



28/02/2011

RAP/RCha/RO/X(2011)

## **REVISED EUROPEAN SOCIAL CHARTER**

10th National Report on the implementation of  
the Revised European Social Charter

submitted by

**THE GOVERNMENT OF ROMANIA**

(Articles 8, 17 and 27  
for the period 01/01/2005– 31/12/2009;  
(Articles 7, 16 and 19  
for the period 01/01/2005– 31/12/2009)

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Report registered by the Secretariat on 23 February 2011

**CYCLE 2011**

**ROMANIA**

**THE 10<sup>th</sup> NATIONAL REPORT  
ON IMPLEMENTATION  
OF THE REVISED EUROPEAN SOCIAL CHARTER**

**SUBMITTED BY THE GOVERNMENT OF ROMANIA  
for the period 1 January 2005 to 31 December 2009 on the Group 4 of the Revised European  
Social Charter articles, „Children, families and migrants”:  
7, 8, 16, 17, 19 (par. 7 and 8) and 27 (paragraph 2)**

In accordance with Article C of the Revised European Social Charter and Article 21 of the European Social Charter, the measures taken to implement the agreed provisions of the Revised European Social Charter, ratified on 7 May 1999

In accordance with Article C of the Revised European Social Charter and Article 23 of the European Social Charter, copies of this report have been communicated:

**To all trade unions and employers' organizations representative at national level**

## **Article 7 The right of children and young persons to protection**

**The Committee concludes that the situation in Romania is not in accordance with Article 7 §1 of the revised Charter for the following reasons:**

- **young people employed as domestic personnel are not covered by labor legislation**
- **prohibition of the employment of people under the age of 15 is not guaranteed in practice because of ineffective implementation of the legislation.**

### **Legal framework**

As compared to previous reports, the following legislative changes have been introduced:

**During the reporting period (2005-2009) came into force the following labour law regulations relevant to the application of Articles 7 and 8 of ESCR:**

- *Law no 319/2006 on workers safety and health at work;*
- *Government Decision no.1425/2006, (republished) with its subsequent modifications and completion on the approval of the Methodological Norms concerning the enforcement of the provisions of Law no. 319/2006 on workers safety and health at work;*
- *Order of the Minister of Labour, Social Solidarity and Family no. 753/2006 on the protection of young people at work;*
- *Government Decision (GD) no 600/2007 on the protection of young people at work;*
- *Government Emergency Ordinance (GEO) no. 65/2005, approved with modifications and completions through Law 371/2005 on amending and supplementing Law no. 53/2003 - Labour Code;*
- *Government Decision no. 867/2009 on the prohibition of hazardous work for children, (republished) with its subsequent modifications and completions.*

Romania has transposed into national legislation the provisions of Directive 94/33/EC on the protection of young people at work through GD nr.600/2007. The provisions of this decision aimed at protecting young people against economic exploitation, any work likely to harm their safety, health or physical, mental, moral or social development or to jeopardize their education and apply to any person under the age of 18 who has completed an individual employment contract in accordance with the legislation in force.

Under those rules, the employer is obliged to provide young people working conditions appropriate to their age.

In accordance with the provisions of Article 3, we have the following terms and definitions:

- 'young person' - any person aged between 15 and 18 years
- "child" - any person who has not attained the age of 15 years or any young person aged between 15 and 18 years who is still attending compulsory full-time education under national law;
- 'working time' - any period during which the young person is at work, is available to the employer and carries out his/her activity or duties in accordance with the individual labour contract, applicable collective agreement and/or legislation in force;
- 'rest period' - any period which is not working time.

**In order to ensure effective exercise of the right of children and young persons to protection, the Parties undertake:**

1. to establish 15 years as the minimum age for employment, however, exceptions are allowed for children employed in prescribed light work that may not prejudice their health, morals or education;
2. to set at 18 years the minimum age for employment for certain occupations regarded as dangerous or unhealthy.

