



Convention on the  
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: Romania

1. The Committee considered the second periodic report of Romania (CRC/C/65/Add.19) at its 844th and 845th meetings (see CRC/C/SR.844 and 845), held on 20 January 2003, and at its 862nd meeting, held on 31 January 2003, adopted the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the State party's second periodic report, which followed the reporting guidelines of the Committee. It also welcomes the timely submission of the written replies to the list of issues (CRC/C/Q/ROM/2), which were detailed, informative and provided a clearer understanding of the situation of children in Romania. The Committee appreciates the presence of a high-level and cross-sectoral delegation, which contributed to a frank and open dialogue.

**B. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee welcomes:

(a) The enactment of new legislation and the adoption of various national strategies and programmes, such as: Decision No. 347/2002 on national interest programmes in the field of child protection, concerning street children and institutionalized children; Law No. 678/2001 concerning trafficking of persons; Law No. 197/2000 on domestic violence and child abuse; the national health programme for the child and the family; the national strategy for combating HIV/AIDS; and various programmes for minorities, particularly the Roma population;

(b) The ratification of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict;

(c) The ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(d) The ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

### **C. Factors and difficulties impeding the implementation of the Convention**

4. The Committee notes that the State party continues to experience difficulties related to the transition to a market-oriented economy, including high unemployment, growing poverty, coupled with a deterioration in primary health care and other services, which negatively affect families with children.

### **D. Principal subjects of concern and recommendations**

#### **1. General measures of implementation**

#### **Previous concluding observations**

5. The Committee regrets that many of the concerns expressed and recommendations (CRC/C/15/Add.16) it made upon consideration of the State party's initial report (CRC/C/3/Add.16) have been insufficiently addressed. The Committee notes that many of those concerns and recommendations are reiterated in the present document, such as discrimination between girls and boys in relation to the minimum age of marriage, that the 1954 Family Code and the legislation on adoption have yet to be revised, and discrimination against children belonging to the Roma community.

**6. The Committee urges the State party to make every effort to implement those recommendations in the concluding observations on the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.**

#### **Legislation**

7. The Committee is encouraged by the new bills in preparation and enacted legislation which are listed in the written replies. However, it is concerned that insufficient effort has been made to ensure their effective implementation, including by the provision of adequate resources.

**8. The Committee recommends that the State party strengthen the mechanisms for the implementation of all legislation relevant to the Convention, taking into account training needs, monitoring mechanisms and the provision of adequate resources.**

### **National plan of action and coordination**

9. Despite the adoption of various national plans and strategies concerning children's rights, the Committee is concerned that the implementation of the Convention has been ineffective. This is due in large part to insufficient allocation of resources, a lack of a comprehensive, human rights-based national plan and poor coordination.

10. **The Committee recommends that the State party:**

(a) **Elaborate a comprehensive, human rights-based national plan of action that covers all the principles and provisions of the Convention, and is accorded adequate human and financial resources;**

(b) **Strengthen the National Authority for Child Protection and Adoptions, providing it with the necessary human and financial resources and a strong mandate to ensure effective coordination of national and international activities for the implementation of the Convention.**

### **Independent monitoring structures**

11. The Committee notes the establishment of the Ombudsman in 1997 and the fact that he has dealt with cases of violations of children's rights. It also notes that, according to the statement of President Iliescu at the United Nations General Assembly special session on children, held in 2002, the draft law on children's rights includes the establishment of an ombudsperson for children.

12. **The Committee recommends that the State party:**

(a) **Continue and complete, as soon as possible, its plans to establish an ombudsperson for children, taking into account the Committee's General Comment No. 2 on the role of national human rights institutions in the implementation of the Convention;**

(b) **Provide this body with adequate human and other resources for the performance of its independent monitoring role;**

(c) **Ensure appropriate coordination of the activities of this institution with the Ombudsman.**

### **Resource allocations**

13. The Committee is concerned that budget allocations for health and education remain low and that children living in rural areas may be disproportionately affected. In particular, it notes that some counties and communities are economically disadvantaged vis-à-vis others and are therefore unable to provide their children with an adequate level of services.

