services for children with disabilities (day care centres, specialised family type homes);
- approach the child protection system with respect of non-discrimination principle;
- try a real social integration of these children.

The international assistance programs (Phare 1998, 1999, 2001, UNICEF, DFID, USAID) were designed to respond to Romania’s established priorities and to complement the national resources.

Among the international financial sources, the most relevant program is Phare Program 2001 (7.5 MEURO), which will focus on the development of alternative services leading to closure of large institutions, particularly those housing infants and children with disabilities. The closure of institutions for children with disabilities is probably one of the biggest challenges of this reform process. Despite the continuous refurbishment made by the local authorities, by NGOs or with financial support from European Union (Phare Program 1998), these institutions needed further intervention.

We appreciate that through this program a number of 25 institutions will be closed and the process will not be a difficult one because the local authorities learnt lessons from Phare Program 1999 and from the specific national interest program 2002 (implemented with support from NGOs). On the other hand, they were the beneficiaries of some training programs.

The process of development of more appropriate services to the children’s needs is accompanied by a training process of the human resources involved in the management or directly working with the children with special needs. In this respect, we want to underline the bilateral cooperation program with the French Government, through which a number of 29 staff in 11 counties benefited in 2001 of specialized training for the specific needs of this target population; this training was extended also for year 2002.

According to the in- force legislation, the funds allocated to the schooling services for children with disabilities come from the county councils (meals, accommodation, equipment, state allowance, free charge transportation, free charge participation to children’s leisure camps).

Therapeutically recovering, rehabilitation and reintegration programs for all children with disabilities attending a type of education:

- a. Programs in partnership with UNICEF and RENINCO – 800.000.000 ROL ;
- b. Programs in collaboration with non-governmental organizations
  - Sense International – 60.000.000 ROL
  - VISIO – 100.000.000 ROL
- c. Programs for educational services “Together within the Same School”- 60.000.000 ROL (World Bank);
- d. The National Program for Disabled Children’s/Students’ Integration in the public educational system “One School for All ” – 150.000.000 ROL .

Also, starting with 2002, the State Secretariat for the Persons with Disabilities allocated large amounts for the projects co-financed by the parents associations. These projects have been developed in economically less-favored areas like: Valea Jiului, Medias, Bacau, Neamt, Suceava, Mizil. Their purpose is

to increase the nutritional support necessary for the medical treatment, which very often can not be supported by the family.

**d) support programs for families;**

**Outline of the strategy on family benefits evolution**

► **The Law no. 61/1993 on the state benefits for children** Based on the universality principle, the state benefits are granted, based on **the Law no. 63/1993**, to all children aged up to 16 or 18 if they are contained in one of the education forms stipulated by law. The state allowance is granted on a monthly basis, in a fixed amount, regardless of the children family income.

For disabled children with 1<sup>st</sup> or 2<sup>nd</sup> degree of invalidity, the amount of the allowance is increased by 100%.

Taking into account that a part of the children graduates from the pre-university education after the age of 18 years, according to the provisions of the **Law no. 261/1998**, since 1999, the Law no. 61/1993 was improved by granting state benefits for children and young people aged over 18 years until they graduate from high schools or from vocational education schools, organized in the conditions set by law.

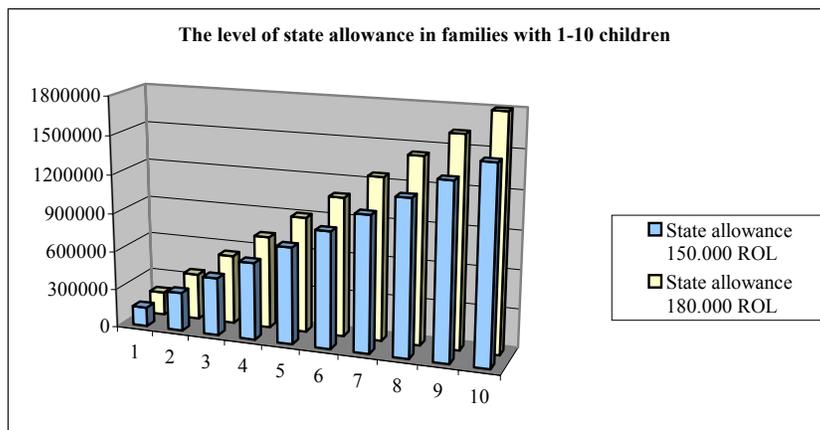
The Government, through the government program, proposes the increase in the amount of the state child benefit aiming that, by the end of 2004, it should reach 10% from the average wages in economy.

The reassessment of the level of state child benefit takes into account the increase in prices of school supplies, food, clothing as well as other items of strict necessity for children, as well as the prevention of school abandonment, phenomenon that increased in the past few years due to the decrease of the financial resources of families with children.

To this end, as a first step, the **Government Decision no. 1040/2001** increased the amount of the children state benefit. Thus, during January - June 2002, the amount of the state benefit for children was 150.000 ROL/child and starting with July 2002 it was set up at 180.000 ROL/child.

The second stage for increasing the children state benefit is stipulated in the “Social Program”, adopted by the **Government Decision no. 811/2002**. This increase will be approved by government decision with a view to reach the level of 210.000 ROL/child starting with January 2003.

The impact of the increase of the state child benefit since 2002 is more prominent for families with four or more children.



► The studies and analyses performed showed that the group of social risk for families with children is made up of families with two, three and four children in care.

Their support was envisaged by the **Law no. 119/1997 the supplementary allowance on for families with children**.

According to this law’s provisions, the beneficiaries of supplementary allowance are the families that have in care two or more children up to 16 years old or up to 18 years if they are attending an education institution, organized according to the law, if they are declared disabled or are registered in 1<sup>st</sup> or 2<sup>nd</sup> degree of invalidity.

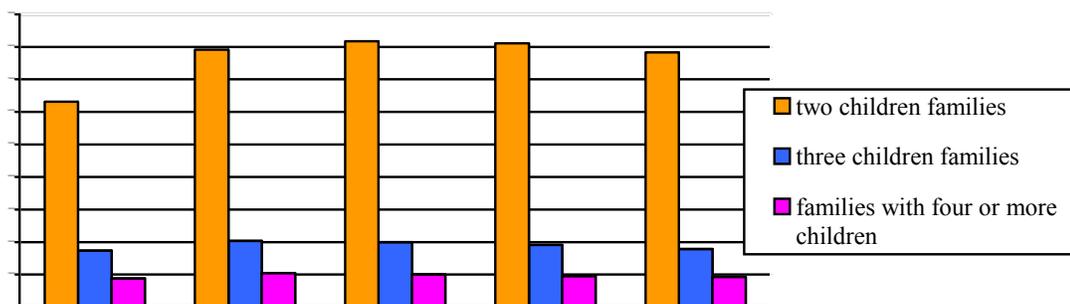
The supplementary benefit is granted on a monthly basis, in a differentiated amount according to the number of children in the family. The necessary amount for the payment of this benefit is supported from the

budget of the Ministry of Labor and Social Solidarity. The present amounts of the supplementary benefits are as follows:

- 50.000 ROL for families with 2 children;
- 100.000 ROL for families with 3 children;
- 125.000 ROL for families with 4 or more children.

	1997	1998	1999	2000	2001
The average number of the beneficiaries of supplementary allowance for family with children are as following:	<b>893.905</b>	<b>1.099.399</b>	<b>1.117.473</b>	<b>1.097.694</b>	<b>1.054.719</b>
• Families with two children	630.908	791.061	817.576	810.720	783.443
• Families with three children	174.288	203.840	199.392	190.973	178.544
• Families with four or more children	88.709	104.498	100.505	96.001	92.732

The average number of families benefiting from supplementary allowance in the period 1997-2001



► Poverty, lack of education and experience of parents, as well as a hostile social environment, marginal, lacking values and civic and moral principles lead most of the times to family abandonment by one of the parents or, more severe, to the abandonment of children or their influence towards criminality in order to ensure their necessary means of living.

In this situation, state intervenes with specific means and measures to remove the child from a disadvantaging environment and sets forms of social protection in institutions or substitute families, respectively entrusting to placement families.

With a view to support materially families or private authorized bodies to which children are entrusted or given in placement, it was issued the **Government Emergency Ordinance no. 26 on the protection of the children in difficulty**, approved by the **Law no. 108/1998**.

In 2001, by the **Government Decision no. 331/2001**, the monthly amount of the placement allowance was increased to 500.000 ROL.

The increase of the monthly support allowance from 406.000 ROL to 500.000 ROL determined also the increase in the number of children in placement or entrusted, because the level of benefits have stimulated families to take in placement children benefiting from such a protective measure.

Also, the persons that were entrusted or given in placement children, should they have received the license of professional maternal assistant, are entitled over the period of entrustment to the level of the monthly gross wage of the social assistant with medium education, employed with seniority, this period being considered seniority.

► **New born allowance** – established by the **Law no. 416/2001 on the minimum guaranteed income**, is granted to mothers, only once, for each of the first four new born children. The amount of this allowance is 1.400.000 ROL, indexed, whereas payment is supported from the state budget. The allowance can be also granted to the child's legal representative when the mother is not able to benefit from this right. In September 2002 there were granted 16.260 allowances, representing an amount of 22,7 billion ROL.

e) **support for children living below the poverty line;**

► **Other measures to support families with children**

**The meal at the social aid canteen** – stipulated by the **Law no. 208/1997**. Families with children in care, children, as well as other disadvantaged categories of population are benefiting from services ensured by social aid canteens, for free or with personal contribution, according to their incomes. By extending the services offered, the social aid can supply, as the case may be, a hot meal at the canteen venue or food at purchase prices.

Thus, the budget of the family is partially or totally alleviated from the expenses with daily food, still ensuring a nutritional level close to the normal one. At present, the level of daily allowance in social aid canteens set by **Government Decision no. 1003/2002**, increased from 23.000ROL /beneficiary to 37.000 ROL/beneficiary.

The community services achieved in partnership by NGO's and local councils grant social, medical and legal assistance as well as medical and social assistance to families with children, children, youth, other categories of disadvantaged persons in day care centers or centers specially organized at the domicile of the beneficiaries, as the case may be.

The development and the diversification of social services in partnership are a permanent concern. To this end, it was adopted the **Law no. 34/1998** according to which the Romanian associations and foundations with legal personality that set up and manage social assistance units can benefit from granting of subsidies from the state budget or, as the case may be, from local budgets.

By this legislation it was intended the granting of financial aid to NGO's with a view to improve the quality of social assistance services granted, as well as the increase of social solidarity by institutionalizing the partnership between the public administration and the civil society.

Subsidies from the state budget or the local budget are granted as follows:

- a) from the state budget, through the budget of the Ministry of Labor and Social Solidarity which grants social assistance services to persons in the country;
- b) from the local budgets, through the budgets of the local councils, which grant social assistance services for persons in one county;

In 2002, 6500 persons benefited from subsidies from the state budget, as follows:

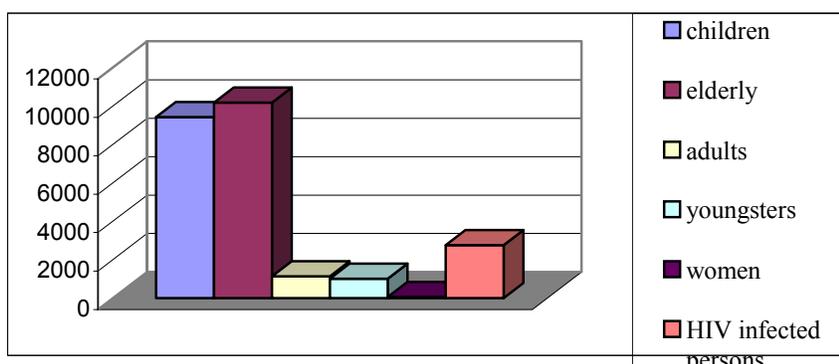
	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
Associations and foundations that requested subsidies from Ministry of Labor and Social Solidarity	40	46	56	70	84
Selected Associations/foundation	32	36	53	60	63
Social assistance units	60	76	120	157	130
<b>Number of assisted persons</b>	<b>2.087</b>	<b>3.017</b>	<b>5.471</b>	<b>7.377</b>	<b>6.560</b>
Children	755	814	2.177	3.354	2.333
Elderly	994	1.634	2.146	2.817	2.591
Adults	90	80	175	343	457
Youngsters	98	149	203	216	349
Women	10	10	10	16	17
HIV infected persons	140	420	760	631	813

In 2001, at the initiative of the Ministry of Labor and Social Solidarity, the **Government Decision no. 1153/2001 on the approval of new Methodological norms for the implementation of the Law no. 34/1998** was adopted in order to improve the activity of subsidies allowance.

At the same time, through this regulation, the average monthly level of the subsidy from the state budget for an assisted person was increased from 450.000 ROL to 600.000 ROL.

During 1998-2002, the percentage by categories of beneficiaries of services provided by associations and foundations subsidized from the state budget, shows as follows:

The percentage, by categories of assisted persons in the social assistance entities, subsidized from the state budget during 1998-2002 was as following:



	1998	1999	2000	2001	2002
<b>Children</b>	36%	26%	40%	45%	36%
<b>Elderly</b>	48%	54%	39%	38%	39%
<b>Adults</b>	4%	2%	3%	5%	7%
<b>Youngsters</b>	4%	4%	4%	3%	5%
<b>Women</b>	1%	1%	1%	1%	1%
<b>HIV infected persons</b>	7%	13%	13%	8%	12%

In the 2003 the state budget allocated to the Ministry of Labor and Social Solidarity for this purpose was established to the amount of 36.630 million ROL.

For 2003 there were registered 83 requests submitted by associations and foundations, which, during this period, are assessed and selected by the assessment and selection commission.

**Social aid** – established by the *Law no. 416/2001 on the minimum guaranteed revenue*, represents a form of support for families and single persons with low revenues or without revenues and guarantees them a minimum revenue assuring their access to the minimum living conditions. The levels established by the law for the minimum guaranteed revenue depend on the family's structure and range between 1.134.000 ROL for the family with 2 members, and 2.331.000 ROL for the family with 5 members. To this level is added the amount of 157.000 ROL for any other member of the family over 5 members. The amount of the social aid is calculated as a difference between the family's monthly net revenues and the level of the minimum guaranteed income set by the law for that type of family.

For 2003, the monthly level of the minimum guaranteed revenue was increased.

(ROL)

Family type	Levels of the monthly net income up to which the social aid is granted 2001	Level of the minimum guaranteed income Law no.416/2001 2002	Level of the minimum guaranteed income Law no.416/2001 January 2003
- single person	166.000	630.000	740.000
- 2 persons families	299.800	1.134.000	1.328.000
- 3 persons families	418.500	1.575.000	1.845.000
- 4 persons families	525.700	1.953.000	2.285.000
- 5 persons families	625.300	2.331.000	2.728.000
- any other member of the family, over the 5 members	92.700	157.500	184.000

Following the analysis of the Statistical Reports on the implementation of the Law no. 416/2001, it resulted that, during January-September 2002 out of 598.734 registered applications, there were approved, through mayors' decisions, the granting of social aids for 549.837 families and single persons.

Till 30 September 2002, the amount of the social aid payments was 2.122 billion ROL.

**The house heating aid** – according to the provisions set by Government Emergency Ordinance no. 6/2002, completing the provisions of the Law no. 416/2001, during January-March families with low incomes benefited from house heating aids subject to the heating system used.

Thus, an average monthly number of 756.067 families benefited from this aid, for which there were made payments amounting to 618 billion ROL, as follows:

1. Thermal energy in centralized system:
  - average number of families – 540.000
  - amount of payments – 461 billion ROL.
2. Natural gas:
  - average number of families – 61.369
  - amount of payments – 43 billion ROL.
3. Wood, coal, fuel:
  - average number of families – 158.698
  - amount of payments – 114 billion ROL.

For the social protection of the groups with low incomes, following the increase of energy and fuel prices, during the period 2002-2003 there will continue the granting of house heating aids, both for those using thermal energy in centralized system and those using natural gas. To this end, it was approved the Governmental Emergency Ordinance no. 121/2002.

For the families using wood, coal and fuel for house heating, the “Social Program” approved by the Governmental Decision no. 811/2002 establishes the increase of heating aid from 250.000 ROL/month to 300.000 ROL/month. This continues to be granted to the beneficiaries of social aid, according to the provisions of the Law no. 416/2001.

**Emergency aids** – till 30 September 2002 there were granted, at the proposal of the Ministry of Labor and Social Solidarity, through Governmental Decisions, 260 emergency aids amounting to 7,2 billion ROL.

During the same period, mayors granted 5.841 emergency aids from the local budgets, amounting to about 12 billion ROL.

**Monthly social aid for wives of militaries in service** – benefit established by the **Law no. 416/2001 on the minimum guaranteed income**, is allotted to wives of those performing the compulsory military service and who do not have revenues or their revenues are less than the national gross minimum basic wage, if they are in one of the following situations:

- a) they are pregnant, starting with the fourth month of the pregnancy;
- b) they have in care children up to 7 years old;
- c) they have I or II degree of invalidity;

The setting up and payment of the social aid for wives of those performing the compulsory military service are made by the military centers and the necessary funds are assured from the state budget and administrated by the Ministry of Defense. The amount of this benefit is 1.400.000 ROL, indexed.