According to the art.4 of the GD 600/2006, the employer is obliged to provide young people the working conditions adapted to their age.

According to the provisions of art. 6:

- (1) The employer is obliged to take measures to ensure safety and health of young people, considering in particular the specific risks referred to in art. 9.
- (2) The employer must implement the measures referred to in par. (1) based on risk assessment young people and their work are exposed to.
- (3) The assessment referred to in par. (2) must be made before young people begin work and at any significant change in working conditions and should address the following main elements:
  - a) work equipment as well as workplace and workstation organization;
  - b) nature, level and duration of exposure to physical, biological and chemical agents;
  - c) organization, classification and use of work equipment, in particular the agents referred to at letter b), machinery, apparatus and appliances, and their handling;
  - d) establishing work procedures and work conduct and their interaction, respectively labor organization,
  - e) level of training and education offered to young people.
- (4) If the assessment under par. (2) demonstrates a risk to health, safety or physical or mental development of young people, the employer is required to provide assessment and supervision of young people's health at regular intervals, free of charge and appropriate, in accordance with existing regulations.

According to Art. 7:

- (1) The employer must inform the young people, in writing, about the potential risks and about all measures taken regarding their safety and health.
- (2) The employer must inform the parents or legal representatives of children employed under the terms of art. 5. (3), in writing, about all measures taken regarding their safety and health.

Article 9, stipulates that:

- (1) The employer is required to protect young people against specific risks to their safety, health and development, the risks arising from their lack of experience, insufficient awareness of existing or potential risks or the fact that young people are still under development.
- (2) Without prejudice to art. 5. (A) and the purposes specified in par. (1) employment of young people is prohibited for activities that:
  - a) clearly exceed their physical or psychological capacity;
  - b) involve harmful exposure to toxic agents, carcinogens, which causes heritable genetic damage, being harmful to the foetus during pregnancy or having any chronic adverse effect on human;
  - c) involve harmful exposure to radiation;
  - d) present risk of accidents, which it is assumed that the young people can not identify or prevent, because they give insufficient attention to safety at work, the lack of experience or training;
  - e) put in danger their health due to extreme cold or heat or due to noise or vibration.

(3) Among the activities and processes which are likely to entail specific risks for young people within the meaning of paragraph. (1) are included in particular:

- a) work involving harmful exposure to the physical, biological and chemical agents referred to in section I of the Annex
- b) processes and activities referred to in section II of the Annex.

## ANNEX 1

List of agents, processes and work that could lead to specific risks to young people safety, health and development, which are referred to in **Art. 9** of the decision

### I. Agents

#### 1. Physical agents

- (a) Ionizing radiation;
- (b) Work in a high-pressure atmosphere, e. g. in pressurized containers, diving.

#### 2. Biological agents

Biological agents from groups 3 and 4 within the meaning of Government Decision no. 1092/2006 on the protection of workers from risks related to exposure to biological agents at work

#### 3. Chemical agents

a) Substances and preparations classified as toxic (T), very toxic (Tx), corrosive (C) or explosive (E), according to Emergency Government Ordinance no. 200/2000 on the classification, packaging and labelling of dangerous chemical preparations and substances, approved with amendments by Law no. 451/2001, with subsequent amendments and supplemented (normative act repealed by the Emergency Ordinance no.145/4 November 2008), the Government Decision no. 490/2002 for the approval of the application of Government Emergency Ordinance no. 200/2000 regarding the classification, labelling and packaging of dangerous chemical substances and preparations, as amended and completed, (normative act repealed by Emergency Ordinance no.145/4 November 2008) and the Government Decision no. 92/2003 regarding the approval of Methodological Norms for classification, packaging and labelling of chemical dangerous substances.