14. **In the light of article 4 of the Convention, the Committee recommends that the State party:**

(a) **Increase the budget for the implementation of children's rights, prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children in particular those from socially marginalized groups, to the maximum extent of its available resources;**

(b) **Noting decentralization in the provision of social services, and taking into account article 2 of the Convention, ensure sufficient resource allocation (e.g. human and financial) for the full implementation of the Convention throughout the State party, especially for disadvantaged counties and communities.**

#### **Data collection**

15. The Committee welcomes the recent initiatives related to a coordinated data collection system such as the Child Monitoring and Tracking Information System (CMTIS) for the planning and delivery of child welfare services. However, it expresses concern at the lack of an efficient, systematic and comprehensive compilation of data on all areas covered by the Convention for all persons under 18.

16. **The Committee recommends that the State party strengthen CMTIS to ensure that disaggregated data is systematically collected for all areas covered by the Convention and covers all persons under 18, with specific emphasis on those who are in need of special protection. Such data should be used to monitor and evaluate progress achieved in the implementation of the Convention. The Committee recommends that the State party seek technical assistance from the United Nations Children's Fund (UNICEF) in this regard.**

#### **Training/dissemination of the Convention**

17. The Committee notes the efforts undertaken by the State party to disseminate the Convention and to train professionals working with and for children, in line with its previous recommendation (CRC/C/15/Add.16, para. 22). However, it is of the opinion that measures to create widespread awareness and understanding of the principles and provisions of the Convention need to be further strengthened and implemented on an ongoing, systematic basis.

18. **The Committee recommends that the State party:**

(a) **Continue and strengthen its efforts to provide adequate and systematic training and sensitization regarding children's rights for persons working with and for children (e.g. parliamentarians, judges, lawyers, law enforcement officials, health personnel, teachers, school and institution administrators and staff, social workers);**

(b) **Continue to develop methods to promote the Convention, in particular at the local level, and to support the activities carried out by non-governmental organizations (NGOs) in this regard.**

## **Cooperation with NGOs**

19. The Committee notes the good relations established between the Government and civil society, aimed at cooperating in the implementation of the Convention.

20. **Noting the important role civil society plays as a partner in implementing the provisions of the Convention, particularly at the local level, the Committee recommends that the State party undertake greater efforts to facilitate closer cooperation with NGOs, including through the simplification of administrative procedures required for them to operate. In this regard, in relation to the accreditation of NGOs the Committee encourages the State party to consider its recommendations made at its day of general discussion on the theme “The private sector as service provider and its role in implementing child rights” (CRC/C/121, paras. 630-653).**

## **2. Definition of the child**

21. The Committee is concerned that, despite its previous recommendation (CRC/C/15/Add.16, para. 8), and the concerns expressed by the Committee on the Elimination of Discrimination against Women (CEDAW) (A/55/38, para. 318), the disparity in the minimum age of marriage for boys (18 years) and girls (16 years, and exceptionally 15) is discriminatory.

22. **The Committee reiterates its previous recommendation to the State party to raise the minimum age of marriage for girls to that of boys. It also recommends that data, disaggregated by age, on instances of marriage of girls under 18 be collected.**

## **3. General principles**

23. The Committee is concerned that the general principles contained in the Convention, namely the right to non-discrimination (art. 2), the best interests of the child as a primary consideration (art. 3), the right to life, survival and development of the child (art. 6) and respect for the views of the child according to age and maturity (art. 12) are not fully reflected in the State party's legislation, policies and programmes at the national and local levels.

24. **The Committee recommends that the State party:**

(a) **Appropriately integrate the general principles of the Convention, namely articles 2, 3, 6 and 12, into all relevant legislation concerning children;**

(b) **Apply those principles in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children;**

(c) **Apply those principles in planning and policy-making at every level, as well as in actions taken by social and health welfare and educational institutions, courts of law and administrative authorities.**

### **The right to non-discrimination**

25. While welcoming the adoption of the new legislation (Law No. 48/2002) and other efforts to counter discrimination and address the concerns expressed by the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.85, paras. 9-16), the Committee is concerned that the principle of non-discrimination is not fully implemented for all children in all parts of the State party, and that unequal enjoyment of economic, social, cultural, civil and political rights persists (i.e. for children with disabilities, children living with HIV/AIDS, children in care institutions, children in detention, asylum-seeker and refugee children, foreign children, children between 16 and 18 years, children from poor households, and children belonging to Roma and other minority groups).