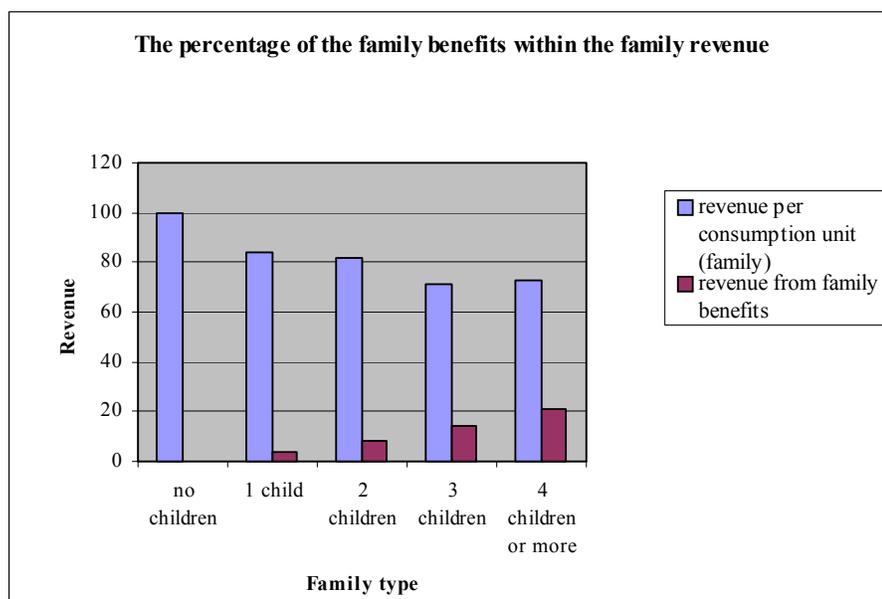
For the families with a monthly net revenue per family member of maximum 50% of the national gross minimum basic wage and who cannot cover the cost of preparing their children for starting the new school year and of school supply, stationeries or other necessary goods, as well as to stimulate school attendance, there were granted social aids according to the **Law 126/2002 on the approval of the Government Ordinance no. 33/2001 on the supply school stationeries**. The amount representing the value of the school supply granted to pupils depends on the school level and is up-graded at the beginning of each school year. The necessary funds for buying and distribution of stationeries are supported from the state budget allocated to the Ministry of Education and Research.

The school children from families benefiting from social aid according to the Law no. 416/2001 on the minimum guaranteed income and attending the compulsory education set by law can benefit from school allowances, according to the **Law no. 116/2002 on the prevention and fighting against social exclusion**. The yearly amount is as follows: 40% in August, for the preparation of the start of the new school year and

the difference of 60% is granted monthly or on a quarterly basis, subject to the courses' attendance and meeting the promotions marks.

Despite many existing forms of support for the families with children, the rate of benefits compensation in the family budget is rather low, basically due to the accelerated decrease of the purchasing power of the revenues.

The system of family benefits is basically re-distributive. In the revenue structure, the share of family benefits is more important for the larger families, although these families have the lowest revenues.



In Romania, as the financial resources for supporting the social protection are much diminished, it is necessary to implement some proactive social assistance measures based on an individualized intervention plan with a view to provide the necessary support, as well as the efficient use of the existing human and financial resources.

Up to 2001, the Ministry of Education and Research allotted a special fund for scholarships that included social scholarships for children living below the poverty line as following:

**1999** – 63.108.619 thousands ROL (total amount)

**2000** – 145.535. 522 thousands ROL (total amount)

In 2001, the Local Councils undertook this responsibility.

Parallel to this, since 1993 the Ministry of Education and Research has been in charge with providing the state allowance for children, which valued:

**1999** – 65.000 ROL/child

**2000** – November 1 – 130.000 ROL/child (Total amount – 2.761.308.333 thousand ROL)

**2001** – January 1, 150.000 ROL/child

**2002** – July 1, 180.000ROL/child

Since 2001, the National Agency for School Camps and Tourism (which is subordinated to the Ministry of Education and Research) has started to develop the program of social camps whose beneficiaries are those students who receive social scholarships

**2001** – 30 billion ROL (16.000 children)

**2002** – 12 billion ROL (11.344 children).

At the same time, since 2001 the Ministry of Education and research has started to develop the program of providing poor students with school stationery, as following:

**2001** – 206 billion ROL (922.799 students)

**2002** – 202 billion ROL (930.000 students).

**f) the protection of children who are in need of alternative care including the support of care institutions;**

All the national interest programs promoted were designed to ensure an adequate protection for children in difficult situations, to prevent abandonment and institutionalization of children and to de-institutionalize children. These national interest programs represent only a part of financial resources allocated for child protection system, the local authorities providing the main part of them. The national interest programs and programs financed from external sources were focused, starting mainly with year 2000, on developing alternative services.

In April 2000, *the Government Decision no. 260 regarding the approval of the national interest programs in the field of child protection* was issued. According to this Government Decision, National Agency for the Protection of Children's Rights co-financed these programs, with funds from its own budget, together with county/local councils, based on conventions concluded between the two parties. This Government Decision presented the following national interest programs:

- “Sustaining function of the specialized public services”,
- “Promotion of the familial-like environment protection of the child in difficulty”
- “Reorganization of the residential institutions”.

The budget/2000 for the first program was 329,427,040 thousands ROL and its general objective was to assure the function conditions of the services and institutions system for the protection of the children in difficulty. The budget was increased with 34,355,000 thousands ROL by the end of year 2000.

The second program had a budget of 72,840,372 thousands ROL and its general objective was to promote the child's right of being raised and cared by a family.

The third program had a budget of 47,940,000 thousands ROL for the reorganizing a number of 20 residential institutions. The budget was allocated according to the evaluated needs of the protected children, to the type of their disability and to the takeover institutions situation, based on projects approved by the county/local councils and accepted by the National Agency for the Protection of Children's Rights. Its general objective was to reorganize the residential institutions and to develop alternative services.

A fourth national interest program, approved by the *GD no. 380/May 2000*, had a budget of 2,5 billions ROL. Its general objective was to analyze the street children phenomenon and to intervene in order to improve street children's situation.

A fifth national interest program, approved by the *GD no.610/2000*, had a budget of 286,700,000 thousands ROL. Its general objective was to improve the living conditions for children protected in the transferred institutions.

The national interest programs that were developed in the year 2001 were approved by *GD no. 552/June 2001* and, respectively, by *GD no. 611/July 2001*, as follows:

**1. Continuation of the reform concerning the system of services and institutions for care, protection and child's rights promotion** (1,183,000,000 thousands ROL) in order to secure the adequate running of the system of services and institutions within the specialized public services.

**2. Prevention of abandonment and protection of children in their family environment** in order to promote the protection of child's right to be raised in his/her own family or in the family of a professional maternal assistant, as an alternative to institutionalization.

The budget allocated for 2001 was 212,398 billions ROL which have been used for:

- a number of 33,535 children were benefited from 560,000 ROL support for 4 months.
- salaries (2,200,000 ROL/month) for a number of 5,200 professional maternal assistants.

**3. Restructuring the residential care institutions that have been transferred to the specialized public services, according to GD no. 261/2000 and GD no. 1137/2000** - 50,000,000 thousands ROL for an estimated number of 30 institutions.

**4. Promoting the protection of the children in need with handicap or suffering of AIDS in professional maternal assistants families** in order to promote these children's right to be cared for in a family.

The budget allocated for 2001: 60,192 billion ROL, funds have been used as staff expenses for 1,800 professional maternal assistants (PMA), differentiated according to the handicap degree of the child under care:

- for PMA fostering children with low and medium handicap, 2,640,000 ROL/ month,
- for PMA fostering children with pronounced handicap, 2,860,000 ROL/month
- for PMA fostering children with severe handicap or suffering from AIDS, 3,300,000 ROL/month.

### **5. Development of the social workers network**

General objective: continuation of child's protection system decentralization at local level, making the local community accountable and strengthening social cohesion for the approach of child's rights observance issue.

The budget allocated for 2001: 11,088 billion ROL have been used as staff expenses (2,200,000 ROL/month) for 420 social workers.

### **6. Social integration of street children**

General objective: setting up proper measures of intervention for the protection of children living in the streets, aiming to socially integrate these children.

The budget allocated for 2001: 15 billion ROL, has been used for the payment of personnel expenses and other material expenses and services.

For the year 2002, 215,000,000 thousands ROL were specified within the NACPA budget for the financing of four national interest programs:

- "Closure of old type institutions for children with handicap/ special needs, which cannot be restructured/ rehabilitated", with a budget of 144,000,000 thousands ROL.
- "Social integration of street children", with a budget of 50,000,000 thousands ROL.
- "Social and vocational integration of children/ young persons in the care institutions that have turned 18 years of age", with a budget of 14.5 billion ROL.
- "The training of human resources in the child protection system", with a budget of 6.5 billion ROL.

All the mentioned data indicates that some steps have been made:

- improvement of living conditions for children protected in institutions;
  - starting the implementation of measures for preventing of abandonment and institutionalization; the first actions made by the public authorities for decreasing number of street children;
  - development of alternative services in order to protect children in a family environment (their birth family, extended family or foster parents); as a result, the number of institutionalized children decreased significantly.
  - closure of old style institutions and identification the best solution for each child.
- These steps were followed in the mentioned order. The results obtained are the following:
- the number of institutionalized children has decreased to 43,170;
  - 47 old type public institutions have been closed down or restructured (becoming alternative services or family type placement centers);
  - 59 homes and 42 apartments have become operational, where children benefit from a family type protection;
  - the number of alternative services has increased to 271;
  - the number of foster parents has increased to 7,840;
  - the number of children protected in substitute families (foster parents, relatives up to the 4<sup>th</sup> degree of kin) has increased to 41,085;

### **g) programs and activities for the prevention of and protection from child abuse, child sexual exploitation and child labor;**

The national survey regarding the prevalence of child abuse and neglect in Romanian families was initiated by the National Agency for the Protection of Child's Rights (now the National Authority for Child Protection and Adoption), with support from the World Health Organization, World Bank, UNICEF and in co-operation with the Center of Urban and Regional Sociology and the specialized public services for child protection. The survey was realized during the year 2000 and financed within a not-reimbursable loan from World Bank (PHRD Grant); the total amount of this loan that covered also other projects (e.g. public opinion poll, juvenile delinquency study, professionals' training) was 506,000 USD

The International Program for the elimination of child labor (ILO-IPEC). The overall objective of ILO-IPEC is the prevention an progressive elimination of child labor, especially its worst forms, according to the *International Labor Organization Convention (ILO) no.182/1999*, ratified by Romania through *Law no.203/2000*. The program was implemented in Romania by the International Labor Office in Bucharest during the period March 2000 – December 2002. The funds were in amount of aprox. 600,000 USD from the United States Government and provided through ILO Geneva.

- The National Authority for Child Protection and Adoption coordinated the implementation of one of ILO-IPEC's action program – regarding the capacity building for the specialized public services for child

protection in order to combat the worst forms of child labor – that was implemented during the year 2002 and funded with 44,630 USD, from which 8,000 USD represented the local contribution (funds from the state budget, local budgets and from the International Foundation for Child and Family, who ensured its implementation)

The National Action Plan against sexual exploitation of children for commercial purpose was elaborated in the year 2001, according to the commitments made by Romania in 1996, in Stockholm, following its participation at the first World Congress against the sexual exploitation of children for commercial purposes. Its elaboration was ensured by a working group coordinated by NACPA and having representatives from other ministries (Ministry of Interior, Ministry of Justice, Ministry of Education and Research, Ministry of Health and Family, Prosecutor Office), international bodies (UNICEF, WHO, IOM) and non-governmental organizations (Save the Children, ARAS, GRADO) The Plan was presented at the second World Congress that took place in Yokohama, in December 2001.

Project for the elaboration of standards in the field of child protection against any form of abuse, neglect and exploitation was initiated by NACPA in year 2002 and would be completed in 2003; its implementation is coordinated by NACPA in cooperation with other ministries (Ministry of Labor and Social Solidarity, Ministry of Education and Research and Ministry of Health and Family). The Romanian-American Partnership in the field of child protection - ChildNet Program - funds the project and the allocated amount is approx. 25,000 USD. The project's objectives are the following:

- Elaboration of standards for the continue training in the field of child protection against any form of abuse, neglect and exploitation for the professionals who interact with children
- Creation of a database with the trainers and institutions/ organizations that provide continuous training in the field of child protection against any form of abuse, neglect and exploitation
- Elaboration of the methodological guide regarding the child abuse and neglect forms, the complex system of identification, registration, reporting and referral of the child abuse and neglect cases, and the methods of observation of the consequences in these cases
- Elaboration of the minimum standards for a prevention service – resource center for the prevention of child abuse, neglect and exploitation
- Elaboration of the minimum standards for an intervention service – hotline with a multidisciplinary team of intervention for the cases of child abuse, neglect and exploitation

There are also other private initiatives in this field, but not spread and known at the national level.

#### **h) programs and services for street children and abandoned children;**

According to the *Law no.47/1993* the abandoned child is “the child who grew up in a state care institution or was placed in legal conditions to a private person, and was declared abandoned by court decision, as a consequence of the fact that the parents willingly ignored him, for a time period longer than 6 months”. Yet, in day-to-day understanding, every child living in a childcare institution is largely referred to as an “abandoned child”, although he/she does not meet the legal conditions for such a statute. The law no.47/1993 on child abandonment was appreciated as an inappropriate one and will be abrogated through the new child protection law. In this respect, the following priorities were identified in relation to child abandonment:

- Establish clear measures for investigating and identifying categories of families and persons with high risk of abandonment at birth, during childhood or adolescence;
- Definition of abandonment - de facto and de jure -, much clearer than as described in Law 43/1993;
- Abandonment may be declared exclusively by decision of a court, under much stricter terms than the ones contained by Law 47/1993;
- With the declaration of abandonment, a legal guardian should be appointed to legally represent the child by the age of 18;
- Obligations, in terms of decisions and rights of tutors.

For the children who do not have parents, the specialized public services for child protection try to establish a permanent measure (extended family or an adoptive family). For those children considered abandoned, in the day-to-day meaning of the word, the public services are providing those types of services required by the specific situation of each child (to maintain the relationship with the natural parents, to integrate/reintegrate the child into the natural or extended family, to identify a permanent measure).

The Government approved through the *Decision nr. 380/2000* a National Interest Program on “Social integration of street children”. The budget of the program was of 2.5 billion lei and the objective was to

analyse the situation of street children as a phenomenon and to act towards the improvement of their lives. The activities aimed mostly to design a proper methodology to analyse and assess the phenomenon itself and a methodology of intervention. The outcomes of the program included the need for setting up emergency shelters and day-care centres for street children, to promote the partnership with NGOs who develop services for street children and to increase the public sensitivity towards the integration of the street children.

In 2001, the Government approved a new budget of 15 billion lei for the National Interest Program on “Social Integration of children living in the street”. This program continued the activities started the year before: setting up shelters – in conjunction with the joint program of the World Bank, the Council of Europe’s Development Bank and other donors – and training of the people who work with and for the street children, as well as identifying the natural families or substitute families to protect the children who live in the street. Thus 14 projects were financed in 12 counties and 2 sectors of the Capital City of Bucharest. 6 new shelters were set-up and other 8 were developed. A number of 862 street children were the final beneficiaries of these projects. Newly developed services included a center for assistance, care and social reinsertion of children, a service for the prevention of abuse and neglect. The program’s budget represented 1.18% of the total budget allocated by the Government for the National Interest Programs run by the National Authority for Child Protection and Adoption throughout the country in 2001.

A new budget of 50 billion lei was allocated for the continuation of the National Program on street children in the year 2002. The main objective of this new program was to assist the reduction of the number of children living on the streets. The activities aim to create networks of “maternal assistants” (foster parents) specialized for street children, as well as to continue to set-up and further develop the shelters (both for day and night), to set-up networks of street social workers, to strengthen the services for integration/re-integration of children through counseling and assistance for the families who are sources for street children. 4 projects were approved within this program, and the main new element about them is that in 2002 a new mechanism is implemented that allows the public funds allocated for child protection reform to be spent by non-governmental organizations who won the projects, under the supervision of the National Authority for Child Protection and Adoption.

Beyond the constant increase of the public funds allocated every year for the improvement of the situation of street children, some international partners have provided a significant input. Through the program financed jointly by the World Bank, the Development Bank of the Council of Europe and other donors, there were created 5 centers for coordination and information for the professionals involved in working with and for street children and 7 shelters in 4 counties plus 3 sectors of Bucharest. The budget allocated for this purpose was of about 1 million USD for a five-year program which will be completed in June 2003. Another significant contribution came from the Austrian Government, who also financed the creation of a night shelter in Bucharest and covered the running costs for the first three years (600,000 Euro). This international assistance is increasingly aggregated with the Romanian inputs, within the National Strategy approved by the Government of Romania in May 2001.

**i) juvenile justice**

- mil. ROL -

<b>YEAR</b>	<b>Expenses budget for the re-education centers</b>
<b>2000</b>	137.301
<b>2001</b>	198.654
<b>2002</b>	213.700

**3.**

**a)** Total number of children separated from their parents, for whom a temporary protective measure (family or residential type) was instituted:

- 1999** – 57.087 children
- 2000** – 87.753 children
- 2001** – 87.518 children

**b)** Number of children placed in residential institutions (placement centers):

- 1999** – 33.356 children (30.069 children in placement centers subordinated to specialized public services and 3.287 children in placement centers subordinated to authorized private organizations);

**2000** – 57.181 children (53.335 children in placement centers subordinated to specialized public services and 3.846 children in placement centers subordinated to authorized private organizations);  
**2001** – 49.965 children (45.422 children in placement centers subordinated to specialized public services and 4.543 children in placement centers subordinated to authorized private organizations);

- Children under 1 year old: **1.469**
- Children between 1-2 years old: **1.857**
- Children between 3-6 years old: **3.549**
- Children between 7-9 years old: **5.166**
- Children between 10-13 years old: **13.999**
- Children between 14-17 years old: **18.544**
- Children  $\geq$ 18 years old: **5.381**

**c)** Number of children placed with foster families (professional caregivers):

**1999** - 3.058 children

**2000** – 5.157 children

**2001** – 8.370 children

**d)** Number of children adopted domestically or through inter-country adoptions (definitive adoption):

**1999** – 4.285 children (number of children adopted domestically – 1.710 and number of children adopted through inter-country adoptions – 2.575)

**2000** – 4.326 children (number of children adopted domestically – 1.291 and number of children adopted through inter-country adoptions – 3.035)

**2001** – 2.795 children (number of children adopted domestically – 1.274 and number of children adopted through inter-country adoptions – 1.521)

#### 4.

The special protection of the children with disabilities is under permanent supervision of the State Secretariat for the protection of persons with disabilities (the Secretariat). The Secretariat has the obligation to grant these persons certain rights, as stipulated in the *Government's Emergency Ordinance no. 102/1999 regarding the special protection and work enrolment of the persons with disabilities*. During 2002 the Parliament of Romania adopted *Law no. 519/2002 which approves and modifies the Emergency Ordinance no. 102/1999 regarding the special protection and work enrolment of the disabled persons*.