(b) Substances and preparations classified as harmful according to the normative acts stipulated at

a) involving the following risks:

- can cause very serious irreversible effects (R39);
- can cause irreversible effects (R40);
- may cause sensitization by inhalation (R42);
- may cause sensitization by skin contact (R43);
- may cause cancer (R45);
- may cause heritable genetic damage (R46);
- can cause serious damage to health by prolonged exposure (R48);
- may impair fertility (R60);
- may cause, during pregnancy, harmful effects to the unborn child (R61);

c) Substances and preparations according to the normative acts under letter a) classified as irritant (Xi) and with one or more of the following risks forms:

- highly flammable (R12);
- may cause sensitization by inhalation (R42);
- may cause sensitization by skin contact (R43);

d) substances and preparations covered by the Government Decision no. 1.093/2006 establishing minimum health and safety requirements to protect workers from risks related to exposure to carcinogens or mutagens at work;

e) Lead and its compounds, to the extent that those agents can be absorbed by the body;

f) Asbestos.

II. Processes and activities:

a) Processes and activities provided in the annex to Government Decision no. 1.093/2006

b) activities of manufacturing and handling of devices, fireworks or other objects containing explosives,

c) activities in menagerie with ferocious and poisonous animals

d) Animal slaughtering at industrial scale;

e) Work involving the handling of equipment for the production, storage or application of compressed, liquefied or dissolved gases;

f) activities involving the use of vats, tanks, reservoirs, containers or drums containing chemical agents referred to in section I.3;

g) activities involving risk of collapse, subsidence, falling from a height;

h) activities involving high-voltage electrical hazards;

i) activities whose rhythm is determined by machinery and involving payment by results.

**3. prohibit employment of children that are still subject to compulsory education, in work that deprives them of the full benefit of their education;**

**Undemanding work** is defined by GD 600/2007 as any activity which by the nature of the tasks involved and the specific conditions under which they are made, can not prejudice child and young security, health or development and are not likely to affect school attendance, participation in orientation or training programs approved by school board, or their ability to benefit from the received instruction;

According to the article 5 of GD no.600/2006:

(1) children employment is prohibited.

(2) Notwithstanding the provisions of par. (1), **children** aged at least 16 years, subject to compulsory full-time education, may sign, under the conditions established by the law, an individual employment contract as employee in order to carry out light work.

(3) The child subject to compulsory schooling on full-time basis may sign an individual contract of employment at the age of 15 years, with the parents or legal representatives consent, to conduct activities appropriate to their physical development, skills and knowledge, if so his/her health, development and training are not endangered.

**4. to limit working time for workers under 18 years for in order to meet their development requirements, and especially their vocational training needs;**

Article 10 - (1) In the case of **young people**, the maximum working time is up to 6 hours / day and 30 hours per week.

(2) In the situation in which the **young worker** cumulates several functions based on individual employment contracts, the performed working time cumulates and can not exceed the cumulative period referred to in par. (1).

Article 11 - **Young people** can not perform overtime work.

Article 13 - Young people shall benefit of a lunch break of at least 30 consecutive minutes if their daily working time is more than 4:30 hours.

Article 14 - (a) Between two working days, the young people receive a minimum rest period of 12 consecutive hours.

(2) Between two working days, the **children** employed according to art. 5. (2) and (3) benefit of a minimum rest period of 14 consecutive hours.

(3) **Young people** benefit of a weekly rest period of two consecutive days, usually on Saturdays and Sundays.

Article 15 - (1) **The young people** enjoy a supplementary holiday period of at least 3 additional days.

(2) In the cases stipulated at Art. 5. (2) and (3), employers shall ensure that any work-free period is included, as far as possible in the school holidays of children subject to compulsory schooling on a full-time basis as required by national legislation.

5. **to recognize the right of young workers and apprentices to a fair wage or other appropriate allowances;**
6. **to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as part of the working day;**
7. **to set at least 4 weeks of paid annual leave for workers under 18 years;**
8. **to prohibit the night work employment of workers under 18 years, except for certain jobs specified by national laws or regulations;**

Art.12 - (1) Young people can not perform night work.