**26. The Committee reiterates its previous recommendations (CRC/C/15/Add.16, paras. 10, 19 and 21) that measures be taken to address effectively discriminatory attitudes or prejudices, in particular towards children belonging to the above-mentioned vulnerable groups. It also recommends that the State party implement fully and effectively already adopted legal measures to prevent discrimination and to ensure that the Constitution is in full conformity with article 2 of the Convention.**

**27. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, taking account of the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

### **Best interests of the child**

28. The Committee notes the information provided by the State party that the principle of the "best interests of the child" lies at the foundation of its strategy in the field of child protection. However, it remains concerned that this is not fully incorporated into legislation.

**29. The Committee, in line with its previous recommendations (ibid., para. 14), recommends that the State party ensure that the best interests of the child shall be a paramount consideration in all legislation and policies affecting children, and take proactive measures to promote the full understanding and practical implementation of this principle.**

### **Child participation and respect for the views of the child**

30. The Committee notes the State party's efforts to ensure that administrative and judicial proceedings take into account the views of the child, but remains concerned that traditional attitudes towards children in society still limit the respect for their views within the family, at schools, in institutions and at the community government level.

31. **The Committee recommends that the State party:**

(a) **Promote within the family, schools, institutions, as well as in judicial and administrative procedures, respect for the views of children and facilitate their participation in all matters affecting them, in accordance with article 12 of the Convention;**

(b) **Provide educational information to parents, teachers, government administrative officials, the judiciary, children themselves and society at large on the right of children to have their views taken into account and to participate in all matters affecting them;**

(c) **Regularly review the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes.**

#### **4. Civil rights and freedoms**

##### **Name and nationality**

32. The Committee notes that Law No. 119/1996 includes special provisions for the issuance of birth certificates to abandoned children found in hospitals. However, the Committee remains concerned at the lack of measures to prevent non-registration of children and at the high number of stateless persons, in particular among the Roma.

33. **The Committee recommends that the State party:**

(a) **Strengthen efforts to ensure birth registration of all children, paying particular attention to occurrences of non-registration of Roma children;**

(b) **Take further measures, in accordance with article 7 of the Convention, to facilitate applications for citizenship and resolve the situation of stateless children;**

(c) **Ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.**

##### **Torture and other cruel, inhuman or degrading treatment or punishment**

34. The Committee is concerned at the high number of allegations of children being ill-treated and tortured by law enforcement officials, received by the Special Rapporteur on the question of torture. The Committee regrets that the majority of these allegations have not been responded to and is concerned that they may not have been effectively investigated by an independent authority. Furthermore, the Committee is concerned that cooperation with the Special Rapporteur in this respect has been insufficient.

35. **The Committee recommends that the State party:**

(a) **Investigate all allegations of torture and other cruel, inhuman or degrading treatment or punishment of children and make all efforts to fully cooperate with the Special Rapporteur on the question of torture;**

(b) **Ensure the inadmissibility of evidence obtained through the use of torture;**

(c) **Bearing in mind the previous recommendation of the Committee (CRC/C/15/Add.16, para. 20), undertake measures to follow-up on the recommendations made by the Human Rights Committee (CCPR/C/79/Add.111, para. 12);**

(d) **Take immediate measures to stop police violence against all children and challenge the prevailing culture of impunity for such acts;**

(e) **Take legislative or other measures to prohibit all forms of torture and other cruel, inhuman or degrading treatment or punishment;**

(f) **Provide care, recovery, reintegration and compensation for victims of torture.**

## **5. Family environment and alternative care**

### **Family environment**

36. The Committee notes the information provided by the State party, including the adoption of a government strategy for 2001-2004 focusing on providing support to families, the National Anti-Poverty Plan for Strengthening Social Inclusion, and the disbursement of numerous financial benefits for children and families. However, widespread poverty continues to be a major challenge for the State party, affecting all sectors of society, in particular urban households with many children. The Committee notes with concern that poverty is a contributing factor to family breakdowns, the growing numbers of single parent families, parental abuse and neglect and the phenomenon of children being placed in institutional care or abandoned by parents with no adequate means to raise them.