A situation of children with disabilities is presented below:

#### 1999

Age	Living with their families	Living in institutions	TOTAL
0 - 3 years old	4.028	37	4.065
3 - 7 year old	8.190	335	8.525
7 - 11 years old	14.047	823	14.870
11 - 15 years old	16.505	1.107	17.612
15 - 17 years old	8.836	591	9.427
17 - 18 years old	6.149	293	6442
<b>TOTAL</b>	<b>57.755</b>	<b>3.186</b>	<b>60.941</b> - girls: 31689 - boys: 29252

**2000**

Age	Living with their families	Living in institutions	TOTAL
0 – 3 years old	3.107	4	3111
3- 7 years old	8.182	7	8.189
7-11 years old	13.567	102	13.669
11-15 years old	15.547	451	15.998
15-17 years old	8.453	282	8.735
17-18 years old	6.330	358	6688
<b>TOTAL</b>	<b>55.186</b>	<b>1.204</b>	<b>56.390</b> - girls: 29323 - boys: 27067

**2001**

Age	Living with their families	Living in institutions	TOTAL
0- 4 years old	6.160	51	6.211
5- 9 years old	14.370	179	14.549
10 – 14 years old	22.239	440	22.679
15 17 years old	15.919	388	16.307
<b>TOTAL</b>	<b>58.688</b>	<b>1.058</b>	<b>59.746</b> - girls: 28035 - boys: 31711

With little annual variations, the number of children with disabilities remained constant during the last four years.

The decrease of the number of children with disabilities registered in 2000 followed the implementation of *the Government Decision no. 261/1999 regarding the reorganization of the institutions of child protection*. According to the provisions of the Government Decision, the institutions of child protection have been transferred to the local authorities, under the coordination of the General Directorates of Child Protection. 1982 children have been transferred to the local authorities.

Due to various reasons, few institutions could not be transferred to the local authorities, sheltering in present 911 children. It is worth mentioning that compared to 2000 the decrease in the number of children institutionalized with the Secretariat was due to the fact that a number of children turned 18.

Children with disabilities	1999 - 2000	2000 - 2001
Attending regular schools	4.616	6.512
Attending special schools	53.446	47.012

Number of children attending special schools

EDUCATION LEVEL	School Year		
	1999-2000	2000-2001	2001-2002
a) Pre-school	2725	2681	2108
out of which girls	1277	1244	976
b) Primary and secondary	36729	34805	3049
out of which girls	14381	13568	7
			1197
			4
c) High <sup>*)</sup>	14056	13340	1286
out of which girls	5685	5350	5
			5083

<sup>\*)</sup> including post-high and vocational education

a) Pre-school	School Year					
	1999-2000		2000-2001		2001-2002	
	Total	Out of which girls	Total	out of which girls	Total	out of which girls
<b>TOTAL</b>	<b>2725</b>	<b>1277</b>	<b>2681</b>	<b>1244</b>	<b>2108</b>	<b>976</b>
3 years	247	102	267	129	165	89
4	383	175	394	186	314	154
5	515	245	541	251	401	188
6 and over	1580	755	1479	678	1228	545

b) Primary and secondary	School Year					
	1999-2000		2000-2001		2001-2002	
	Total	Out of which girls	Total	out of which girls	Total	out of which girls
<b>TOTAL</b>	<b>36729</b>	<b>14381</b>	<b>34805</b>	<b>13568</b>	<b>30497</b>	<b>11974</b>
6 years	44	16	-	-	47	24
7	547	261	550	221	428	190
8	1586	657	1446	584	1054	443
9	2711	1070	2219	881	1881	746
10	3712	1455	2973	1176	2397	935
11	4678	1827	4232	1657	3135	1253
12	6773	2658	6262	2468	5377	2139
13	5021	1973	5079	1926	4385	1707
14	5295	1994	5612	2228	5294	2061
15	3828	1476	3867	1462	3949	1530
16 and over	2534	994	2565	965	2550	946

c) High <sup>*)</sup>	School Year					
	1999-2000		2000-2001		2001-2002	
	Total	Out of which girls	Total	out of which girls	Total	out of which girls
<b>TOTAL</b>	<b>14056</b>	<b>5685</b>	<b>13340</b>	<b>5350</b>	<b>12865</b>	<b>5083</b>
14 years	746	200	-	-	329	134
15	2243	815	1990	793	1918	769
16	3320	1310	3110	1213	2908	1162
17	3364	1398	3314	1309	3314	1184
18	2570	1074	2761	1167	2459	1000
19	1277	607	1417	563	1227	505
20	335	163	501	205	439	203
21 and over	201	118	247	100	271	126

<sup>\*)</sup> including post-high and vocational education

## 5. Child abuse

### a) number of individual complaints received per year in the last three years;

YEAR	TOTAL	BOYS			GIRLS		
		0-5 years old	6-14 years old	15-18 years old	0-5 years old	6-14 years old	15-18 years old
1999	1263	30	178	42	30	412	571
2000	1404	33	213	61	28	504	565
2001	1361	72	226	78	36	579	640

A national study regarding the prevalence of child abuse and neglect in Romanian families was initiated by the National Agency for the Protection of Child's Rights (now the National Authority for Child Protection and Adoption), with support from the World Health Organization, World Bank, UNICEF and in co-operation with the Center of Urban and Regional Sociology and the specialized public services for child protection. The study was realized during the year 2000 and consisted of:

- 2 investigations of parents having children under 18 years of age and of children 13-14 years old
- a sociological inquiry based on interviews with specialists involved in the protection of Romanian child from abuse and neglect

The national prevalence of child abuse and neglect cases in Romanian families as reported by parents and children in response to a questionnaire is presented in the following table:

Indices of child abuse / neglect within the family	Parents' reports (N=1556)		Children's reports (N=1295)	
	Number	%	Number	%
Physical abuse	287	18.4%	314	24.4
Physical neglect	1055	67.8%	593	45.8
Family exploitation of the child	106	6.8%	109	8.4
Educational neglect	888	57.1%	441	34.1
Psychological abuse	398	25.6%	275	21.2
Psychological neglect	708	45.5%	564	43.6
Sexual abuse	1	0.1%	118	9.1

- In Romania there is no functional monitoring system for the child abuse, neglect and exploitation cases. There is a unique monitoring form for the children in the evidence of the specialized public services for child protection, which has items for child abuse, but it is not in force at the national level, because the adequate national monitoring system is not operational yet. For this purpose, there is in implementation a project funded initially by World Bank and now by USAID.

- The situation of children victims of physical abuse, sexual abuse and traffic is presented in the following table:

#	County	Physical abuse	Sexual abuse	Trafficking
1	Alba	6	2	0
2	Arad	150	10	0
3	Arges	9	7	0
4	Bacau	182		
5	Bihor	8	6	
6	Bistrita Nasaud	10	2	0
7	Botosani			

#	County	Physical abuse	Sexual abuse	Trafficking
8	Braila	30		2
9	Brasov	23	7	5
10	Buzau	7	2	-
11	Calarasi	9	1	0
12	Caras Severin	3		0
13	Cluj	116	20	0
14	Constanta	44	5	-
15	Covasna	13		
16	Dambovita	28	3	
17	Dolj	270	7	
18	Galati	50		
19	Giurgiu	5		
20	Gorj	3	0	0
21	Harghita	11	4	
22	Hunedoara	64	8	
23	Ialomita	18	8	-
24	Iasi	73	9	0
25	Ilfov	2	0	0
26	Maramures	2	8	7
27	Mehedinti	22	4	0
28	Mures	54	11	
29	Neamt	32	4	-
30	Olt	3		
31	Prahova	80	6	-
32	Salaj	6	2	0
33	Satu Mare	7		0
34	Sibiu	29	3	
35	Suceava	12		
36	Teleorman	5		
37	Timis	170	31	2
38	Tulcea	9	-	1
39	Valcea	15	0	0
40	Vaslui	11		0
41	Vrancea	9	1	0
42	Sector 1 Bucharest	25	8	3
43	Sector 2 Bucharest	21	3	0
44	Sector 3 Bucharest	3	1	
45	Sector 4 Bucharest			
46	Sector 5 Bucharest	6	-	-
47	Sector 6 Bucharest	115		7
<b>TOTAL</b>		<b>1770</b>	<b>183</b>	<b>27</b>

The number of child abuse cases reported to the free hotline of the 1999 Phare Program in the period November 22, 2001 – October 31, 2002 was 339. There is no knowledge of the confirmed cases.

**b) number and percentage of reports which have resulted in either a court decision or other types of follow-up.**

The Romanian Penal Code stipulates the limits of penal responsibility in case of minors in article 99. *"The minor who is not 14 years old yet has no penal responsibility.*

*The minor between 14 and 16 years old has penal responsibility, only if he is proved he committed the deed with judgement. The minor who is 16 years old has penal responsibility."*

Data held by the Police show an ascending trend of the number of minors – victims of sexual crimes. Thus, if in 1998 their number was 379, in 1999 this number raised at 618, so that in 2000 an accentuated reduction wouldn't be recorded – 582, followed by an accentuated increase in year 2001 – 745 (the first 9 months).

The reduction recorded in 2000 is due to an important decrease with 24% of the number of children victims of rape, but is not significant, because concerning the other crimes of sexual nature, numerical increases were recorded, as marked in the following table:

**Evolution of sexual crimes victim's number between 1998 – 2001**

	Rape	Sexual relations with minor female	Sexual relations between persons of the same sex	Sexual perversity	Sexual corruption	Incest	Total
1998	164	49	31	68	49	18	379
1999	296	79	39	101	66	37	618
2000	226	89	53	99	56	59	582
2001 (first 9 months)	182	183	-	153	155	72	745

Sexual crimes that generate the most child victims are rape and sexual perversity. Regarding the evolution by age categories of victimized children, an annual increase of victims under 14 was recorded.

**Evolution by age of minor victims' number between 1998-2000**

	Under 14 years	14-16 years	16-18 years
1998	164	128	87
1999	205	206	207
2000	216	167	199

By gender, the category the most exposed to sexual abuse is represented by young women, in the majority of crime cases analyzed, as shown in table no. 3. The exception is represented by the sexual relations between persons of the same sex, where no female victim is recorded in the two reference years.

**Distribution by gender of minors-victims of sexual crimes between 1999-2000**

Year	Gender	Rape	Sexual relations with a minor	Sexual relations between persons of the same sex	Sexual perversity	Sexual corruption	Incest	Total
1999	M	0	0	39	33	11	0	84
	F	296	79	0	68	55	37	534
	Total	296	79	39	101	66	37	618
2000	M	6	0	53	44	17	4	124
	F	220	89	0	55	39	55	458
	Total	226	89	53	99	56	59	582

Although the Romanian rural population represents about 55% of total, the most victimized children are re-found in the cities area, their share in the total of victims maintaining constant in the analyzed period, respectively an average of 67%.

**Evolution of number of minors victimized in period 1998-2000, by their environment of origin**

Year	Environment of origin	
	Urban	Rural
1998	245	128
1999	427	191
2000	377	205

**6.**

**a) the enrolment and completion rates in percentages of the relevant group in pre-primary schools, in primary schools and in secondary schools;**

Gross enrolment rates

a) Pre-school		School Year		
		1999-2000	2000-2001	2001-2002
Total		65,20	66,06	67,51
	out of which girls	66,35	67,10	68,62
Urban		67,13	69,20	70,83
	out of which girls	68,37	70,37	72,05
Rural		63,53	63,42	64,75
	out of which girls	64,62	64,37	65,78

b) Primary and secondary		School Year		
		1999-2000	2000-2001	2001-2002
Total		96,78	97,19	97,00
	out of which girls	96,21	96,57	96,25
Urban		97,06	98,06	98,62
	out of which girls	96,87	97,66	98,15
Rural		96,42	96,16	95,18
	out of which girls	95,38	95,28	94,14

c) High **)		School Year		
		1999-2000	2000-2001	2001-2002
Total		69,39	71,71	75,1
	out of which girls	70,78	73,04	76,8
Urban		106,88	110,37	115,50
	out of which girls	109,37	112,82	118,75
Rural		14,40	15,19	16,37
	out of which girls	13,60	14,37	15,39

\*\* not-including post-high and vocational education

d) Post-high and vocational		School Year		
		1999-2000	2000-2001	2001-2002
Total		4,84	4,26	3,90
	out of which girls	6,32	5,44	4,99
Urban		8,24	7,10	6,44
	out of which girls	10,69	9,05	8,28
Rural		0,23	0,30	0,27
	out of which girls	0,18	0,20	0,16

Completion Rates within compulsory education (secondary level)

		School Year	
		1999-2000	2000-2001
Total		96,90	97,04
	out of which girls	97,42	97,67
Urban		97,28	97,84
	out of which girls	97,75	98,31
Rural		96,28	95,84
	out of which girls	96,86	96,69

School year	Population (thousands inhabitants)	Total number of children in pre-universitary education (thousands students)	Percentage
1999-2000	22502.8	4119.3	18.31%
2000-2001	22435.2	4032.1	17.97%
2001-2002	22408.4	3972.2	17.73%
2002-2003	21698.2	3898.2	17.97%

**b) number and percentage of drop-outs and repetitions;**

School abandonment percentage (drop-outs)

	School Year	
	1999-2000	2000-2001
<b>Primary and secondary</b> <sup>***)</sup>	0,9	0,6
out of which girls	0,9	0,6
<b>High</b> <sup>*)</sup>	4,7	4,6
out of which girls	4,0	3,7

<sup>\*)</sup> including post-high and vocational education

<sup>\*\*\*)</sup> not-including special education

Repetition percentage

	School Year	
	1999-2000	2000-2001
<b>Primary and secondary</b>	3,72	3,89
out of which girls	2,58	2,71
<b>High</b> <sup>*)</sup>	1,46	1,26
out of which girls	1,06	0,94

<sup>\*)</sup> including post-high and vocational education

School year	Total number of students enrolled (pre-universitary education)	Total number of students who repeated the year (pre-university education)	Total number of students who dropped out school (including the unschooled students) (pre-university education)
1999 - 2000	3408276	102057	64663
2000 - 2001	3277402	98955	99022
2001 - 2002	3226968	49401	89525

**c) ratio teacher per children.**

	School Year		
	1999-2000	2000-2001	2001-2002
<b>Preschool</b>	17,30	17,96	17,79
Urban	14,96	15,61	15,44
Rural	20,19	20,84	20,64
<b>Primary and secondary</b>	15,02	14,83	14,07
Urban	16,70	16,35	15,27
Rural	13,30	13,33	12,89
<b>High</b> <sup>*)</sup>	13,95	14,35	14,41
Urban	13,92	14,22	14,27
Rural	13,30	16,01	16,08

<sup>\*)</sup> including post-high and vocational

**1999 – 2000 – 12.79 students/teacher**

**2000 – 2001 – 12.81 students/teacher**

**2001 – 2002 – 14.31 students/teacher**

**2002 – 2003 – 14.96 students/teacher**

7.