(2) The children employed under the conditions established at art. 5 par. (2) and (3) can not perform work between 20.00 and 6.00.

9. **to provide that persons aged under 18 years employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;**

Art.6 par. (4) – Where the risk assessment to young people due to their work demonstrates a risk to health, safety or physical or mental development of young people, the employer is required to provide a free of charge and adequate assessment and monitoring of young people's health at regular intervals, in accordance with existing regulations in force.

10. **to ensure special protection against physical and moral risks to which children and young people are exposed, and in particular those resulting from direct or indirect manner of their work**

The field of child protection rights in Romania is governed by the provisions of the Law no. 272/2004 (republished), with its subsequent modifications and completions, concerning the child rights protection and promotion.

Started in 1997 once the Emergency Ordinance no. 26/1997 entered to force, the decentralization of this system was a new approach and an ambitious beginning of a reform that would refine its methods in time. The establishment of specialized public services later called directorates for child rights protection in individual counties marked the first attempt to separate the role played by the central authority and the effective role played by local authorities in regulating this field, the latter

having the role to manage directly the problems faced by children included in the state special protection system.

Work on a new package was launched in May 2002 and involved consultation with all partners of the child protection system and specialists working in the system. European Commission's special attention to fulfilling the commitments assumed by Romania in child protection field has resulted in the nomination of an expert group (January 2003) to provide technical assistance in finalizing the group of Romanian experts in the legislative package finalization.

In June 2004, Parliament adopted the legislative package of child protection, based on the principles of the European Convention on Human Rights and the UN Convention on the Rights of the Child package which came into force on 1 January 2005, which includes: Law no. 272/2004 on the protection and promotion of the child's rights, Law no. 273/2004 on the legal regime of adoption, Law no. 274/2004 on the establishment, organization and function of the Romanian Office for Adoptions and Law no. 275/2004 to change the Government Emergency Ordinance no.12/2001 establishing the National Authority of Child's Rights Protection.

Role of state institutions was thus redefined, their responsibilities covering primarily their duty to support parents, and where appropriate, other child's legal guardian in carrying out its obligations. For example: local authorities are obliged to inform parents and children about their rights and the procedures for the granting the rights to social assistance and social insurance.

Prior to the above package, the phenomenon of child's separation from its natural family was widespread, given the lack of active measures to prevent the existence of a possible separation. Risk situations that characterize many families do not justify the separation of children from their parents. In the absence of services tailored to the needs of families at risk of abandonment and separation, these phenomena were encountered with very high frequency in the population of Romania, and became a way of transferring responsibility in case the natural family had the smallest doubt that it will not be able to assume the responsibility of raising and educating a child.

The legislative package on child protection is more than an improved legislative framework in a sector of activity and represents the basis for a modern, European system to protect the rights of all children, fully harmonized with international treaties to which Romania is party, particularly with the European Convention on Human Rights and the UN Convention on the Rights of the Child.

To understand the new Romanian legislation it should be noted that it was designed to ensure a balance between the requirements of international conventions which all European countries should strive to respect them, and the specific problems faced by Romania in recent years.

Law no. 272/2004 on the protection and promotion of the child's rights represents the central element of the legislative package. Its foundation is the fact that parents are the ones responsible for the growth, care and child development, they are entitled to receive the support they need from the community and local authorities in fulfilling their responsibilities.

This law regulates the legal framework for observance, promoting and safeguarding child's rights established by the Constitution, in accordance with the United Nations Convention on the Rights of the Child, ratified by Law no. 18/1990, republished, and other international acts to which Romania is part of.

It is specifically designed to allow Romania to fulfil its international obligations, notably those stipulated in the two international conventions mentioned above, it is not therefore surprising that



many provisions of this law accurately reflect the provisions included in the UN Convention on the Rights of the Child and those included in the European Convention on Human Rights.