37. **The Committee recommends that the State party:**

(a) **Develop a comprehensive child-centred family policy;**

(b) **Strengthen its efforts to comprehensively protect children's right to a secure family environment, and ensure, through a comprehensive new children's act, effective protection of children and access of all children and parents to financial assistance, having due regard to article 18, paragraph 2, of the Convention;**

(c) **Improve social assistance and support to families through advice and education to promote positive child-parent relationships;**



**(d) Take effective measures, including the development of strategies and awareness-raising activities, to prevent and reduce the abandonment of children;**

**(e) Strengthen preventive measures, such as supporting the role of families and communities in order to help eliminate the social conditions leading to such problems as delinquency, crime and substance abuse;**

**(f) Provide support to families and young pregnant girls;**

**(g) Undertake campaigns to reinforce the responsibilities of fathers to their children.**

#### **Alternative care**

38. The Committee notes the introduction of the government programme of deinstitutionalization of children initiated in 2001, and welcomes the information that over the past two years many institutions have been closed down. Nevertheless, it remains concerned:

(a) At the very low quality of care and the harsh conditions in some of these institutions;

(b) That children may be removed from their families because of their health status, or the difficult economic situation faced by their parents;

(c) That alternative care, such as foster care, or other forms of family-based alternative care, are not sufficiently developed and available;

(d) That children lack effective mechanisms to which they can communicate concerns and complaints about their placement;

(e) That children who are cared for in institutions for many years, until the age of 18, are not provided with the educational and vocational skills necessary for them to make an independent living once they leave the institution.

39. **The Committee recommends that the State party:**

**(a) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care, by providing greater financial assistance and increasing the counselling and support mechanisms for foster families;**

**(b) Place children in institutions only as a measure of last resort and as a temporary measure;**

**(c) Take all necessary measures to improve conditions in institutions;**

**(d) Increase the effective participation of children living in institutions;**

- (e) Guarantee the right to periodic review under article 25 of the Convention;**
- (f) Provide adequate follow-up and reintegration support and services for children who leave institutional care;**
- (g) Establish procedures to ensure that children currently residing in institutions that are being closed down are fully informed and able to participate in deciding their future placement, and that these children retain their rights to social protection;**
- (h) Improve the training of social workers to enhance their ability to intervene and assist children.**

### **Adoption**

40. The Committee welcomes the initiatives undertaken to follow up on the previous recommendations of the Committee (CRC/C/15/Add.16, para. 18) and notes that adoption legislation is being revised. The Committee further notes that intercountry adoptions were suspended in October 2001, but that this suspension was not absolute since more than 1,500 intercountry adoptions took place in 2002 and 600 such cases are currently under consideration.

41. **The Committee recommends that the State party:**

- (a) Expedite the adoption of the revised law on adoption and ensure that this new legislation is in full conformity with the Convention and other international standards, in particular the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption;**
- (b) Ensure that sufficient human and other resources are made available for the effective implementation and monitoring of the new adoption legislation;**
- (c) Ensure that the cases of intercountry adoption still under consideration are dealt with in full accordance with the principles and provisions of the Convention, in particular article 21, and the Hague Convention of 1993;**
- (d) Explore ways to encourage national adoptions so that recourse to intercountry adoption becomes a measure of last resort.**

### **Abuse/neglect/maltreatment**

42. The Committee notes the recent efforts of NGOs related to prevention of child abuse and neglect, as well as the statement made by the Head of State to the United Nations General Assembly special session on children referring to envisaged special measures to prevent child abuse. Nevertheless, the Committee reiterates its previous concern (CRC/C/15/Add.16) at the apparent limited effectiveness of measures to raise awareness about the harmful consequences of neglect and abuse, including sexual abuse, in the family, schools and institutions, as well as to tackle these problems. The Committee concurs with the concerns of

CEDAW related to the increase in violence against women, and that domestic violence against women may lead to child abuse in the family. It is also concerned that corporal punishment and other forms of abuse and neglect continue to be used in the family.