**New cases of syphilis and gonorrhoea to adolescents (10-19 years)  
during the period 1999-2001, distributed by gender**

New cases of syphilis	YEAR	Total			Urban			Rural		
		Total	Male	Female	Total	Male	Female	Total	Male	Female
	1999	1296	505	791	845	363	482	451	142	309
	2000	1519	527	992	921	347	574	598	180	418
	2001	1700	579	1121	1041	388	653	659	191	468
New cases of gonorrhoea	YEAR	Total	Male	Female	Total	Male	Female	Total	Male	Female
	1999	856	570	286	637	436	201	219	134	85
	2000	926	609	317	655	453	202	271	156	115
	2001	830	555	275	565	392	173	265	163	102

**AIDS cases distribution by age, gender and year of diagnosis (31 December 2001)**

Age group	Year			
	1999	2000	2001	Total
< 1 year	2	3		5
1-4 years	5	3		8
5-9 years	48	15		63
10-12 years	82	104	31	217
13-14 years	4	6	10	20
15-19 years	11	10	3	24
<b>TOTAL</b>	<b>152</b>	<b>131</b>	<b>44</b>	<b>327</b>

**HIV infections distributed by age and gender (31 December 2001)**

Age group	Gender		Total
	Male	Female	
< 1 year	69	58	127
1-4 years	28	18	46
5-9 years	635	416	1051
10-12 years	1609	1217	2826
13-14 years	85	71	156
15-19 years	28	36	64
<b>TOTAL</b>	<b>2454</b>	<b>1816</b>	<b>4270</b>

**HIV infections to children distributed by counties  
and year of diagnosis (31 December 2001)**

County	Total children with HIV			
	1999	2000	2001	Total
Alba	0	2	0	2
Arges	1	2	3	6
Arad	0	0	3	3
Bucuresti	14	7	10	31
Bacau	41	33	20	94
Bihor	0	0	0	0
Bistrita N.	0	0	0	0
Braila	6	5	3	14
Botosani	16	12	6	34
Brasov	2	6	4	12
Buzau	3	3	0	6
Cluj	1	1	0	2
Calarasi	2	5	4	11
Caras S.	12	23	10	45
Constanta	5	6	16	27
Covasna	1	1	2	4
Dambovita	7	13	8	28

Dolj	3	8	6	17
Gorj	1	0	0	1
Galati	1	7	17	25
Giurgiu	18	14	13	45
Harghita	1	0	0	1
Hunedoara	30	23	3	56
Ialomita	1	1	3	5
Iasi	15	5	14	34
Mehedinti	0	1	0	1
Maramures	1	0	2	3
Mures	7	18	16	41
Neamt	6	7	18	31
Olt	25	22	9	56
Prahova	28	33	9	70
SAI	4	1	0	5
Sibiu	4	2	1	7
Salaj	0	0	0	0
Satu Mare	1	0	1	2
Suceava	20	3	4	27
Tulcea	0	0	0	0
Timisoara	0	6	10	16
Teleorman	7	1	7	15
Valcea	11	5	4	20
Vrancea	4	3	4	11
Vaslui	6	7	3	16
<b>Total</b>	<b>305</b>	<b>286</b>	<b>233</b>	<b>824</b>

### New cases of drug users 10 –19 years

Year	Total	Total male	10-19	Total female	10-19
2000	849	717	194	132	38
2001	1416	1164	345	252	89

### New cases of drug users distributed by counties 2000-2001

No.	County	Year	
		2000	2001
1	Arges	-	3
2.	Bihor	3	4
3.	Bistrita Nasaud	1	1
4.	Brasov	10	6
5.	Braila	1	3
6.	Caras Severin	1	-
7.	Constanta	23	-
8.	Covasn	-	16
9.	Galati	2	-
10	Giurgiu	4	1
11.	Iasi	22	56
12.	Mehedinti	3	5
13.	Mures	3	8
14.	Nneamt	2	3
15.	Prahova	2	-
16.	Sibiu	1	4
17.	Suceava	2	-
18.	Timis	22	19
19.	Bucuresti	734	1185
20.	Ilfov	13	102
<b>Total</b>		<b>849</b>	<b>1416</b>

Note: we do not have data about drug users for 1999 year.

**Medical personnel involved in child health care services**

		1999	2000	2001
<b>Medical Doctors</b>	Pediatricians specialists	2233		2121
	General medicine for children	3292		2385
	Specialists in Pediatric Neuropsychiatry	240		227
	Specialists in Pediatric Neurology	15		30
	School Medicine	62		43
	Family Practitioner		11466	11493
<b>Nurses</b>		13502	12420	12219

**2001** - number of health professionals working in the health care services for children (specialized public services for child protection) – **328** doctors/health professionals

**Suicide cases (10 – 19 years old)**

	1999	2000	Total
Suicide	120	118	238

8.

a) **Statistics on deeds committed by minors under 14 years - 1999**

Committed penal deeds	Total of penal deeds	Total of minors which committed penal deeds	Residence	
			Urban	Rural
TOTAL	8054	4767	3528	1239
From which committed with violence:	107	98	78	20
• murder	1	1	1	0
• attempting murder	1	1	0	1
• blows causing death	1	1	0	1
• robbery	90	84	69	15
• rapes	9	11	9	2
Theft from public property	439	381	291	90
Theft from private property	6799	3692	2769	923
Other penal deeds	709	596	386	210

**Statistics on deeds committed by minors under 14 years - 2000**

Committed penal deeds	Total of penal deeds	Total of minors which committed penal deeds	Residence	
			Urban	Rural
TOTAL	6624	4769	3310	1459
From which committed with violence:	68	84	0	1
• murder	2	1	0	1
• attempting murder	2	2	0	2

• blows causing death	1	1	0	1
• robbery	66	78	71	7
• rapes	7	11	6	5
Theft from public property	465	348	207	141
Theft from private property	5204	3623	2543	1080
Other penal deeds	887	714	491	223

**Statistics on deeds committed by minors under 14 years - 2001**

Committed penal deeds	Total of penal deeds	Total of minors which committed penal deeds	Residence	
			Urban	Rural
TOTAL	5780	3765	2695	1070
From which committed with violence:	116	118	103	15
• murder	-	-	-	-
• attempting murder	-	-	-	-
• blows causing death	-	-	-	-
• robbery	101	99	87	12
• rapes	12	14	11	3
Theft from public property	591	387	287	100
Theft from private property	4861	2953	2132	821
Other penal deeds	212	307	173	134

**Penal deeds committed by minors between 14-18 years who have no penal responsibility – 1999**

<b>1. TOTAL OF COMMITTED PENAL DEEDS</b>	<b>2825</b>
a) penal violent deeds – total	118
• murder	1
• blows causing death	0
• attempting murder	2
• serious bodily damage	8
• rape	21
• robbery	84
b) other penal deeds – total	2707
• Theft from private property	1705
• Theft from public property	139
<b>2. TOTAL OF PARTICIPATING MINORS</b>	<b>1670</b>

**Penal deeds committed by minors between 14-18 years who are not penal responsible – 2000**

<b>1. TOTAL OF COMMITTED PENAL DEEDS</b>	<b>2496</b>
a) penal violent deeds – total	161
• Murder	
• Blows causing death	
• Attempting murder	
• serious bodily damage	24
• rape	15
• robbery	115
b) other penal deeds – total	2335
• Theft from private property	1759
• Theft from public property	230
<b>2. TOTAL OF PARTICIPATING MINORS</b>	<b>2150</b>

**Penal deeds committed by minors between 14-18 years who are not penal responsible – 2001**

<b>1. TOTAL OF COMMITTED PENAL DEEDS</b>	<b>2060</b>
a) penal violent deeds – total	104
• murder	1
• Blows causing death	
• Attempting murder	1
• serious bodily damage	7
• rape	13
• robbery	68
b) other penal deeds – total	1956
• Theft from private property	1289
• Theft from public property	148
<b>2. TOTAL OF PARTICIPATING MINORS</b>	<b>1405</b>

**b) minors who have been sentenced and type of punishment or sanctions related to offences including length of deprivation of liberty;**

	1999				2000				2001			
	Total	Fine	Imprisoned	Educational measures	Total	Fine	Imprisoned	Educational measures	Total	Fine	Imprisoned	Educational measures
Crimes against person	682	152	258	272	594	159	216	219	596	154	239	203
Crimes against property	7465	81	3653	3731	5703	54	2864	2785	5608	30	2667	2911
Crimes against authority	14	8		6	2		1	1	8	3	4	1
Crimes against public interest acts (art. 246-281 Penal Code)	34	2	14	18	36	3	19	14	35		13	22
Crimes of forgery	36	2	20	14	24		4	20	22	2	10	10
Crimes against the established regime for certain economic activities	1			1					4			4
Crimes affecting relationships regarding social co-habitation	79	11	38	30	63	2	37	24	70	9	21	40
Crimes stipulated in the Penal Code and in the special laws	486	132	96	258	316	66	74	176	357	69	88	200
Pandering					10		7	3	5		1	4
Prostitution					25		17	8	22	3	7	12

**c) detention facilities for juvenile delinquents and their capacity / d) minors detained in these facilities and minors detained in adult facilities;**

In conformity with legal stipulations, there are special detention facilities for minors within each police unit arrest. Their detainment is not be allowed near the adult prisoners.

**e) minors kept in pre-trial detention and the average length of their detention**

According to statistics, the number of minors in preventive custody, detained in police units arrests, are shown as follows:

- in **1999** – 2040 minors, representing 8,82% from the total of 23 125 detained persons;
- in **2000** – 2090 minors, representing 9,05% from the total of 23 077 detained persons;
- in **2001** – 2285 minors, representing 8,90% from the total of 25 416 detained persons.

Regarding the minor's imprisonment or detainment, the most frequent crimes for which these actions were made, are:

- theft (simple and qualified) – 1352 minors in year 1999, 1416 in year 2000, 1493 in year 2001;

- robbery – 444 minors arrested in year 1999, 428 in year 2000, 521 in year 2001;
- rape – 70 minors arrested in year 1999, 83 in year 2000, 79 in year 2001;
- murder or attempting murder – 33 minors arrested in year 1999, 83 in year 2000, 40 in year 2001.

The measure of preventive custody against minors was taken in case of other crimes, too, but in a very low percent (blows causing death, sexual perversity, insult, money falsification, prostitution and pandering, as well as crimes stipulated by Law no. 143/2000 on drug trafficking).

The time period for the incarceration of the minors in police units arrests varies, as a rule, between 1 and 3 months (until the end of the inquiries). In exceptional cases, although the inquiries were ended in short term, some minors could not be transferred in prison, being detained in arrests for longer periods (one year).

**f) reported cases of abuse and maltreatment of children occurred during their arrest and detention.**

No such cases were reported during arrest or detention.

**9.**

**a) the number of children involved in sexual exploitation, including prostitution, pornography and trafficking;**

	Minors involved in:		Boys			Girls			Place	
	Boys	Girls	0-5 years old	6-14 years old	15-18 years old	0-5 years old	6-14 years old	15-18 years old	Urban	Rural
Deprivation of liberty (Art. 189 Penal Code)	137	257	22	77	38	13	97	147	204	177
Rape (Art.197 Penal Code)	56	1881	10	32	14	31	704	1146	939	978
Sexual relation with a minor (Art.197 Penal Code)	22	326	1	19	2	3	248	75	146	187
Seduction (Art. 199 Penal Code)	-	147	-	-	-	-	23	124	50	103
Sexual relations between persons of the same sex (Art. 200 Penal Code)	248	17	17	187	44	1	5	11	154	118
Sexual perversions (Art.201 Penal Code)	141	121	20	101	20	6	71	44	148	117
Sexual corruption (Art.202 Penal Code)	91	208	12	61	18	12	138	58	186	120
Incest (Art. 203 Penal Code)	4	79	-	1	3	3	41	35	39	43
Bad treatments applied to minors (Art.306 Penal Code)	164	122	50	105	9	30	67	25	142	119
Prostitution (Art.328 Penal Code)	13	78	3	9	1	2	27	49	88	1
Pandering (Art.329 penal Code)	2	89	-	-	2	-	15	74	65	26
<b>TOTAL VICTIMS</b>	<b>878</b>	<b>3325</b>	<b>135</b>	<b>592</b>	<b>151</b>	<b>101</b>	<b>1436</b>	<b>1788</b>	<b>2161</b>	<b>1989</b>
	<b>4203</b>		<b>878</b>			<b>3325</b>			<b>4150</b>	

**Child prostitution**

Legal disposals regarding minors' prostitution are stipulated in Penal Code regarding prostitution (article 328) and pandering (article 329).

The person's deed to provide means of subsistence, using in this sense sexual relations with different persons is punished with imprisonment from 3 months to 3 years.

The advice or constraint to prostitution or the facilitation of practicing prostitution or making a profit out of practising prostitution by a person, as well as recruiting a person for prostitution or trafficking in persons for this purpose, are punished with imprisonment from 2 to 7 years and interdiction of some rights.

If the deed is made against a minor or presents another serious character, the punishment is imprisonment from 3 to 10 years and interdiction of some rights. The attempt is punished.

If sexual exploitation is made against the person who is prostituted, by his privation of liberty, the disposals of article 189 of Penal Code are incident, which stipulates that illegal liberty privation of a person is punished with imprisonment from 1 to 5 years.

In case that the deed is made by simulating official qualities, by abduction, by an armed person, by two or more persons together or if in the exchange a material benefit or any other advantage is asked, as well as in case the victim is a minor or is forced to sufferings or his health or life are in danger, the punishment is imprisonment from 5 to 12 years.

If the person which practices sexual relations has no purpose the providing of means of subsistence or the main means of subsistence, but practices these sexual relations occasionally for obtaining material profit, the deed is considered contravention, according to disposals stipulated in article 2, points 6 and 7 from Law no. 61/1991, republished in the 18<sup>th</sup> of August 2000, law for punishing the deeds of breaking some norms of social living together and public order.

### **Child pornography**

Article 325 from Romanian Penal Code establishes the general framework on punishing the pornography by charging the crime of spreading obscene materials:

The deed of selling or spreading, as well as making or detaining, for the purpose of spreading, objects, drawings, written or other materials with obscene character, is punished with imprisonment from 6 months to 4 years or with fine.

Although, *Law no. 678/2001 on the Prevention and Combating of Trafficking in Human Beings* defines, at article 18, the crime of infantile pornography:

(1) Whoever exhibits, sells or disseminates, rents, distributes, produces or possesses with intent to disseminate, objects, films, photographs, slides, logos or other visual material that display sexual conduct or postures with a pornographic character, and show or involve persons aged less than 18 or imports or delivers such objects to a carrier or distributor for the purpose of selling or simply distributing such objects commits the crime of child pornography and shall be punished by 2 to 7 years imprisonment.

### **Trafficking in children**

Law no. 678/2001 on the Prevention and Combating of Trafficking in Human Beings, published in Official Journal no. 783 from 11<sup>th</sup> of December 2001, defines in the articles 12, 13 and 15 the crime of human trafficking, the particular conditions which appear when minors are implied, the punishment of the attempt and assimilating this crime as organized crime. At the end of this year will be available the first statistic data which to allow prefiguration of real dimensions of this phenomenon.

Art.12 - (1) Whoever recruits, transports, transfers, harbours or receives a person, through the use of threats or violence or the use of other forms of coercion, through kidnapping, fraud or misrepresentation, abuse of power or by taking advantage of that person's inability to defend him-/herself or to express his/her will or by giving or receiving money or other benefits in order to obtain the agreement of a person who has control over another person with the intent of exploiting the latter, commits a criminal violation of this Law and shall be punished with 3 to 12 years imprisonment and denial of a number of rights.

(2) Whoever engages in trafficking in human beings under the following circumstances:

a) traffics two or more persons at the same time;

b) causes the victim to sustain serious bodily harm or serious health problems, shall be punished with 5 to 15 years imprisonment and denial of a number of rights.

(3) If the violation in this Article has resulted in the victim's death or suicide, the offender shall be punished by 15 to 25 years imprisonment and denial of a number of rights.

Art. 13 - (1) Whoever recruits, transports, transfers, harbors or receives a person aged between 15 and 18, with the intent of exploiting that person, commits the crime of trafficking in underage persons and shall be punished by 3 to 12 years imprisonment and denial of a number of rights.

(2) If the violation within paragraph (1) was committed against a person aged less than 15, the punishment shall be 5 to 15 years imprisonment and denial of a number of rights.

(3) If the violations within paragraphs (1) and (2) are committed with the use of threats or violence or of other forms of coercion, through kidnapping, fraud or misrepresentation, abuse of power or by taking advantage of that person's inability to defend him-/herself or to express his/her will or by giving or receiving money or other benefits in order to obtain the agreement of a person who has control over another person,

the offender shall be punished with 5 to 15 years imprisonment and denial of a number of rights in the case of paragraph (1) and 7 to 18 years imprisonment and denial of a number of rights in the case of paragraph (2).

(4) For the violations within paragraphs (1), (2) and (3) that have been committed in the conditions of Art. 12 paragraph (2) punishment shall be 5 to 15 years imprisonment and denial of a number of rights in the case of paragraph (1), 5 to 17 years imprisonment and denial of a number of rights in the case of paragraph (2) and 5 to 18 years imprisonment and denial of a number of rights in the case of paragraph (3), thesis 1 and 7 to 20 years imprisonment and denial of a number of rights in the case of paragraph (3), thesis 2.

(5) If the violations in this Article have resulted in the victim's death or suicide, the offender shall be punished with 15 to 25 years imprisonment and denial of a number of rights, or life imprisonment.

Art.15 - (1) The attempt to commit the crimes within Articles 12-14 is also punishable.

(2) The act of organizing the commission of the crimes within this Chapter constitutes a crime and shall be punished like crimes committed in an organized manner.

**b) the number of children involved in sexual exploitation who received rehabilitation treatments;**

The rehabilitation treatments for abused children in general and sexually exploited children in particular take place on one hand in specialized units or neuropsychiatry hospitals for children and on the other hand, in private clinics/ office from the medical field or from the non-governmental field of child protection. In both cases there is no statistics regarding the rehabilitation treatments for the sexually exploited children.

Such information could be provided by two kinds of addresses:

- One from NACPA to all the specialized public services for child protection, international bodies (e.g. IOM) and non-governmental organizations that have rehabilitation centers
- The other one from the Ministry of Health and Family to all the public health departments that have in subordination the hospitals and monitor the private clinics/ centers.

**c) the number of children involved in child labor who are under 16;**

The Romanian Public Ministry reported 72 cases of children involved in child labor.

**d) the number of street children.**

An accurate estimation of the number of street children can not be made, due to objective reasons: the children found and sheltered in specialized protection and prevention centers of family placed abandonment these institutions, the lack of safety and supervision measures which makes them return in the streets, the frequent abandonment of their domicile from children coming from des-organized families, or families with social problems.

From the reports of the police territorial units, covering the period June 2001 – November 2002, resulted an estimation, at national level, of **1821 street children**. These children were sheltered in prevention and social protection centers of placed in alternative care.

The Government has approved a memorandum containing a program of a centralized computerized evidence of this social category.

## **B. General Measures of Implementation**

### **1.**

**“The Government should regularly monitor the impact of the structural adjustment programs on children and take the adequate measures for their protection”**(*para. 12*)

Based on the experience of decentralizing process which has been made in the year 1997, in order to avoid the difficulties raised, Romanian Government implemented very carefully all the structural adjustment programs (the continuation of decentralization in the year 2000 regarding the children with disabilities; decentralization of the funding system of the activities in the child’s protection’s field in the year 2002) and will take all the necessary preventive measures before the implementation of the new legislation. Changes, which will be made, are important and there is the possibility to have some problems with a great impact on children.