This law basically put up a system that, above all, is aiming at all children of Romania, not only those who are in difficulty and that require an immediate measure of protection from the state (by public authorities) but also those who are in their own family, seeking mainly transition of protection system from a needs-based perspective to a rights-based perspective.

According to the above-mentioned regulations, all public authorities, non-governmental organizations, as well as natural and legal entities responsible for child protection must observe and guarantee these rights.

Law no. 272/2004 on protection and promotion of the child's rights includes all children, irrespective of their location, in a family or in a protection system, at school or already on the labour market, in the country or abroad, irrespective of their situation and with no discrimination, guaranteeing them the implementation of their rights, stipulated in the UN Convention regarding child's rights. It is also emphasized the primary role of parents and family in raising and educating children and the alternative intervention of the state where the family can not adequately meet the needs of their children.

The fundamental principles that gave rise to the initiation and subsequent completion of the new framework were:

- a) observance and priority promotion of the child interests;
- b) equal opportunities and non-discrimination;
- c) empowering parents on the exercise of parental rights and obligations;
- d) primacy of parental responsibility with regard to respect and guarantee the rights of the child;
- e) decentralization of child protection services, multi-sectoral involvement and partnership between authorized public institutions and private bodies;
- f) providing an individualized and personalized care for each child;
- g) respecting the dignity of the child;
- h) hearing the child's opinion and its consideration, taking into account the age and maturity of the child;
- i) ensuring the stability and continuity in child 'care, raising and education process, taking into accounts its ethnic, religious, cultural and linguistic origin when implementing a protection measure;
- j) quick in taking decisions concerning the child;
- k) protection against child abuse and exploitation;
- l) interpretation of legal norms on the rights of each child in conjunction with all regulations in this area.

Their legalization by law meant to set a new benchmark in terms of beneficiaries group that this law aimed at, making the transition from protection of child in need to all children, as it is apparent from the following:

- a)** Romanian children on the Romanian territory;
- b)** Romanian children abroad;
- c)** children without a citizenship on Romanian territory;
- d)** children who seek or receive some form of protection within the legal regulations on the status of refugees in Romania;
- e)** children of foreign citizens in Romania, in emergency situations, according to this law, and confirmed by the competent Romanian public authorities.

Also in line with the constant preoccupations of the Romanian state authorities regarding the regulation of this field, in 2005 the Romanian Government adopted the Government Decision no.

1058/2005 approving the National Action Plan for implementation of child protection legislation, in the child's rights protection field where it can be found the overall objectives, operational objectives, actions, those who are responsible and deadlines for achieving them.

The general objectives of this Action Plan were:

1. Switching from the "protection of the child in need" approach to the implementation and monitoring of the child's rights.
2. Ensuring the effective exercise of rights of the child
3. Determine how to exercise the powers and mechanisms for inter-institutional collaboration
4. Organization and implementation of new judicial powers in child protection matters
5. Identify resource needs, promote the implementation of the existing ones, and support the implementation of the legislative package.

Adopting such a plan of action was intended as a useful working tool necessary to coordinate and support the process of implementing the legal provisions contained in the new legislative package.

The process of drafting a document of this magnitude and importance implied and involved a broad spectrum of institutional coverage, with the contributions of several institutions with responsibilities in this area at different levels of regulation.

This approach was further perpetuated and exploited in the monitoring process, each of these institutions appointing the persons responsible for reporting progress, difficulties encountered and other relevant matters.

**Objective I: Switching from the "protection of the child in need" approach to the implementation and monitoring of the child's rights;**

Results:

- in the process of drafting or amending / supplementing the legislation to take account of the provisions of Law 272/2004 on the protection of child rights;
- National Authority for Child Protection capacity has been strengthened in terms of its mandate to promote child rights and monitor how they are met;
- were conducted education campaigns on child rights meant for children, their parents and professionals equally;
- the national strategy on child rights promotion and protection was elaborated.