43. **The Committee recommends that the State party:**

- (a) **Expressly prohibit corporal punishment in the home, school and institutions;**
- (b) **Promote alternative methods of discipline;**
- (c) **Establish effective procedures and mechanisms for receiving, monitoring and investigating cases of abuse, ill-treatment and neglect and for prosecuting offenders, ensuring that the abused child is not victimized in legal proceedings and that his or her privacy is protected;**
- (d) **Strengthen the reporting system, through the training of teachers, law enforcement officials, care workers, judges and health professionals, in the identification, reporting and handling of cases of ill-treatment;**
- (e) **Ensure the provision of support services to child victims in legal proceedings;**
- (f) **Ensure the physical and psychological recovery and social reintegration of child victims, in accordance with article 39 of the Convention;**
- (g) **Reinforce its efforts to prevent and combat domestic violence and abuse, including through awareness-raising campaigns designed to change public attitudes.**

## **6. Basic health and welfare**

### **Health care**

44. The Committee is encouraged by the adoption of a National Strategy for the health sector by the Ministry of Health and Family in December 2001 and by its aims and goals as noted in the written replies to the list of issues. It further welcomes the cooperation of the State party with international organizations in the domain of health care. Nevertheless, the Committee is deeply concerned:

- (a) At the poor quality and accessibility of primary health-care services, especially in rural areas, and for poor households;
- (b) At the high infant mortality rate, particularly in rural areas;
- (c) That a high proportion of under-5 deaths are due to preventable causes;
- (d) At the high rate of child morbidity as a result of accidents, including traffic accidents.

45. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to implement the National Strategy for the health sector through adequate and sustainable allocation of resources (e.g. human and financial), including training of sufficient numbers of health-care professionals, provision of adequate salaries for health-care workers, and investments in health-care infrastructure, especially in the most disadvantaged areas;**

(b) **Improve effectiveness of antenatal care, maternal health education and immunization programmes;**

(c) **Strengthen efforts to raise awareness through public information campaigns about accident prevention;**

(d) **Strengthen coordination between governmental and non-governmental actors, and continue to work closely with United Nations agencies in this respect.**

**Adolescent health**

46. The Committee is concerned at:

(a) The limited availability of programmes and services in the area of adolescent physical and mental health;

(b) The number of suicides;

(c) The high number of young mothers and of abortions among teenage girls;

(d) The high rate of sexually transmitted diseases;

(e) The alarming increase in the number of children addicted to drugs, the high rate of smoking and alcohol consumption and the lack of awareness of the problems caused by these negative behaviours.

47. **The Committee recommends that the State party:**

(a) **Provide for adolescents' access to medical counselling and advice without parental consent, taking into consideration the evolving capacities of the child;**

(b) **Establish comprehensive family planning programmes, as well as undertake measures to ensure that abortion is neither perceived nor practiced as a method of contraception, such as through campaigns to raise awareness of the importance of contraceptive use to reduce the number of unwanted pregnancies;**

(c) **Ensure availability of mental health assistance to children, taking into consideration their developmental needs;**

**(d) Undertake all the necessary measures to address the rise in alcohol abuse and smoking, including through media campaigns.**

### **Children with disabilities**

48. The Committee is concerned that disabled children in Romania remain disadvantaged in the enjoyment of their rights guaranteed by the Convention. The Committee is concerned, among other things, that:

(a) Children with disabilities often have serious difficulty in obtaining transportation and in gaining access to public buildings, including hospitals and schools;

(b) Despite the efforts of the State party to promote inclusion, disabled children in practice have limited access to formal education;

(c) The process of certification of disability is reportedly degrading;

(d) Other than medical doctors, there is a lack of professionally qualified experts caring for children with disabilities.

49. **The Committee recommends that the State party:**

**(a) Review existing policies and practice in relation to children with disabilities, taking due account of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its day of general discussion on the theme "The rights of children with disabilities" (CRC/C/69, paras. 310-339);**

**(b) Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level;**

**(c) Undertake greater efforts for inclusive education of children with all forms of disability and seek greater involvement of local communities in the process;**

**(d) Improve the physical accessibility of schools, and other public buildings;**

**(e) Undertake greater efforts to promote and expand community-based rehabilitation programmes, including parent support groups;**

**(f) Strengthen public awareness campaigns to change the negative public attitudes;**

**(g) Seek assistance from, among others, UNICEF and the World Health Organization.**

## **HIV/AIDS**

50. The Committee welcomes the efforts of the State party, undertaken in cooperation with United Nations partners, to combat HIV/AIDS, but remains concerned at:

(a) The incidence of HIV/AIDS among young children and the high rate of new infections affecting young people, particularly among minorities;

(b) The fact that treatment, although free, is provided only to a limited number of children and may lack continuity due to funding limitations.