According to the statistical data, in 1992 about 10% of the Romanian families with children were single-parented. In the context of the socio-economic changes determined by the transition to the market economy, the number of these families is increasing. A recent assessment of the dimensions of this phenomenon will be made based on the population evaluation in 2002. At the same time it should be mentioned that most single parents are living in poverty or at the limit of poverty.

Although starting with 2002, the Law on prevention and fighting against the social exclusion came into effect, having as an objective to facilitate access to employment or housing, as well as to ensure access to health and education services for all citizens and, especially, for young persons, the issue of single parents must be approached distinctly and, in this regard, it is necessary to promote regulations establishing special rights for these families’ social protection.

The Government Program envisages the elaboration of a piece of legislation on the special protection of mono-parental families that will regulate mainly the following:

- the definition of single parent, respectively of the mono-parental family;
- the situations and conditions in which mono-parental families have access to special rights;
- special rights, such as financial and material support, special services (counseling services, assistance in specialized daily and emergency centers), setting up of opportunities for single parents.

Of course, special services shall be granted to all those that are eligible for mono-parental families, whereas the financial and material support shall be granted case by case, subject to the economic and social status of each family.

**“Special efforts should be made in order to bring the existing legislation fully into line with the provisions of the Convention and thereby taking into account the principles of non-discrimination, the best interests of the child and respect for the views of the child as in the case of labor legislation. The Family Code of 1954 needs to be revised in the light of the Convention”**(*para. 14*)

The Romanian Prime Minister, Mr. Adrian Nastase, established by **Decision no. 401/20.October 2001** the Independent Group for Inter-country Adoption Analysis (IGIAA), whose main objective was the analysis of the inter-country adoption system and the evaluation of the capacity of the specialized institutions in the field.

While the IGIAA Report highlighted the necessity to reform the child protection system, focusing on promoting the concept of social reinsertion of the child in difficulty and increasing the degree of public and mass media awareness with regard to the issues in the field, a **synthetic strategy** has been elaborated, with the following objectives:

1. Defining a unitary and integrated legislative system in the field, by revising the legislation in the field of protection of the rights of the child, including protection through domestic and inter-country adoption, in order to harmonize it with the provisions of international documents;
2. Strengthening the institutional capacity of the central structures responsible in the field, by establishing several public bodies in the field (The National Authority for the Protection of the Rights of the Child – NAPRC, and the Romanian Adoption Office – RAO), on new grounds and legislation, whose functions of regulation, control and monitoring are more accentuated;

- NAPRC shall provide measuring indicators and specific prognoses for the system, shall elaborate quality standards for the child protection services and shall establish the necessary framework for international cooperation (Phare programs and bi-lateral programs).
  - RAO, body subordinated to the Parliament, shall have the attributions of analyzing and referring the adoption files to courts, of providing rigorous post adoption control and monitoring, as well as of negotiating international cooperation agreements in the field of child protection through adoption.
3. Stimulating the national training system for specialized staff (at both higher and secondary education levels) in child protection, including with regard to management and organizing of specialized institutions, by creating several departmental institutions subordinated to the NAPRC; these are absolutely necessary for the new central authority and shall focus on socialization pedagogy research and practice for institutionalized, abused, children and children with various types of handicap, and shall have a documentation, professional instruction and training.

The following draft laws have been elaborated by the Legislative Group, established based on the provisions of the Synthetic Strategy for the Implementation of Measures from the Report of the Independent Group for International Adoption Analysis:

- Law on child protection;
- Law on the judicial regime of adoption
- Law on the organization and operation of the Romanian Adoption Office;
- Law on the establishment, organization and operation of the National Authority for the Protection of Children's Rights;

The draft laws have been sent to the authorities and institutions of the local and central public administration, as well as to international institutions and organizations, for comments and proposals to improve the identified solutions.

The formulated proposals have been analyzed by the authorities, and have been included in the drafts, to the extent that the new proposed solutions were in accordance with the principles employed for their elaboration. In the coming period, this legislative package shall be approved and submitted to the Parliament for debate.

The draft of the Law on child protection is containing the following essential improvement proposals, compared with the existing legislation in Romania:

1. Development of the legal content of child's rights, as sanctioned by the UN Convention, by detailing them and by stipulating the obligations incumbent to the parents and public authorities in the context of the observance and guarantee of such rights.
2. Underlining the idea that the best interest of the child governs the entire system of compliance and guarantee of child's rights, and prevails in all measures regarding children, which are undertaken by public authorities and authorized private bodies, as well as in the cases settled by the courts of law.
3. Imposing certain rules meant to discourage the abandonment of child at birth, by a more precise establishment of obligations incumbent to the parents, as well as to other persons involved, regarding the declaration of the child's birth and the drafting of the birth certificate.
4. Regulation of child's right to intimacy, in the light of constitutional provisions regarding the respect of intimate, private and family life.
5. Establishing the competence of legal courts, in cases regarding the observance and guarantee of child's rights, as well as the possibility of the judge also to hear, in these cases, the child who hasn't reached 10 years.
6. Underlining parents' liability, by sanctioning the principle according to which any of the parents performing a single current act, which is normal in the exercise of rights and in the observance of parental duties, is presumed to have the consent of the other parent as well.
7. Setting up the possibility for the court to approve, within the divorce process, the joint exercise of parental rights after the termination of marriage.
8. Local restructuring of the system of institutions and services meant to contribute to the observance and guarantee of child's rights, starting from the principle of decentralization of this system. Thus, the powers of the Commission for Child Protection, the Department for Child Protection and Special Assistance were reviewed, as well as those of local councils, regarding the granting of assistance and special protection services. Also the legal regime of the individualized protection plan and service plan, regarded as documents based on which special protection, respectively, special assistance is granted, was regulated. Within the same framework, the system of special protection and special assistance units was outlined, insisting on the

use of the latter, in order to increase the efforts to maintain the child within the family, the appeal to special protection units and the taking of special protection measures being made only in the very special cases when the child must be protected outside his/her family as well.

The draft of law also provides for the cases triggering the enforcement of special protection measures, as well as the merits and procedure conditions whereby such measures are taken, underlining the involvement and active role of legal courts, also making a careful correlation with the provisions of the draft of law regarding the regime of adoption.

9. The primary regulation of private bodies, as legal entities of private law, without a patrimonial purpose, which are constituted, accredited and licensed in accordance with the law, also in the context of their involvement in granting special assistance and special protection services.

10. Setting up the method for the representation of the child towards whom the legal measure of entrustment for adoption has been taken, as regards to the conclusion of legal acts on his/her behalf, so that the child's patrimony should be protected against possible attempts of abuse.

**“The legislation on adoption should be further amended and enforced to effectively prevent, in particular, inter-country adoptions in violation of the spirit and letter of the Convention on the Rights of the Child and taking into account the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption of 1993, namely in view of the statement made by the delegation of the Government of Romania as to its intention to ratify this Convention” (para. 18)**

In June 2001, after repeated efforts to analyze and identify the problem, the Romanian Government and the Prime Minister in person took the public commitment to revise the system of protection of children's rights. A one-year moratorium on international adoptions was imposed. Legislative and staff changes have taken place during the entire 2001-year, and action programs have been developed, suggesting the serious concern, with which the Government of Romania addresses this problem.

The revision of the existing legislation essentially consisted in the effort of adjusting the national laws on adoption to the standards of the legislation of EU member states, the implementation within the domestic legislation of the provisions of international conventions to which Romania is a part to, the need to ensure accommodation between various segments of the drafts of the laws, compliance with lawmaking requirements, as well as clarification of provisions that might raise contradictory interpretations in the law enforcement process.

In the respect of the draft of Law regarding the legal regime of adoption, one of the most important legislative suggestions consisted in the delimitation of concepts between inter-country adoption and domestic adoption, in the spirit of the UNO Convention on child's rights and the Hague Convention on child protection and cooperation in respect of inter-country adoption, clarifying from a procedural perspective that inter-country adoption is subsidiary not only to domestic adoption, but also to other means which may ensure the child suitable protection and care in Romania.

As a principle, abiding to the principle of the best interests of the child, if the latter is deprived of its family environment or is in a harmful one, adoption may be considered. Exceptions are in the case of the adoption of the child of the other spouse, as well as the adoption of the person over 18 who has been raised by the family wishing to adopt. For such cases, proposals have been drafted for simplifying the adoption procedure.

The draft law also wishes to encourage adoption by the family with whom the child has been already placed according to the procedures set out in the Law on child's rights, through removal of certain procedural stages that normally would have to be accomplished for the adoption. In addition, it was proposed the simplification of the adoption procedure for the family having a child in placement for adoption.

In order to ensure actual and continuous protection of the best interests of the child during the adoption procedure, it has been proposed to set up the possibility to revoke through court order the measure of entrusting the child for the purpose of adoption.

From the adoption effects' perspective, it has been suggested to provide the obligation to inform the adopted person on his/her adoption, in such a manner as to reconcile the respect due to private life and the right of the adopted person to have access to the identity of his/her biological parents.

Other new provision is that the adopters may request the court, for grounded reasons, the change of the adopted child's first name, subject to the consent of the adopted who has reached the age of 10.

Both cases of termination of the adoption have been maintained, respectively dissolving the adoption (which is only possible in cases justified by the best interests of the child) and annulment of adoption (which envisages the cases in which certain legal forms for decreeing the adoption has been infringed). However, it was proposed to restrict those cases in which the annulment of adoption may be requested, by introducing a requirement to consider the best interests of the child in such cases as well.

As regards transitory provisions, the draft stipulates that the new law shall not be applicable to the claim for adoptions that are pending in court and to adoptions of those children that had already been entrusted for the purpose of adoption according to the former law.

**„Further efforts are recommended to create a better understanding among the public about the situation of children with disabilities. The promotion of their rights should be further advanced through, for instance, support to parents' organizations and a sustained program for moving children from institutions to a good family environment.” (para. 19)**

An important legislative modification occurred in 2001, when the Government issued the *Emergency Ordinance no. 123/2001 on the organization and functioning of the Commission of Child Protection* (approved by Law no. 71/17.01.2002). For the implementation of this Ordinance, the government issued the *Decision no. 1205 of November 2001 regarding the organization and functioning of the Commission of Child Protection*. The implementation of the normative act mentioned above, led to an increased concentration of the expertise and monitoring activities in the field of children's rights, as far as their rights to special education and social protection are concerned. Therefore, the access of these children and their parents to the measures of social protection is considerably increased.

The Commissions of Child Protection are working under the supervision of the County Councils.

The Commission issues a certificate for the disabled person. In 2002, the Ministry of Health and Family issued the Order no.725/1.10.2002 approving the criteria establishing the degree of disability for children and the measures for their special protection. This Order (published in the Official Monitor no. 781/28.10.2002) applies for the first time in Romania not only the medical criteria of expertise, but the inter-relationship among the activities of participation, environment and restriction for the child, according with the international standardization ICF 2001, adopted by the World Health Organization. The criteria were elaborated in such a manner that would permit the expertise to be appreciated by the necessities and realities of each and every case of disabled child.

**„The Government should adopt an active non-discrimination policy with respect to children of minorities. This would also, particularly in relation to the Roma (gypsy) population, require proactive measures to encourage participation and break a vicious circle of widespread prejudices resulting in hostility or neglect. The problem of low school attendance among children from the Roma minority should be urgently addressed.” (para.21)**

In any Roma – related problem it is mandatory necessary to always keep in mind the differences between the value systems. Models of life, ways of thinking, rules of behavior - they are all different. Misunderstanding and especially the lack of respect for the Roma values may cause conflicts, even in the case of best intentions.

The Strategy of the Government of Romania, for improving the condition of the Roma, adopted in May 2001, is the expression of the reaffirmed right of any minority in Romania, to actively participate in the elaboration, implementation and evaluation of public policies. In the field of health care – as well as in the elaboration of the global Strategy - the emphasis is on the commitment of Roma organizations to solve the Roma-related problems.

Considering the results of local projects aimed to test the mediator system over the last three years, and the proposal of the Roma civil society, the Romanian Government accepted the necessity of the introduction of a new occupation, called *health mediator*. A mediator is a Roma person, who is trained in a special field on the base of the non-Roma rules, his mission being to inform and to advise the members of a Roma community. The health mediator is a bridge between the Roma community and the preventive and health care services. As a concept, this vocation influences favorable the social dynamic in the Roma community and Roma civil society, and in the country too.

In 2001, the Ministry of Health and Family started the formal collaboration with the most important political representative of the Roma from Romania (“The Party of the Roma”), and with a Roma NGO, with experience in the field of health (“Romani CRISS”).

From the point of view of educational policies, the programmatic reasons are to be found in the Government Program of the SDPR, Chapter VI: "Education, research and culture – strategic factors of development" which delimit in a particular way the population categories that need programs for protection and educational maintenance: cultural minorities, persons who live in underdeveloped regions, young and adult illiterates, migrating populations, persons without permanent residence, ragamuffins, long-term unemployed, immigrants, refugees due to war or natural calamities etc.

The object of activity of this department is shaped by concrete situations from the world of schools: the presence and emergence of school abandonment from various reasons, different forms of expulsion from school, non-participation in the institutionalized educational process, constant shortening of the schooling period for different categories of children and youth, lack of educational space for ragamuffins, interruption of the professional course etc.

In this context it must be remarked that the provocation pre-university education in Romania must face, are the center of policies regarding, on one hand, the increase of competitiveness of the labor force in Romania through the superior performances of learning, and on the other hand, regarding directly the attainment of standards of integration into the European structures. Among them the ones on education have priority.

Consequently, the activity of the compartment centered on some main coordinates:

- accomplishing of a quantitative and qualitative analyses to identify and evaluate the situation of vulnerable groups of population from the point of view of their participation in the compulsory schooling process, especially of the Roma children, school abandonment, elimination of the dangerous forms of working of minors, attendance in secondary education of young adults with interrupted schooling, the educational situation of ragamuffins etc.;
- articulation of a global strategy of the ministry on solving the above mentioned problems and the identification of the means to solve them;
- achievement of an efficient partnership relation between the MER and the non-governmental organizations whose objective of activity is the vulnerable groups of population, with other social factors and/or specialized international organisms;
- elaboration of medium and long-term national programs for groups that are vulnerable from an educational viewpoint;
- implementation of projects at national level in collaboration with the above-mentioned partners, their monitoring and evaluation.

The question of education for Roma children has been a long-term preoccupation. From this viewpoint up to the elaboration of the Strategy to Improve the Situation of the Roma several measures and a considerable number of actions were taken, all having as target-population Roma children. To exemplify we underline the fact that in the present school year 12,600 pupils study their native language, the Romany (3-4 hours weekly-form or group). Between January and June 2001, in conformity with the provisions of Government Decision No. 23/11.01.2001, the spheres of power of the General Directorate for Education in the Languages of Minorities were extended. Thus it includes education for underprivileged categories and programs for Roma children. The reorganization meant, on one hand, the establishment of a post of deputy director general with competence in the field, and on the other hand, the appointment, beside the counselor for Romany language, of an official in charge with the schooling of the Roma (for primary level, children, adolescents, youth and adults).

Beginning with January 2001 up to the present (30 June 2002), the Ministry for Education and Research developed new programs for the education of the Roma. These are to be found in the *General plan of measures for the application of the Strategy to Improve the Situation of the Roma*, an integral part of GO No. 430/25.04.2001 (Official Gazette of Romania, Part I, Volume XIII, No. 25/16.05.2001).

In compliance with the provisions of the Government Program, Chapter VI and GO No. 430/2001, the Ministry for Education and Research proceeded to the application of specific measures that derive from the General plan of measures for the application of the Strategy to Improve the Situation of the Roma.

We enumerate the main activities initiated or in progress as compared to the provisions of the Strategy:

- By Order No. 4048/26.06.2001 the Ministerial Committee for the Roma (MCR) was set up. Its nine members cover all the fields of competence of the Ministry at the scale of the national educational system. The General Directorate for the Education in the Languages of National Minorities ensures the secretariat of the MCR.

- The Strategy for the development of pre-university education between 2001-2004 was elaborated with projections until 2010. This strategy includes the problems, human resources and means of action, the diagram and the delegation of responsibilities concerning target groups in question.
- The personnel involved in the unfolding of the strategy participated at a program of training and tuition for the implementation structure of the strategy (experts MCR, 23-24 October 2001) and at the meetings of the Joint Committee for the Implementation and Monitoring of the Strategy (31 October 2001).
- Out of the 42 inspectors appointed who are in charge with education in Romany language, half belong to this ethnicity. The draft budget of specific MCR activities deriving from the General Plan of Measures was elaborated (October 2001). The elaboration of the plan for the stimulation of school attendance and decrease of school abandonment among Roma population took shape through the elaboration of the **“Strategy on the stimulation of participation at education of Roma children and youth”**.
- Elaboration of an annual report on the school situation of pupils of Roma descent. The above-mentioned study (part I) accomplished by the MER in cooperation with the Institute of Educational Sciences, UNICEF Romania is a diagnosis of the school situation of Roma children (data collection, quantitative processing and comparative analysis with national level indicators).  
The MER elaborated and implemented in partnership with UNICEF, NGOs and public authorities a series of projects that subsume Paragraph 2 and 8 of the General Plan of Measures. Thus the following projects are carried out:
  - At the initiative of the MER: **“Access to education of the disadvantaged groups, especially Roma children”** Program with a budget of 8.33 million euro (7 million euro from the European Union and 1.33 million euro from the Government of Romania). The program shall be carried out during 2002-2004 in approximately 10 counties. The program takes into account the training of Roma teachers and inspectors who work in underprivileged communities with school units where the percentage Roma children is high.
  - The introduction of school mediators on the list of professions and specialization in Romania (2002), recognizing thus the utility of their work in schools within Roma communities;
  - Making of punctual analyses or national level analysis on school abandonment through Project: **“School attendance of Roma children”** (MER, UNICEF Romania, Institute of Research on the Quality of Life and the Institute of Educational Sciences. The program is being carried out until December 2002.
  - Participation at the project **“Development of Roma communities’ capacity to withdraw children from hazardous forms of work and to integrate them in the national educational system”** in partnership with MER, ECOSOC, International Labor Bureau (project is being carried out until 2003).
  - Initiation, monitoring and evaluation of the **“Good start in school”** Project, in Panciu, enrolled by MER/DGLIM in partnership with UNICEF, ISE, ICCV and Romani Criss (Project enrolled until 2002).
  - Participation of the MER at the project **“Development of the CSDR’s capacity to contribute to the surmounting of the worst forms of child labor”**. The project is subsumed to the “National Action on the Prevention and Elimination of Child Labor” in compliance with the Memorandum of Understanding signed by Romania.