**Objective II: Ensuring the effective implementation of child's rights**

Results:

- A methodological guide was developed on how to perform the obligations of authorities and persons involved in the establishment and registration of child's birth;
- There were identified funding sources necessary for printing and distribution of Pregnant Woman's Book for all pregnant women (health programs in 2006) and was launched the initiative "The hospital - a child's friend";
- social workers were employed in over half of maternity (as of January 1, 2006, a total of 68 were employed as social workers, and in 2005 38 of them participated in a training sessions campaign; three of them became trainers in the current campaign);
- It was introduced in all schools and colleges in Romania an optional subject "Education for Health";
- It was created a community healthcare network, according to figures from the Ministry of Public Health, in 2006 the number of community nurses reached to 905, and the number of

health workers to 282. It is intended that in 2007 the number of community nurses to reach 2500, while that of health mediators 350;

- Ministry of Education, Research and Youth has set as priorities for the period 2006 - 2008 to ensure equal opportunities and increase participation in education (optimizing students transport by purchasing school buses, ensuring fair conditions of hygiene and health education in rural areas), early education reform (Early Education Strategy was developed as part of converged the strategy on early child development)
- A process was initiated to adapt the premises (schools, medical facilities, other public institutions, means of transport) to achieve access for disabled children;
- The situation of children who were on 1 January 2005 in the child welfare system was re-assessed;
- It was signed the Convention on personal relations concerning children, Strasbourg, 2003;
- Day services established by county councils, have been transferred to local councils;
- It was developed a guide that details the specific procedures for exercising the right of the adopted child to know its origins.

### **Objective III: Determine how to exercise the powers and mechanisms for inter-institutional collaboration**

Results:

- Law no.47/2006 regarding the national social assistance system was adopted;
- The capacity of the Romanian Office for Adoptions was strengthened and mechanisms for coordination between the ORA and ANPDC have established;
- cooperation agreements were concluded between DGASPC and institutions with responsibilities in the area at county level (police, courts, prosecution, AJOFM, prisons / correctional centres);
- Probation Department in the Ministry of Justice has developed a model for the report of evaluation for the underage who have committed a criminal act and are not criminally responsible (the report is set out in Article 130 paragraph (2) of Law no. 272/2004);
- A methodology of collaboration between DGASPC and SPASs was developed (the methodology was approved by an Order of the ANPDC Secretary of State);
- Community consulting structures were created;
- Training courses for the SPAS personnel were organized;
- During April-May 2007 regional conferences were organized to promote best practices in protecting and promoting children's rights;
- ANPDC has exercised its powers to inspect child protection services.

### **Objective IV – Organization and implementation of new judicial powers in child protection matters**

Results:

- Continuing discussions and consultations on creating specialized sections/boards for underage children and family;
- Judges and prosecutors were trained in the child protection field (with funds from the European Union have been trained 201 judges and 65 prosecutors and by Phare Program 2003 around 450 judges, prosecutors and probation counsellors were trained);
- It was developed a Methodological guidelines for the annual visit by the public or private magistrates who have children in foster as a result of a judicial decision; (approved by the CSM plenum in December 2005);
- Magistrates have made visits to child protection services and the CSM has developed a 2006 report (the report was approved by the CSM plenum in January 2007);

- Superior Council of Magistracy created the Monitoring Committee to check that the Council and courts obligations of implementing the national action plan on child protection, including those relating to visits pay are met; and also holds quarterly meetings;
- Meetings are periodically organized between the GDSACPs and courts.

**Objective V – Identify resource needs, exploit implementation of the existing ones and support the implementation of the legislative package**

Results:

- The management personnel and the local administration were informed, notified and sensitized on the child protection issue;
- A department for child education was created within NAPCR;
- The methodological guide for service contracting was set up;
- The first comprehensive study regarding the maternal assistance system was elaborated.