51. **The Committee recommends that the State party:**

(a) **Actively pursue its ongoing activities supported by the Joint United Nations Programme on HIV/AIDS and UNICEF to counter HIV/AIDS;**

(b) **Ensure that medicine is available without delays in or interruptions of treatment, and that the salaries of caregivers are paid fully and without delay;**

(c) **Take due account of the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37).**

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

52. The Committee notes the initiatives to launch special programmes and provide free textbooks and school materials, as well as meals to encourage school enrolment and attendance. However, the Committee is concerned that:

(a) The number of children from rural areas and the percentage of girls dropping out of school are disproportionately high;

(b) The curricula and teaching methodology, including in pre-school education, do not sufficiently reflect the aims of education contained in article 29, paragraph 1 of the Convention;

(c) School bullying and violence against and by children persist;

(d) Children belonging to certain categories do not benefit from equal opportunities as concerns education (i.e. children from less favoured families, children with disabilities, children affected by HIV/AIDS, children living in the streets and the Roma and refugee children).

53. **The Committee recommends that the State party, taking into account the Committee's General Comment No. 1 on the aims of education:**

(a) **Make every effort to increase the length of compulsory education;**

- (b) Make every effort to ensure that compulsory education, and possibly secondary education, is free for all children;**
- (c) Increase the education budget to the maximum extent of its available resources, including through additional international cooperation;**
- (d) Strengthen the institutional capacity of State education, including with regard to administration, management, educational planning and the training of teachers and other staff;**
- (e) Take steps to strengthen education infrastructure and resources, also with a view to reducing disparities between urban and rural areas;**
- (f) Promote violence-free schools;**
- (g) Ensure that education, including early childhood education, is directed towards the development of the child's personality, talents and mental and physical abilities to their fullest potential;**
- (h) Ensure that the school curricula and teaching methodology are child-centred and that they stress the importance of critical thinking and problem-solving skills development;**
- (i) Take steps to significantly increase the number of children completing secondary education.**

## **8. Special protection measures**

### **Refugee and internally displaced children**

54. The Committee notes:

- (a) That the legislation (Law 48/2002) provides special protection for vulnerable persons, but remains concerned that de facto discrimination persists regarding access to education, health care and social benefits;**
- (b) That there have been reports of cases of arbitrary detention and threatened expulsion.**

55. **The Committee recommends that the State party:**

- (a) Ensure the availability of Romanian language courses, as stipulated by law, to facilitate the integration of asylum-seeker and refugee children in the education system;**
- (b) Consider preferential treatment for refugees to benefit from exemptions from reductions in tuition fees for upper secondary and university education;**

**(c) Fully uphold their international obligations concerning lawful detention as well as the principle of non-refoulement;**

**(d) Continue cooperation with the Office of the United Nations High Commissioner for Refugees in this respect.**

### **Economic exploitation**

56. The Committee is encouraged by the ongoing efforts of the Special Representative, in cooperation with ILO and others (ILO International Programme on the Elimination of Child Labour (IPEC) - Romania at a glance May 2002), aimed at addressing the problem of child labour in Romania. However, the Committee is concerned that the number of children working in the city streets, in rural areas and households is still high, and that:

(a) As a means of overcoming poverty many children, as young as 6 years, are engaged in regular work;

(b) Some children entitled to work do work in very poor conditions, including without insurance or social security benefits, with very low wages, for long hours and in dangerous and/or abusive conditions.

57. **The Committee recommends that the State party, in accordance with article 32 of the Convention, and ILO Conventions Nos. 138 concerning the Minimum Age for Admission to Employment and 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which the State party has ratified:**

(a) **Take immediate and effective steps to ensure the implementation of article 32 of the Convention, and ILO Conventions Nos. 138 and 182, taking due account of ILO Minimum Age Recommendation, 1973 (No. 146) and the Worst Forms of Child Labour Recommendation, 1999 (No. 190);**

(b) **Continue its cooperation with IPEC, as well as strengthen its cooperation with and support for NGOs working in this area.**

### **Sexual exploitation and trafficking**

58. The Committee notes the establishment in 2001 of a national Task Force on Trafficking, the adoption of a national plan of action on trafficking, as well as the increased efforts of the State party to cooperate in regional programmes to prevent trafficking and assist victims. Nevertheless, the Committee is concerned that Romania continues to be a country of origin, of transit and, to a lesser extent, of destination for trafficked children, as also noted by CEDAW, in June 2000 (A/55/38, paras. 308-309).