2.

The UN Convention on the Rights of the Child has not been directly invoked in the courts.

3.

**Improvement of benefits and services for families and children as a result of the implementation of the Law on the national system of social assistance**

The *Law no. 705/2001 on the national system of social assistance* aims at rendering more efficient the national system of social assistance by setting up a unique framework for the organization and coordination of the system, whereas in the field of social assistance benefits and services it mainly envisages the setting up of a unitary system of social benefits oriented towards the most disadvantaged groups, in order to avoid their social exclusion.

An important element in the reform of the national system of social assistance is the increase of the degree of involvement of the local councils in order to identify the real social problems inside the communities and to elaborate viable strategies for social development at local level.

In this respect, both at local level and at the level of county councils, there will be organized public services of social assistance that will answer to the demands of the new system, regulated by law. These

public services of social assistance will be organized and will operate, differentiated subject to the type of administrative and territorial unit (i.e. county, municipality, city) and to the social problems of the community. The aforementioned public services will ensure in the territory the implementation of the social assistance policy in the field of protection of children, families, single people, elderly, disabled people, as well as any person in need. These regulations are provided for in the Government Decision for the approval of the Framework Regulation for the organization and functioning of these services, adopted in November 2002.

Under these regulations public local authorities will start the establishing and organizing of public services of social assistance, a process that will end up by 31<sup>st</sup> December 2002. Employing experts of various qualifications that have specific competences, responsibilities and prerogatives in this domain shall ensure the functioning of these services. In two years time, local authorities are bound to complete the necessary staff either with new specialized staff, either by training the existing one. At present, there is a series of programs carried out on the training of the existing staff whilst for the future it is analyzed the need to introduce new training modules.

In order to achieve a unitary and coherent policy, as well as to ensure the general consensus in sorting out the issues in the field of social assistance, the Law no. 705/2001 sets up the Inter-ministerial Commission on social assistance.

Government Decision no. 773 in July 2002 approved the organization and functioning of the Inter-ministerial Commission on social assistance.

The inter-ministerial Commission on social assistance is co-coordinated by the minister of labor and social solidarity and it includes a secretary of state in the Ministry of Health and Family, a secretary of state in the Ministry of Public Administration, a secretary of state in the Ministry of Finance, the secretary of state of the National Authority for Child Protection and Adoption, the secretary of state for Secretariat of State for the Persons with Disabilities and a representative of the Department for Social Policies. In exercising its prerogatives it ensures the following:

- the endorsement of the national development strategy in this field and of the national plan for social assistance, elaborated by the Ministry of Labor and Social Solidarity;
- the endorsement of the sectorial strategies and plans in the field of social assistance;
- advisory notification on the draft laws in the field of social assistance;
- notification of national programs in the field of social assistance, be they financed from internal or external resources;
- periodical analysis of the way the national system of social assistance operates, and setting up of new lines of action;
- analysis of the proposals issued by ministries and other public institutions for social assistance and establishment of measures for their implementation;
- periodical information of the Government on the activity carried out in the field of social assistance;
- setting up relations of cooperation in the field of social assistance with relevant international bodies.

Moreover, for continuing the reform in the field of social assistance there will be elaborated in the coming future pieces of legislation regarding the following:

- the organization of the system of social assistance services and quality standards for these services;
- the organization and functioning of the commissions for social mediation;
- minimal criteria for the organization and functioning of the institutions for social assistance;
- the procedure and modality for accreditation of institutions for social assistance.

At the same time, for ensuring good quality, efficient and specialised services, there will be a continuous monitoring of the training process of the personnel that works in the field of social assistance.

#### 4.

For ensuring the unity of the programs on fight against poverty carried out in institutions of central and local administration and of the civil society, it was set up the **Governmental Commission to Fight against Poverty and for Strengthening Social Inclusion (CASPIIS)** which represents a governmental body under the direct coordination of the Prime Minister.

CASPIIS was conceived to operate for a certain period of time (2001-2004), whereas the next government will decide, according to the final report of activity, the future lines of action.

CASPIS is consisting of representatives of ministries, government agencies, European Commission Delegation, World Bank, UNDP, UNICEF, trade unions, employers' organizations, local authorities, experts from academic society, as well as from the civil society.

CASPIS' main objectives are as following: the elaboration of the National Anti-Poverty Plan and for Strengthening Social Inclusion and its implementation, monitoring the dynamics of poverty, assessment of the effects of recently introduced anti-poverty measures as well as of those already existing, development of the capacity to identify and solve out social problems.

CASPIS' activities to fight poverty and strengthen social inclusion were as following in the second semester of 2002:

- Government Decision no. 705/2002 of 3 July 2002 on CASPIS organization and functioning was adopted;
- Government Decision no. 829/2002 of 31 July 2002 approved the National Anti-Poverty Plan and for Strengthening Social Inclusion (PNAinc).
- **The National Anti-Poverty Plan and for Strengthening Social Inclusion** is listed among the objectives of the European Union Strategy, and represents an important tool in the integration process.
- The National Anti-Poverty Plan and for Strengthening Social Inclusion contains objectives on short term that aim at addressing by the present government the stringent problems, and objectives on medium term till 2012.
- The main short term objectives are as following: elimination of the worst forms of extreme poverty, protection of children from extreme destructive factors (abandonment, violence, economic and sexual exploitation, trafficking), stabilizing the pension system, setting up of a monitoring mechanism for the implementation of the National Plan, elaboration of anti-poverty plan at county level and strengthening social inclusion as well as implementation of the new national system for social assistance.

After the adoption of the National Anti-Poverty Plan and for Strengthening Social Inclusion, for its implementation CASPIS shall start the second phase of its activity aiming to achieve the following objectives:

- elaboration by ministers/ governmental agencies of their own implementing plans, summarizing the ongoing activities and adding, where appropriate, new activities;
- inter-ministerial approach for 2002-2004 of the objectives that are not associated with a sufficiently coherent strategy and require a multi-sector intervention.
- There were selected four strategic objectives, such as:
  - providing emergency housing for homeless people;
  - elimination of the "street children" phenomenon;
  - reform in the system of prevention and approach of juvenile criminality;
  - setting up at national and local level a supporting system for the youth that leave the protection institutions, for abandoned children.
- In order to implement the National Anti-Poverty Plan and for Strengthening Social Inclusion there will be organized inter-ministerial commissions that will elaborate within 1-3 months strategies that will be submitted for approval to the Government. The implementation of these strategies will be achieved in broad lines by the end of 2004. The setting up of the inter-ministerial commissions was approved by the Government through the Memorandum 820 of 6 November 2002.

Further more, there will be achieved other activities such as:

- monitoring of the implementation of the National Anti-Poverty Plan and for Strengthening Social Inclusion; according to the reports on the stage of implementation of PNAinc objectives in each minister or governmental agency involved, CASPIS will elaborate an intermediary report (September 2003) and a final report (December 2004);
- continuing monitoring of the poverty dynamics and of the social problems, using complex information as well as a set of social indicators compatible with those used by the European bodies.
- In the first stage there were selected specific social indicators on social inclusion that can be calculated based on the statistic data and the methodology used at present by the National Institute for Statistics.
- The analysis of poverty for 2002 will be made by the end of March 2003 by the experts of the National Institute for Statistics in co-operation with CASPIS.

- As it was provided in the Government Decision no. 705/2002, among CASPIS' prerogatives it can be also found the support given to the local public authorities in the elaboration and implementation of anti-poverty programs and strengthening of social inclusion. The National Anti-Poverty Plan and for Strengthening Social Inclusion approved by the Government Decision no. 829/2002 provides as a priority strategic objective for 2002-2004 the elaboration of County Anti-Poverty Plans and for Strengthening Social Inclusion.
- The setting up of County Anti-Poverty Commissions and for Strengthening Social Inclusion will be finalized by 30 December 2002 whereas the elaboration of County Anti-Poverty Plans and for Strengthening Social Inclusion provide as deadline 28 February 2003.
- County Anti-Poverty Commissions and for Strengthening Social Inclusion in each county will mainly aim at the elaboration of the County Anti-Poverty Plan and for Strengthening Social Inclusion, the elaboration of periodical reports on the state of poverty and social exclusion in Romania, there will be made weekly briefings on the social problems and the anti-poverty plans/ programs carried out and will participate in the elaboration of the Joint Memorandum on Social Inclusion together with the Ministry of Labor and Social Solidarity

Through the projects and programs initiated or developed in partnership with other governmental and non-governmental institutions, the Ministry of Education and Research aims to raise awareness on the importance of respecting and supporting children's and youth's rights. In this respect, the Ministry of Education and Research works on involving the local authority and community in these efforts, on improving cooperation with the educationally specialized local and national organizations, as well as on media-covering and supporting all successful initiatives.

With the view to opening out the access to education for all students and to offering equal chances of self-fulfillment, the Romanian Government and the Ministry of Education and Research develop both educational and social programs intended to the disadvantaged children or children under risk:

- providing 1 million of students with school stationeries;
- purchasing school buses for the students in rural areas;
- granting students' (especially those coming from disadvantaged families) free charge participation to school leisure camps subordinated to the Ministry of Education and Research;
- "Bakery and Dairy" Program;
- re-launching education in the rural and disadvantaged areas;
- providing some compensatory or second-chance educational programs for those excluded from the formal system of basic education at the moment;
- providing programs for school drop-out and school failure prevention;
- endowing all schools with IT equipment and providing programs specific to this type of education.
- At the same time, the Ministry of Education and Research, through the Department of Extracurricular Activities, has got involved into the elaboration of the National Plan of Reducing Poverty and Promoting Social Inclusion, being a member of the working group "Access to Education and Schooling".

The Ministry of Education and Research contributions have been specified according to the issues addressed, as following:

**a. Difficult access to pre-primary, primary and secondary education, including school skipping and drop-out :**

- offering educational services (meals at school cafeteria, semi-boarding etc.) to the children coming from / belonging to communities under risk;
- providing facilities to the poor students in acquiring school stationeries;
- providing a flexible structure of the school year and adapting it to the specificity of the local economic activities;
- conditioning state allowance for children by their enrolment in school;
- drawing children to school by offering a diverse curricular and extracurricular curriculum specialized according to the age particularities.

**b. Major difficulties of the rural education system**

- ensuring access to education to those students coming from districts lacking schools;
- offering educational services (meals at school cafeteria, semi-boarding etc.) to the children coming from / belonging to communities under risk;
- proving qualified didactic personnel in the rural schools;

- turning children's palaces and clubs into resource centers;
- co-opting parents into the school activities.
- c. Access inequities in the secondary education**
- organizing the graduation exam within each secondary school;
- offering educational services (meals at school cafeteria, semi-boarding etc.) to the children coming from / belonging to communities under risk;
- d. Deficient school and professional guidance/counseling**
- continuing the curricular reform with the view to introducing a diverse curriculum adapted to the local market demands so as to increase the interest in the technical and professional education;
- promoting the school decision curriculum;
- enhancing the role of the Counseling and Psycho-pedagogical Centers in schools, by diversifying responsibilities;
- promoting the role of the Educational Counselor;
- increasing the interest in the technical - vocational segment in the secondary education, by developing the local and regional curriculum in partnership with the local communities.

Parallel to these activities, the Department of Extracurricular Activities has elaborated its strategy of complementary curricular and extracurricular educational programs with the view to:

- promoting children's and youth's rights;
- developing a tolerant behavior able to stimulate mutual, respect, understanding and help;
- supporting and promoting the social integration of the marginalized children and youth coming from disadvantaged areas.

Thus, "Town – Village Bridges "project represents a practical way of eliminating all differences between the urban and rural life style, of extending the access to education, of promoting equal chances to all students regardless of their living environment. The objectives of the project focus on:

- the accomplishment of communication and informational bridges between the students living in rural and urban areas;
- the acknowledgement of the living conditions in both areas;
- the acknowledgement of the rural and urban traditions;
- the involvement of the local communities in this process from the perspective of the children's further social integration.

The Department for Extracurricular Activities has got involved into the coordination of the international programs that promote the child's rights. Initiated by the North – South Center of Council of Europe, the Global Education Program is developed in most of the European countries and gets concretization through the organization of the "Global Education Week" on an annual basis. The Department for Extracurricular Activities has projected the development of this program according to the Romanian social and educational realities, setting as objectives:

- promotion of children's and youth's rights;
- insurance of protection against any kind of discrimination;
- promotion of tolerance;
- promotion of democracy;
- development of governmental, non-governmental, community and local administration representatives' cooperation with the view to supporting the marginalized and disadvantaged children's and youth's social integration;
- facilitation of youth's active participation to the process of decision making within community and local administration

5. The need to set-up a "Children's Ombudsman" is recognized by many specialists and political deciders. However, the legislation on this issue has to be connected with the other legislation envisaged to reform the system of the protection of the rights of the child. All this new legislation is now within a drafting phase, before being discussed in the Parliament.

6.

The National Authority for Child Protection and Adoption with the support of the United States Department of Health and Human Services and the United States Agency for International Development,

initiated a project to create a database system to collect data from local Directions for Child Protection and produce national indicators for the Child Protection System. This project, Child Monitoring and Tracking Information System (CMTIS), was started in the end of September 2002 and will be finalized in June 2003.

The mission of the CMTIS project is to design, develop and pilot test an implementation of an information system to support both the planning and delivery of child welfare services in Romania.

There are two types of objectives for the CMTIS project. They are business objectives and project objectives. The Business objectives address what changes the project intends to produce in the way child services are planned and delivered and the outcome of those services. The Project objectives are the technical and system objectives by which the project can be assessed.

The business objectives are to:

- Enhance outcomes for children by facilitating county and sector capabilities to determine if children coming into their care are already known in the national child welfare system.
- Improve the accuracy, timeliness, and availability of information used in planning and monitoring service delivery for children and families.
- Improve service delivery and optimize financial investment by determining the cost of providing services to children and families based upon the characteristics of those services.

The project objectives are:

- Deliver a system solution that meets the business objectives within the project cost and schedule guidelines.
- Evaluate and enhance the client tracking functional capabilities of the current *Child Fiche*
- Provide a national registration and inquiry function for children and families receiving child welfare services
- Provide basic cost tracking capabilities for services to children
- Provide enhanced reporting capabilities in support of local and national program administration
- Establish common definitions of core system business rules, terminology and service classifications
- Utilize contemporary fit-for-purpose database and programming tools to construct the new application
- Establish network connectivity facilitating local access to national data and synchronization of local and national databases
- Provide training and support to local staff to address application functional and technical needs
- Provide local hardware and software to support successful utilization of the new system

The CMTIS will be a distributed application. Each county and each of the four sectors in Bucharest will maintain and utilize a single local database of child and family information. Information from these local databases will periodically be used to update the national database. The national database will support the analysis and reporting of child welfare service information. It will also support online inquiries for specific child and family information initiated both centrally and remotely from the counties and sectors.

The primary component of the CMTIS application is planned as a client/server implementation utilizing Microsoft Access as the database (either runtime only or full functionality). The national database will utilize Microsoft SQL Server. Connectivity to update the national database or restore local databases will be via the Internet. Connectivity for each county and sector will be via a Pier-to-Pier Local Area Network (LAN) based upon the MS Windows 2000 or XP Operating System and the TCP/IP protocol. The client component will be developed in either MS Access or MS Visual Basic and will use MS ActiveX Data Objects (ADO) to retrieve, update or modify data in the Access or SQL Server database.