The de-centralization process, which started in the 90s, is continued by the new legislation by transferring attributions and services from the county to the local level (community, city, municipal level). Beyond the interpretation of this step as an opportunity aimed at strengthening and increasing the sense of responsibility of local communities, it also represents a solution destined at establishing and diversifying the services for the child and family as close as possible to their residence.

As for the children at risk of separation from their parents, the legal provisions adopted in 2004 underline the prevention of the child-family separation. Thus, public social assistance services at the level of municipalities, cities and communes were obliged to monitor and analyze the situation of children in their administrative-territorial area, to identify and assess the risk situations, as well as to prepare the documentation for granting services and/or the provisions needed for preventing the separation.

Any child-parents separation, as well as any restriction of parents rights implementation must be preceded by a systematic supply of services and provisions stipulated by law, focusing on the proper information of parents, on counselling and mediation, on a service plan basis.

The service plan can have as target the submission to the General Directorate of Social Assistance and Child Protection at county level, the request for the establishment of a special child protection measures, only if, after providing services under the plan, it concludes that it is not possible to keep the child with his parents.

The purpose of the old Child Protection Commission, an authority with the most important prerogatives and competences in the local child protection field, is now diversified and filled with court intervention, in terms of making decisions concerning the child. Therefore, the responsibility of deciding on the separation of the child from its parents is no longer the exclusive prerogative of this structure, making such decisions is now object to a legal approach whose aim is making such a decision by the court, a as the only authority that can decide the separation of the child from the parents.

Authorities are obliged to take active measures to maintain contact between children and parents throughout the residential care. The priority of institutions and professionals responsible for implementation and monitoring of these measures is to reintegrate the child in the family.

Taking into account the priority interests of the child and to avoid negative effects of institutionalization at an early age and the effects of a prolonged hospitalization, Romania has

chosen to prohibit placing children younger than 2 years in residential care. This investment is allowed only if the child has a severe disability and is dependent on specialized services for residential protection.

The specific problem of children leaving the child protection system, which may be at risk of social exclusion is also addressed by the new law. In order to support the integration of youth in society and acquiring a job, they can benefit from special protection and after the age of 18 years, even when they do not continue their studies, for a period of two years.

**In terms of art. 7 - The right to protection of children and young people, Paragraph I - Prohibition of employment of persons under the age of 15 years,** the Committee requested clarification on young people employed in domestic work and the prohibition of employment of those under the age of 15.

**Regarding the situation of young people employed in domestic work, the following two aspects are worth mentioning:**

a) Children aged under 15 employed in domestic activities are monitored by the child protection system. Such activities are considered to be gainful activities; children and their parents benefit from specialized support whatever sanctions are applied. If parents try to persuade their children to accept involvement in such activities, the act is an offense and is punishable under the Criminal Code (art.306 child maltreatment). Unfortunately, the “employers” or other people that persuade children to accept some sort of work are a category that is not yet covered by current legislation.

b) Light work is defined by GD. 600/2007 for the protection of young people at work, but with no specific provisions for those aged fewer than 15. National Steering Committee for the prevention and combating child labour has in view to initiate concrete steps to regulate this issue. A working group was constituted to this effect to regulate activities in the artistic and cultural fields and sports, light work, vocational training, advertising, as defined by GD. 867/2009, (republished), with its subsequent modifications and completions.

**Regarding the prohibition of employment of persons aged under 15 the following two aspects are worth mentioning:**

a) First, Labour Code contains a number of provisions for non-compliant employers in this field. Thus, art.280 of the Labour Code states that: “The employment of minors in violation of legal provisions relating to age is a crime and is punishable by imprisonment of one to three years”. Therefore, the Labour Inspectorate shall monitor such activities, imposing fines for the employers and notifying the competent court in the event of circumstances contrary to the legal framework in force. The Ministry of Justice has no official statistics on such sanctions imposed so far. The Labour Inspectorate statistics showed that in most such cases, courts have considered that regarding the exploitation of child labour there are insufficient grounds for criminal prosecution, based on the consideration that this type of case does not present a danger to society.

b) Secondly, children aged fewer than 15 who are employed or work illegally in the informal sector or children involved in hazardous forms of work, regardless of age, are monitored under the special protection system. (As defined in ILO Convention No. 182). Most forms of child labour are considered crimes by the Romanian legislation and is punishable by the Penal Code. There are also

sanctions for parents and employers who use children in hazardous forms of work, according to GD. 867/2009, (republished), with its subsequent modifications and completions.