59. **The Committee recommends that the State party:**

(a) **Accelerate and ensure sufficient resources and qualified staff for the effective implementation of the National Action Plan for Combating Sexual Exploitation of Children**



**for Commercial Reasons, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;**

**(b) Ensure that all persons under 18 years involved in prostitution and the production of pornographic materials are not criminalized and enjoy full protection;**

**(c) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints, in a child-sensitive manner;**

**(d) Ensure that all victims of trafficking and forced prostitution have access to appropriate recovery and reintegration programmes and services.**

### **Street children**

60. The Committee is encouraged by the ongoing initiatives to decrease the number of street children, including the “ Home Again” campaign. However it is concerned that there remain large numbers of children living on the street in urban areas, and in particular that:

(a) They are vulnerable to, among other things, sexual abuse, violence, including from the police, lack of access to education, substance abuse, sexually transmitted diseases, HIV/AIDS and malnutrition;

(b) Institutionalization is frequently resorted to;

(c) There is a lack of services, including recovery and reintegration services, specialized personnel and shelters.

61. **The Committee recommends that the State party:**

**(a) Strengthen its efforts to prevent and reduce this phenomenon;**

**(b) Make additional efforts to provide protection to street children and to ensure their access to education and health services;**

**(c) Strengthen efforts to assist children in leaving the street, placing greater emphasis on alternatives to institutionalization, family reunification and recovery and reintegration services, under the lead of the Ministry of Labour and Social Welfare;**

**(d) Continue to collaborate with NGOs working in this area.**

### **Juvenile justice**

62. Although encouraged by information from the delegation that the State party is undertaking reforms in the area of juvenile justice, the Committee remains concerned that:

(a) There are no judges specially trained and appointed for cases involving minors, nor are there prosecutors specializing in investigating juvenile delinquents;

- (b) A high number of children are in pre-trial detention;
- (c) The prosecutor has discretionary powers to deny a detainee access to a lawyer for up to five days in the interest of an investigation;
- (d) Very few children are dealt with by diversionary or alternative measures;
- (e) There is a serious lack of capacity within the judicial system to provide rapid intervention or trial, as needed, for juvenile offenders.

**63. The Committee recommends that the State party:**

**(a) Ensure that the ongoing reforms establish a juvenile justice system that has adequate human and financial resources and fully integrates international juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the Guidelines for Action on Children in the Criminal Justice System;**

**(b) Ensure that the system of juvenile justice is adequately resourced;**

**(c) Ensure that no children are detained illegally and that when detention is necessary, as a measure of last resort, children are detained separately from adults;**

**(d) Promote alternative measures for dealing with children without resorting to judicial proceedings, provided human rights safeguards are respected;**

**(e) Strengthen the capacity of the juvenile justice system to provide a timely response;**

**(f) Guarantee that children in pre-trial detention will not be denied access to a lawyer.**

**Roma children**

64. The Committee welcomes the implementation of strategies aimed at improving Roma children's rights to health-care services and inclusion in education (e.g. through the use of health and education mediators and supportive tuition in the Roma language). The Committee also welcomes Roma NGO participation in improving the rights of their children. However, it remains concerned at the negative attitudes and prejudices of the general public, in the political discourse and media representations as well as at incidents of police brutality and discriminatory behaviour on the part of some teachers and doctors.

65. In accordance with articles 2 and 30 of the Convention, the Committee recommends that the State party:

(a) Initiate campaigns, at all levels and in all regions, aimed at addressing the negative attitudes towards the Roma in society at large, in particular among authorities such as the police and professionals providing health care, education and other social services;

(b) Based on the evaluation of previous strategies, develop and implement a comprehensive strategy for improving access to primary health care, education and social welfare services, in cooperation with Roma NGO partners, and targeting the whole Roma child population;

(c) Develop curriculum resources for all schools, including in relation to Roma history and culture, in order to promote understanding, tolerance and respect for Roma in Romanian society.

#### **9. Dissemination of the report, written answers and concluding observations**

66. In the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations thereon adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned NGOs.

#### **10. Next report**

67. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the Committee has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 27 October 2007, date on which the fourth periodic report is due. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

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