An additional component of the application will provide inquiry access to the national database from both central and county/sector users. The functionality will be limited to searching for the existence of particular children and families in the national database. This component may be built as either a client/server or Web based application. In either case the Internet will be the vehicle for connectivity between local users and the central database. If a web-based solution is chosen, we anticipate utilizing MS.NET tools to construct that component

### Part III

#### **New bills or enacted legislation / New Institutions**

The Revised Social European Charter, signed in Strasbourg May 3<sup>rd</sup> 1996, ratified by Romania by Law no. 74/1999, aims at insuring the effective exercise of the right to economical, legal and social protection of children and young people;

The Law no. 452/2001 for the ratification of the International Labor Organization Convention no. 182/1999 on the restriction of the Worst Forms of Child Labor and the immediate action towards their elimination, adopted at the 87<sup>th</sup> session of the General Conference of the International Labor Organization in Geneva, June 17<sup>th</sup> 1999;

The Constitutional Court Decision no. 47, March 23<sup>rd</sup> 1999, regarding the exception of non-constitutionality of art.23-30 from the 3<sup>rd</sup> chapter of the Emergency Ordinance no. 26/1997 on the protection of the child in difficulty;

The Government Decision no. 261/2000 for the reorganization of the institutions, hospital sections and other units for special protection of the child within the specialized public services subordinated to the county councils or to the local councils of the sectors of the municipality of Bucharest;

The Government Decision no. 260/2000 on the approval of the national interest programs in the field of child in difficulty (“supporting the operation of the specialized public services”, “promoting the protection in family environment for the child in difficulty”, “restructuring of the residential type institutions”)

The Government Decision no. 380/2000 on the approval of the 4<sup>th</sup> national interest program “Social Integration of Street Children”;

The Government Decision no. 610/2000 on the approval of the child protection program “Supporting the activities of the Specialized Public Services in which are restructured the institutions specified in the Government Decision no. 261/2000”;

The Emergency Ordinance no. 12/2001 approved by Law no. 252/2001 on the setting up of the National Authority for Child Protection and Adoption, specialized authority of the central public administration, under the direct co-ordination of the minister for the co-ordination of the Government’s General Secretariat; it insures the methodological co-ordination of child protection, being responsible for the elaboration, co-ordination and monitoring of policy in the domain of child protection;

The Government Decision no. 216/2001 on the organization and operation of the National Authority for Child Protection and Adoption;

The Government Decision no. 539/2001 - The approval of the Government Strategy in the field of the protection of the child in difficulty (2001-2004) and of the Operational Plan for the implementation of the Government Strategy in the field of the protection of the child in difficulty (2001-2004);

The Government Decision no. 552/2001 on the approval of the national interest programs in the field of child protection, with the following targets: the continuation of the reform of the services and institutions system targeted towards care, protection and promotion of child’s rights, the prevention of child abandonment and the child protection in family environment, restructuring the residential type institutions that were transferred to the specialized public services, promoting the protection of the children with HIV/AIDS in difficulty living in foster families, the development of the social assistants network;

The Government Decision no. 611/2001 on the approval of the national interest program “Social Integration of Street Children”;

Law no. 470/2001 for the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, signed in New York on the 6<sup>th</sup> of September 2000

The Emergency Ordinance no. 123/2001 regarding the reorganization of the commission for child protection, ratified by Law no. 71/2002 - the unification of the three commissions ( The Complex Expertise Commission for Special Education, The Medical Expertise Commission for the Handicapped Child, The Commission for Child Protection) by restructuring the ex- Commission for Child Protection, in order to give a unified vision, at the local level, on the child’s problems;

The Government Decision no. 347/2002 on the approval of the national interest programs in the field of child protection - “The social integration of street children”, “The closure of old type institutions that can

not be restructured/rehabilitated, created for children with handicap or special needs”, “The training of human resources in the child protection system”, “The social/professional integration of 18 years old children/youngsters living in care institutions”;

The Law no. 169/2002 for the modification and completion of the Criminal Code, the Procedural Criminal Code, and other special laws - Includes regulations on art. 329 of the Criminal Code, “whoremongering”; also states that providing a minor, for oral use, with toxically chemical inhalants is punished with 6 months to 3 years prison time.

The Emergency Ordinance no. 89/2001 for the modification and completion of some dispositions in the Criminal Code regarding sexual life, approved by the Law no.61/2002 modifies art. 197 “The Rape” and art. 198 “Sexual Act with a Minor”, both from the Criminal Code;

The Law no. 197/2000 for the modification and completion of some dispositions in the Criminal Code. Establishes the sanctioning regime for domestic violence and child abuse;

The Law no. 678/2001 regarding the prevention and combating of trafficking in human beings states that infantile pornography is punishable with 2 to 7 years of prison time. It is also established the judicial regime for trafficking in human beings;

The Emergency Ordinance no. 143/2001 for the modification and completion of the Criminal Code and other special laws, aiming at safeguarding the minors against sexual abuses; the existing legal framework has been improved, especially regarding the incrimination and sanctioning of the sexual act with a minor and minor maltreatment's;

The Government Decision no. 1018/2002 for the approval of the rules regarding the duties of the specialized public services for the protection of the rights of the child aiming at guaranteeing the observance of the right to self-image and intimacy of the child in foster care;

The Emergency Ordinance no. 121/08.10.2001, regarding the suspension of all international adoption procedures, approved by the Law no 347/2002;

The Law no. 705/03.12.2001 regarding the national system of social assistance.

At present the Romanian Ministry of Justice is working at the elaboration of the draft Law of accession to the European Convention on recognition and enforcement of decisions concerning custody of children and on restoration of custody of children (20 May 1980)

In the new government structure, the Ministry of Health and Family was established by the G.D. 22/4.January.2001 and one of its role was to develop integrated health policies related to the social and family protection.

- Law no. 84/ 1995, modified and reprinted (ch. IV);
- Framework Plan for Special Education – the Ministry of Education and Research Order no. 4323/13.08. 1998;
- Organization and Functioning Regulations for Special Education – the Ministry of Education and Research Order 4217/17.08.1999;
- Integration and Rehabilitation of Children with Disabilities in/through Community- the Ministry of education and Research no. 3634/2000;
- Organization and Functioning Regulations for Pre-university education – the Ministry of Education and Research Order no. 4747/16.10.2001 (ch.. 8);
- Methodology of organizing and functioning of the educational services for children with disabilities with the help of the support/itinerant didactic personnel – the Ministry of Education and Research Order no. 4653/2001;
- Government Decision no. 1205/2002 on the usage of the tool kit necessary to accomplish the expertise and assessing of the children with disabilities.

### **Newly implemented policies**

In the period 1999-2000, through an emergency normative act, the National Agency for the Child’s Protection and Adoption was set up, as a single central structure to monitor the promotion and respect of all children’s rights. The same normative act includes the transfer of the institutions for children with disabilities, which were under responsibility of the Ministry of Health, State Secretary for the Persons with Disabilities, Ministry of Education. It has underline that this decision was decided in the light of the

principle to de-medicalized services for children, the basic goal was to provide and develop a comprehensive and coherent child protection system, centered on ensuring upbringing of the child within his biological, foster or adoptive family.

Today, the issue of the protection of child in need or at risk is managed by the Government of Romania, through the National Authority for Child Protection and Adoption (NACPA) – specialized body of the public central administration.

The approach of the issue of child protection – in general – is not separated by the whole of the social, family and educational policies, for their management being responsible the Ministry of Labor and Social Solidarity, the Ministry of Health and Family (including the State Secretariat for Persons with Handicap) and Ministry of Education and Research.

The Governmental Strategy on the protection of children in difficulty has as premises the principles of the Government's policy in the field, establishing main areas of intervention and particular objectives, a road map and the necessary resources for the system, while taking into account the target-groups envisaged with priority.

The framework for defining the actions and measures that are required in order to make the key items of the policy in the field of child protection come to life is materialised in the present Strategy of the Romanian Government. While it is drafted in the spirit of the provisions contained in the relevant international conventions and treaties ratified by this country, the present strategy also takes into account the particularities of intervention in the Romanian social, economic, and cultural context.

In the definition and implementation of its strategy concerning the protection of the child, the Government of Romania starts out from the major political prerequisite that the reform in this field needs to be continued and deepened, by turning to good account the experience and positive results obtained so far, as well as by heeding more the aspects that still pose major problems in the system. In this context, the present strategy is a revised and improved version of the previous strategy.

The Strategy will also be supported and implemented by the local authorities (taking into account that Law no.215/2001 of the local public administration stipulates clear duties for the local authorities regarding safeguarding and respecting children's rights) and the ministries with competences in the field: the Ministry of Justice, Ministry of Interior, Ministry of Health and Family, Ministry of Labor and Social Solidarity.

The Governmental Strategy reaffirmed the main purpose of the child protection system reform: to decrease the percentage of the residential care and to develop an alternative system meant to take care of the child in difficulty, based on the setting up and multiplication of community services in order to prevent abandonment and institutionalization. The revised strategy was adopted after a consultation process with the specialized public services, county/local councils, ministries and other central public administration institutions, as well as to international organisms (European Commission Delegation in Romania, UNICEF etc) and non-governmental organizations acting in the field of child protection.

In defining and implementing its child protection strategy, the Government of Romania started from a major political premise: the reform in the field has to continue and become more thorough. The experience acquired until now and the good results obtained should be put to use, while paying more attention to those aspects that still pose major problems to the system. In this sense, the present government strategy in the area of child protection represents a review and improvement of the previous strategy, adopted by the former government in November 2000 and afterwards put at the disposal of the main external partners (European Commission and World Bank).

For the purpose of assuring a coherent governmental vision, for the elaboration of the child protection strategy project, NACPA collaborate with other governmental structures, which have the role of managing the social, education and family policies.

The principles that lie at the foundation of the strategy in the field of child protection are the following:

**1. *the best interests of the child***

In all the actions carried out in the context of this Government Strategy, the best interests of the child shall prevail. The Strategy promotes actions that mainly converge on the protection of the child in difficulty or at risk, whatever the nature of the causes that may determine that situation.

**2. *non-discrimination and equal opportunities***

The policy in the field of child protection is formulated and implemented in such a way as to guarantee in Romania the observance and promotion of the rights of children as stipulated in the UN Convention, irrespective of race, colour, gender, language, religion, political or other opinions, nationality,

the ethnic or social group they belong to, disability, birth, the situation of the children, of their parents or legal guardians.

### **3. *securing a family environment***

All the actions laid down in the Government Strategy are based on the principle of securing a family environment for every child, including children in difficulty. If a child in difficulty is protected in substitute families or in residential type units for a determinate period, the priority will be to provide that child with a family type living environment for the whole duration of the protection measure – until the child can be reintegrated into the natural family, the extended family or (in cases where reintegration is not possible or it is not in the best interests of the child) until its integration into an adoptive family.

### **4. *decentralization and of making the community accountable for their children***

At present, the system for the protection of children in difficulty operates in a decentralized manner in the counties and in the districts of the Municipality of Bucharest, respectively. The present Government Strategy is based on the consolidation of public services specializing in the protection of the child that are subordinated to county councils or to district councils, respectively, as well as on the involvement of local communities, by continuing the decentralization of services at the level of local municipalities. Special attention will be granted to making the community accountable for solving the problems related to their own children.

### **5. *solidarity***

The rearing, development, and education of all children will be done in a spirit of dignity, freedom, and respect for one's fellow men, priority being given to consolidating social cohesion in approaching child-related problems, with special reference to the most vulnerable groups – children in difficulty.

### **6. *inter-sectorial and interdisciplinary intervention***

The problems concerning the protection of the child are approached in the context of social, family, and education policies. Approaching and solving problems in the field presupposes co-operation and co-ordination of the interventions of all responsible factors, as well as an intersectorial and interdisciplinary approach.

### **7. *partnership***

In all the types of activities specified in the Government Strategy for the protection of the child in difficulty, NAPCA promotes co-operation with:

- ministries and other institutions of the central administration, as well as with their territorial structures;
- specialized public services of the local public administration in the counties and the districts of the Municipality of Bucharest;
- the local communities;
- Romanian and foreign non-governmental organizations acting in the field of the protection of the child by means of humanitarian and professional programs;
- European and international institutions, bodies, and organizations.

The principle of partnership operates at all the levels of intervention, from national to local. All types of activities, from the drafting and co-ordination of the strategy to the interdisciplinary intervention in the benefit of children and families are carried out by co-operation and partnership.

The general directions of the reform process in the system of the protection of the child in difficulty or at risk are the following:

- 1) Preventing and reducing the abandonment of children by their own families, by supporting families in difficult situations
- 2) Restructuring existing services and residential care institution, including services for children with deficiencies or disabilities; reorienting their use of the financial, material, human, and technical resources available towards the organization and diversification of alternative services to residential protection; and reducing the number of institutionalized children (particularly in the case of institutionalization for long or indefinite terms)
- 3) Improving, completing, and harmonizing the legislative framework required for the organization and operation of the system for the protection of the child, both in order to improve and clarify that framework, and to bring it in line with the standards stipulated in the international norms and treaties in the field to which Romania is a party

In this context, priority will be granted to the following:

- o reconsidering the legislation regarding adoption, the main purpose being to encourage national adoption, with the state granting incentives to adopting families for a definite period;

- clarifying the legal provisions concerning the neglect, maltreatment or abuse that children are exposed to in their own families;
- improving the legislation referring to juvenile delinquency and justice;
- improving the legislation referring to the exploitation of child labour;
- reconsidering the legislation referring to the sexual exploitation of children.

At the same time, by means of a wide process of consultation and involvement of the entire society, a draft “Code of the Child” will be drafted and forwarded for adoption, as a framework or unique law encompassing the whole range of issues and problems related to the life, development and welfare of all children.

4) Promoting adoption (according to the principle “a family for a child” and not “a child for a family”) as a special measure for the protection of the child, with a special emphasis on encouraging national adoption. The purpose of national adoption will be to maintain children adopted from institutions in the linguistic, psychological and social environment that is familiar to them. Similarly, inter-country adoption will be resorted to as a last resort for the protection of children in families, after all other domestic options have been exhausted.

5) Continuing the decentralization of the system from the county to the local level, by developing and diversifying services for the prevention of child abandonment as well as protection services, and by making the community responsible for the problems of their own children.

6) Improving financial mechanisms: providing financial resources, coordinating cash flows, increasing efficiency in the use of allotted budgets, increasing the effectiveness of the results obtained by the final beneficiary of the system – the protected child.

7) Improving the system of minimum mandatory standards, as well as professional and administrative-institutional norms, by types of services and interventions offered in the system of child protection.

8) Creating a national accreditation system for non-governmental organizations operating in the field of child protection. The system is to also include a central body with competence in the field of accreditation and monitoring of the activities of non-governmental organizations, according to the system of minimum mandatory standards.

9) Developing and improving the professional level of the human resources involved in the system of child protection, by defining and promoting professional status, as well as by providing initial and in-service training for the staff in the system, in all categories and at all levels.

10) Creating and developing a national system for the monitoring and assessment of the situation of children in difficulty or at risk, the activity of the services and institutions for child care and protection, including the financial resources available or allotted at/from the central and local level, as well as of the way in which these resources are used – in such a monitoring/assessment system it is possible to foresee any potential budget crises in the system of child protection.

The Action Plan for implementing the National Strategy in the field of child protection is based in approaching and solving the specific interventions through an inter-sectorial and interdisciplinary coordination.

The Ministry of Health and Family participated and still is involved in several specific actions such as:

- Preventing the abandonment of the children,
- Improving the tracking system for pregnant women, home surveillance, making prenatal check-up more efficient by defining protocols for various hierarchical levels.
- Creating a system of community assistance for identifying and monitoring pregnant women in poor or high risk areas.
- Improving the efficiency of primary medical assistance by keeping track of other mother who has just given birth and of the new born.
- Improving the assistance offered to the mother and baby including activities of information, education and communication.
- Activities of professional training of the medical staff in the field of healthy reproduction.
- Informational/educational activities for parents with respect to hygiene, nourishment, vaccination against contagious diseases, basic first aid notions.
- Increasing the quality of prenatal medical assistance.
- Increasing the number of maternities applying the rooming-in system or “Child Friendly Hospital”.
- Establishing protocols for monitoring the child’s development and implementing them at national level in the medical assistance network for the early uncovering of deficiencies and for the early medical intervention

- Public awareness campaign referring to married couples' life and the parent's role
- Elaborating and implementing a cooperation protocol among the Ministry of Health and Family, the Ministry of Interior, the Ministry of Public Administration, the Ministry of Education and Research, the Ministry of Labor and Social Solidarity and the National Authority for Child Protection and Adoption in order to prevent and reduce abandonment of the newborn and of the child in maternities and pediatric hospitals

- Prevention measures against the development of handicap

In December 2001 The Ministry of Health and Family adopted a National Strategy for health sector. In this Strategy one chapter is dedicated to the Women, child and family health, for the period of 2002-2006. The main goals of this specific Strategy are related to improving and providing:

- family planning services
- secure services for abortion
- safe motherhood
- health for children between 0-1 year, 1-4 years
- health for pre- and school children
- prevention and management of ITS, including HIV/AIDS
- health for adolescents and teenagers
- prevention and management of violence and sexual abuse
- medical services at community level

The Ministry of Health and Family aims through the National Health Programs to:

- reduce the infant and maternal mortality;
- increase the access to health services, especially for vulnerable groups;
- improve the quality of preventive and curative medical services both at primary level and secondary and tertiary level;

Over the last years the Ministry of Health and Family focused on the strengthening the collaboration with the international agencies (WHO, World Bank, UNICEF, UNFPA, USAID), NGOs and civil society for improving the health status of child and woman.

The health reform started in 1999 for primary health care and was followed up in 2000 with that of ambulatory health care. In 2001, the reform started to be implemented in hospitals. This reform aimed, inter alia, in 2002 the rehabilitation and reorganizing the specialized medical assistance in obstetrics gynecology and neonatology hospitals. Its objective was both to improve the perinatal care focused on the principle safe motherhood and to establish new social services in maternities to avoid the abandonment children. In the last two years there is a new tendency regarding developing the rooming-in system in maternities and baby-friendly hospitals.

Recently the Ministry of Health and Family developed a national campaign in order to encourage the breastfeeding.

According to the joint proposal of the Ministry of Health and Family and "Romani CRISS", in August 2001, the Ministry of Labor and Social Solidarity has been included the position of health mediator on the Official List of Occupations from Romania.

The implementation of the mediator system is one of the targets of the National Health Program for child and family, and it is based on the official partnership between government institutions and Roma organizations, countrywide at central and district level too. The Ministerial Commission for Roma of the Ministry of Health and Family coordinates, analyses, and assesses the activities.

The January – September period of 2002 was dedicated to the creation of the legal framework of this new occupation, i.e. the job description, condition for selection, guideline for training. The financing of the functioning of 166 health mediators at national level it has been included in the 2002 budget of Ministry of

Health and Family, the practical process started with October 2002. „Romani CRISS” and the Ministry of Health and Family train the health mediators in partnership.

Within the social protection policies the Ministry of Health and Family established the medical community assistance system that has the role to link the medical and social community services. At present this program is performing in nine areas of the country and it will be extended at the national level in the next years.

At the same time through the **Law no.145/1997 regarding the national health insurance system**, free medical assistance both primary health services and specialized health services is provided to all the children between 0-18 years old, including children in difficulties and the pregnant women.

Since 2002 the domestic violence issue started to be targeted by the Ministry of Health and Family. A national strategy regarding prevention, monitoring and combating domestic violence is one of the goals of the National Health Program for child and family.

Since May 2002 an inter-ministerial and inter-institutional committee meets with regularity to work upon the national strategy.

At the same time the Ministry of Health and Family developed some pilot programs in different areas in Romania which offered solutions for the national strategy development. Recently the Law on mental health was adopted.

The Strategy of the State Secretariat for the Persons with Disabilities has the objective to “increase the quality of life of the disabled persons”. One of the beneficiary target groups is the children up to 18 years old, living in their families, in residential care or in alternative structures of protection. Another target group is the family with an increased risk of giving birth to a disabled child.

The reform in the field of the special protection has the following main areas of intervention:

- the modernization of the system of monitoring the promotion and respect of the rights of disabled persons, through the network informatization of the State Secretariat;
- the diversification of the public services, oriented towards information, communication and education;
- the elaboration of quality standards for the services offered to the institutionalized disabled persons.
- Another important element is the prevention of institutionalization and this is realized through:
  - support services offered to the family;
  - emergency services;
  - information and counseling services.
- In the de-institutionalization process we follow 3 important stages:
  - the evaluation of the existent services;
  - the development of the existent services;
  - the collaboration with the NGO's.

As far as the collaboration with the NGO's is concerned, it is worth mentioning that a National Consultative Council for the Social Dialogue on the Disabled Persons Issues has been set up, having as main attributions:

- to elaborate and monitor of the implementation of the strategy, national policies and programs regarding the disabled persons;
- to issue consultative notices on the draft laws in the field of the special protection of the persons with disabilities;
- to evaluate periodically the results of the activities of special protection of the disabled persons;
- to formulate proposals to the State Secretariat regarding the revision of the legislative framework.
- The State Secretariat has concluded partnership conventions with the NGO's aiming to support the projects destined to the disabled persons, like: recuperation centers, day centers, information centers.

Also, according to the Government Decision no. 696/2001, the State Secretariat grants financing, annually, for the programs presented by the NGO's and corresponding to the objectives of the governmental strategy in the field.

- Programs in partnership with UNICEF and RENINCO in the fields of training and specializing the didactic personnel involved in the area of special education;
- Program in partnership with the Dutch non-governmental organization VISIO regarding the founding and endowing of several post high-school grades specialized in biotics and IT for students with sight disabilities;
- Program in partnership with the non-governmental organization SENSE International, regarding the organization and functioning of some deaf-blindness groups/ grades and the training of the didactic personnel working in this field of education

## Newly implemented programs and projects and their scope

### ➤ *Romanian unaccompanied children/teenagers (under 18 years) present on Italian territory*

On the 1<sup>st</sup> of August 2001, NAPCA concluded a co-operation convention for a period of 17 months with the Organization “Save the Children”, the Romanian correspondent of the International Social Service – the Italian Branch, for running this program. The convention stipulates:

- Reduction of the cross-border trafficking in children/teenagers (girls and boys), for various purposes
- Prevention of illegal migration of children/teenagers by elaborating and disseminating informational-educational materials for the target groups
- Involvement of trained personnel within the directorates for child protection in dealing with such cases: social investigation, preparing individual assistance programs and victim protection programs, etc
- Training the personnel working on this program;
- Co-operation with other institutions at national and international level, that are interested in this issue

In December 2001 was organized a training workshop for the personnel nominated to deal with this problem through assistance and reintegration of Romanian children which are unaccompanied on Italian territory, with participation of Italian experts.

Because of the importance of this issue and because the same situation also occurred in other countries, at 12 December 2001, was signed a collaboration agreement for 2 years among the Ministry of External Affairs, Ministry of the Interior and the NACPA in order to assure, in partnership, the repatriation Romanian children abandoned in other countries and to prevent abandonment.

### ➤ *Combating sexual exploitation of children for commercial reasons*

In December 2001 was finalized National Action Plan for combating sexual exploitation of children for commercial reasons, in accordance with the Declaration and the Action Plan, concluded at the first World Congress on this theme, that took place in Stockholm (Sweden) in 1996.

In December 2001 took place, also, in Yokohama (Japan), the Second World Congress. Romania has presented at the Congress a Survey that contains the contributions, in the field, of central and local public administration institutions and of nongovernmental organizations and international institutions.

### ➤ *Socio-professional integration of children who have to leave the child protection system*

NACPA has established for 2002 the elaboration and implementation of a concrete action plan to cope with the issues characteristic to this category of beneficiaries of child protection system.

The Action Plan will follow setting up the necessary legislative framework; creating specialized services; training the human resources involved; supporting the initiatives for creating sheltered workshops.

Through Government Decision no.347/2002 has approved the national interest program “Social and vocational integration of children/ young persons in the care institutions that have turned 18 years of age” (14, 5 billion ROL).

### ➤ *Romanian children in other countries*

Because NACPA was notified with regard to numerous children from Romanian placement centers and who through more or less legal ways reached in different countries, after that the local authorities had to overcome more obstacles to repatriate them, NACPA required support to Ministry of the Interior and Directions for Child Protection for enforcing the same and strong methodology. In February 2002 NACPA have transmitted instructions to these institutions requiring incumbency of consent of children legal representative both for visa and to border.

### ➤ *Street children*

Starting with June 2001, the measures that have been taken are more firm and coordinated. Thus, an intervention program for street children was elaborated which started by emergency measures (the “Home again” campaign) and which will continue as long as it is necessary to eradicate the phenomenon or to significantly reduce its proportions.

Those involved in these actions under the co-ordination of the General Secretariat of the Government are NACPA, specialized public services for child protection in all the sectors of Bucharest, Ministry of Internal Affairs, Bucharest Police Department, district town halls, Ministry of Health and Family, Bucharest Health Department, Bucharest Prefecture, Ministry of Transportation and Railway Police, as well as several serious NGOs.

NACPA ran a national interest program for the integration of street children, amounting to 15 billion ROL. Projects in 12 counties and 2 sectors of Bucharest have been funded. Specialized services with 3 to 10 street social workers have been set up in 6 Directorates for child protection.

Also, NACPA has elaborated together with the General Police Inspectorate “An action plan for the social reintegration of street children” including general objectives, operational objectives and short term and medium term activities, which entered into force on the 1<sup>st</sup> of November 2001.

In 2002, NACPA supports the activities of local authorities in this respect through a national interest program of 50 billion ROL, including the setting up of counseling and support services for parents, training sessions for foster parents for emergency/ crisis situations.

➤ *Children abandoned in maternity units or in hospitals*

Due to the increased number of children abandoned in hospitals, the National Authority for Child Protection and Adoption in collaboration with Ministry of Health and Family signed a collaboration protocol regarding “the prevention of abandonment of children and the improving of health status of children protected in institutions”. The protocol includes concrete measures, which will be taken by both institutions in order to provide mothers the adequate services.

➤ *The national health program for child and family*, in 2002, includes the following sub-programs:

- Increasing the access to the health reproductive services;
- Improving the quality of the prenatal consultation efficiency;
- Prophylaxis of the feriprive anemia at children and pregnant women;
- Prevention of cervix cancer;
- Prophylaxis of the human reproductive pathology by pre- and post-birth diagnosis;
- Prophylaxis of izo -immunization syndrome;
- Rehabilitation of peri-natal assistance;
- Prevention of the delays in the child development;
- Prophylaxis of the dystrophy at newborn and child;
- Prophylaxis of the nutritious rachitis at children;
- Surveillance of the health status of the children and adolescents communities;
- Health promotion for the woman and child at the community level;
- Prophylaxis of the treatment of some major children chronic diseases;
- Prophylaxis and treatment of some women chronic diseases, including prophylaxis and treatment of infertility.

Also, the Program includes IEC activities targeted to: family planning, prenatal care, breastfeeding, youth healthy behavior and domestic violence.

These sub-programs are preventive and have the purpose to improve the health status of women and children.

This program is a result of the integrated policies in the field of child protection contributing to the achievement of the overall objectives of the Governmental Strategy on Child Protection.

Also the Ministry of Health and Family finances the National Program of Public Health, which includes the National Program of Health Promotion. This program, through the National Network for Health Promotion (42 health promotion departments from the public health local directorates under the coordination of the Health Promotion Unit from the Ministry of Health and Family) includes, within the strategy of health promotion:

- information – education – communication campaigns for the healthy life style (tobacco, alcohol and drug use, HIV/AIDS and STD’s prevention, communicable and non-communicable diseases prevention, the fight against domestic violence, child abuse prevention, child abandonment prevention etc.), including mass-media campaigns.
- trainer of trainers programs targeted to teachers, journalists, social workers etc. for different domains (including alcohol and drug use)

The target population of the health promotion activities is the general population, or, by situation, Roma groups, parents, teachers or some other professional groups. The annual budget for the Health Promotion component in the last 2 years was aprox. \$700,000/year, from the Ministry of Health and Family.

➤ As far as *the children with HIV/AIDS* are concerned, during 2002 it was set up the National Commission for monitoring, control and prevention of the HIV/AIDS cases (Government Decision no.

285/21.03.2002). In the same field, the Parliament of Romania adopted Law no. 584/29.10.2002 regarding the measures for the prevention of the spreading of AIDS in Romania and for the protection of HIV/AIDS infected persons. This is the first of a kind Law in Europe regarding the protection of this category of persons. For the first time the children with AIDS benefit from a nutritional supplement for the food allowance in the hospitals for HIV/AIDS children. The amount of this allowance is 71.000 ROL/daily.

The necessary treatment for the HIV/AIDS infected children is provided through the health programs financed by the National Health House. The treatment and the supervision of its development are followed by the regional centers functioning in the university centers.

The number of certificated disabled children with HIV/AIDS is 2536, out of which 18 are institutionalized (as of 30.09.2002). All these children benefit from the rights stipulated for the severely disabled children (personal assistant, free urban transportation, 12 free railroad trips, state allowance for children increased by 100%, radio-tv, telephone). The monthly allowance for a child suffering of AIDS is 3.450.000 ROL. At this amount is added the monthly food allowance stipulated in Law 517/2002 (article 18, paragraph k).

The National Commission against AIDS together with the authorities involved in the field have decided to revise the National Strategy for combating the HIV infection for 2003-2005, allowing all infected persons to have access to the treatment, because an early treatment increases the chances of survival.

In the same time, an increased accent is placed on information and prevention, considering the fact that all HIV infected children will become sexually active and the possibility of heterosexual transmission of the disease among the population will grow. The Law no. 584/2002 stipulates penal sanctions for the voluntary transmission of HIV virus. The same Law envisages food allowances for the HIV/AIDS adults, this supporting their medical treatment.

All the measures envisaged by the National Strategy for combating the HIV infection have the purpose to limit the spreading of AIDS malady and to extend the survival period of the HIV infected persons.

➤ **Legislation policies and programs for children belonging to minority groups**

- Law on Education No. 84/1995, republished on the basis of Art. II of Law No. 151/1999 on the approval of Government Edict of Urgency No. 36/1997 for amending and completing Law No. 84/1995, published in the Official Gazette of Romania, Part I, No. 370/03.08.1999,
- General plan of Measures specific to the implementation of the “Strategy on the stimulation of participation at education of Roma children and youth”,
- Order No. 3031/2002 of the Minister of Education and Research
- Order No. 3342/2002 of the Minister of Education and Research
- Order No. 3229/2002 of the Minister of Education and Research
- Launching of the project “Secondary school textbooks for national minorities”
- Order No. 3638/2001 of the Minister of Education and Research
- Order No. 3670/2001 of the Minister of Education and Research
- Notification No. 30303/2001
- Notification No. 30706/2001
- Order No. 4318/2001 of the Minister of Education and Research
- Order No. 4319/2001 of the Minister of Education and Research
- Order No. 4320/2001 of the Minister of Education and Research
- Order No. 3084/2000 of the Minister of National Education
- Order No. 3113/2000 of the Minister of National Education
- Order No. 3294/2000 of the Minister of National Education
- Notification No. 27804/2000
- Note No. 28260/2000

***Program of the Ministry of Education and Research - “Access to education of the disadvantaged groups, especially Roma children”***

***Program of the Ministry of Education and Research in partnership with UNICEF Romania, Institute of Research on the Quality of Life and the Institute of Educational Sciences - “School attendance of Roma children”, - Program in partnership with UNICEF, ISE, ICCV and Romani Criss - “Good start in school”.***

The entire documentation regarding the in force legislation specific to the education of children belonging to minority groups and the related educational programs is presented at the Ministry of education and Research website [www.edu.ro](http://www.edu.ro), Education in the language of minorities.

#### ***Respect for the rights of children with disabilities***

With the view to ensuring equal chances of integration into the social life, children with disabilities are offered and enjoy the following rights:

- free and equal access to any kind of educational institution according to the in-force legislation;
- educational services to the unmovable children with disabilities throughout compulsory education;
- state allowance for children with disabilities;
- disabled children's/ students' free charge participation to school leisure camps;
- acquisition of show, museum, cultural and sports event tickets under the same conditions with the other students;
- medical assistance according to the Law no. 145/1997,
- free charge acquisition of medical equipment ,
- free public urban transportation and free inter-city public transportation ( 6 journeys/year).

#### ***Programs implemented to address the problems of children living with HIV/SIDA***

The Ministry of Education and Research, through the Department for Pre-university Education, has got preoccupation with the schooling of children living with HIV/SIDA, as following:

- providing them with schooling in public educational system;
- providing them with schooling in special educational system;
- providing them with schooling in special grades functioning in hospitals.

The educational curriculum specific to teaching – learning process is either the one of public education, or adapted, or the one particular to the special education. This curriculum interrelates to the **Personalized Intervention Program** which was elaborated by specialists in the field of special education. Moreover, each county School Inspectorate has concluded partnerships with non-governmental organizations specialized in this educational area with the view to facilitating equal changes of social integration.

#### ***Measures taken to counter the exploitation of children***

In the field of children's exploitation, the Ministry of Education and Research, through the Department for Extracurricular Activities and the Department for Pre-university Education, members of the National Committee of the International Program for Children's Illegal Labor Elimination, has got involved into the elaboration of the National Policy for the Elimination of Children's Labor, forwarding the following concrete proposals:

- providing poor students with school materials so as to quit labor;
- providing a flexible structure of the school year and adapting it to the specificity of the rural economic activities;
- introduction of educational programs meant to inform students and parents on the consequences of children's premature labor;
- development of the Counseling and Psycho-pedagogical Centers;
- school and professional reinsertion of the students who interrupted school courses.

Within the Ministry of Education and Research, the Department of Extracurricular Activities has devised the **"Parents' Clubs" project**. Organized in schools, the Parents' Clubs are designed as centers of documentation and especially counseling provided by form teachers, educational counselor and specialists, such as: doctors, lawyers, psychologists, sociologists etc.

The project aims:

- to involve parents in supporting the educational system and stimulating children to attend school courses;
- to provide specialty counseling to parents in order to help them solve crisis situation;
- to provide professional guidance and counseling to students.
- The objectives of the project focus on:
  - the institutionalization of an efficient dialogue between school and family;
  - prevention of family crises and communication difficulties;
  - parents' counseling on issues specific to different school ages;
  - parents' counseling on the problematic of child's trafficking and illegal work;
  - parents' involvement into school activities;
  - achievement of social – professional integration.

#### ***Drug abuse***

In September 2001, the Inter-minister Commission for the Illegal Consumption of Drugs was founded on the basis of a common order agreed on and signed by the ministers of education and research, health and family, internal affairs, public administration, sports and youth. The representatives of the above-mentioned ministries elaborated the National Strategy of Preventing the Illegal Consumption of Drugs.

The Ministry of Education and Research got involved into this activity through the Department for Extracurricular Activities

The Commission is responsible with the organization of the county centers of preventing the illegal consumption of drugs and the training of their members.

In the school year 2002 – 2003, a pilot project of preventing the illegal consumption of drugs has been implemented in several schools in Bucuresti, Cluj, Timisoara, Iasi, Constanta, Sibiu. 500 teachers and 20.000 students in the 7<sup>th</sup> grade have been involved into this project.

***Measures taken to implement policies and programs to prevent the phenomenon of street children***

As far as the elimination of the phenomenon of street children comes into question, the Ministry of Education and Research, through the Department for Extracurricular Activities, has elaborated the School Drop-Out Program which aims to:

- to emphasize the importance of basic education;
- to ensure the social and financial support for those students who dropped school out or have fallen under the incidence of the school drop-out risk;
- to evaluate the risk factors ( vulnerability, family and individual dynamics, social, cultural factors etc)
- to decrease the percentage of school drop-out gradually;
- to draw children back to school and to rehabilitate them;
- to develop a framework of legal social and protection systems for those students who dropped school out or have fallen under the incidence of the school drop-out risk;
- to elaborate social and economic policies to reduce and eliminate poverty.
- to involve community, media and other partners in financing projects directed to the eradication of this phenomena by making them aware of its consequences.

The program has been structured on four levels: educational, social, medical assistance and social assistance. It is intended to all school aged students who:

- dropped school out;
- are or have been marginalized;
- are or have been deprived of protection;
- are poorly educated;
- come from disadvantaged family;
- are orphans/have left home;
- belong to vulnerable minority groups.

The program is to be implemented in all schools, in children's palaces and clubs, through specific urban/rural projects according to the needs specific to each area.