The issues mentioned above are included in the child labour monitoring system (CLMS), which is in force since 2006 and was originally applied to children that worked and subsequently for those at risk. Inter-sectoral teams (ICT) collect information on cases of exploitation of child labour and send them to a child labour specialized Unit within the Child Protection Directorate-General of the the Ministry of Labour, Family and Social Protection (formerly the National Authority for Child's Rights Protection and Family). Intersectoral teams are established at county and Bucharest Municipality districts level, based on GD 1769/2004. Membership consists of representatives of their institutions / relevant organizations involved in combating child labour, as follows:

- General Department for Social Assistance and Child Protection;
- Territorial Labour Inspectorate;
- County Police Inspectorate;
- County School Inspectorate;
- Public Health Department;
- Nongovernmental Organizations.

Child labour statistics for 2009:

a) 85 children at risk of 145 cases reported (first year of reporting children at risk).

b) 964 children involved in lucrative activities of the 1129 cases reported:

- 953 forms or unconditional worst forms of child labour and hazardous work and 11 cases (first case of monitoring hazardous work for children)
- 604 of urban area and 360 of rural area
- 749 children aged 0-14 years and 215 children aged 15-18 years;
- 834 children received specialized services within their own families, and 130 special protection measures (placement)
- 439 children withdrawn from employment and the remaining to benefit from specialized services
- Types of child work: 65 domestic work, 642 begging, 42 national trafficking , 29 international traffic, 44 involved in lucrative activities without an employment contract, 45 forced labour, 23 prostitution, 22 other illegal activities, 41 other types of street work
- services: 623support, 608 rehabilitation, 292 health, 456 educational
- 67 are offenders in criminal proceedings.

GD 867/2009 on the prohibition of hazardous work for children defines the following concepts: - the formal sector - the sector where the work or the work of a child for a physical or legal person by virtue of an appropriate contractual forms stipulated by the law according to his age (employment contract signed under the Labour Code or an agreement signed by parents in accordance with Civil Code);

- The informal-sector - activity in which the work of a child for a physical person is without a contract as governed by law, such as: domestic work in their own households or other households, agricultural activities, the street activities: washing windows at intersections, renting a parking space, distributing leaflets and other similar magazines, markets, railway stations and ports, traditional activities: Non-ferrous metal smelting, manufacture of bricks and other;

The formal sector issue is governed by the provisions of the Labour Code, the responsibility to verify compliance goes to the Labour Inspection, while checking the activities taking place in the informal sector is carried out by DGASPC and is governed by the provisions of Civil Code (in terms of cultural, artistic, sports, advertising, activities etc.).

As compared to previous reports are the following details:

- Please note that by GEO. 65/2005, approved with modifications and completions by the Law 371/2005 for modification and completion the Law no.53/2003-the Labour Code was amended and supplemented and art. 280<sup>1</sup> stipulates as offense „the employment of minors in violation the legal conditions of age or their use to perform some activities in violation of legal provisions relating to the employment of minors, the penalty is imprisonment for 1-3 years.
- During 2007-2008, regional labour inspectorates submitted to the bodies entitled to pursue criminal procedure 20 complaints about non-compliance with the legal age for employment of minors or using them to perform some activities in violation of legal provisions on their working conditions (art. 280<sup>1</sup> of the Labour Code).
- **On the specific question addressed ECSR for art. 7 par. 1, for cases of children under 15 years of undeclared employment, measures were taken when finding, to resolve violations, in accordance with applicable law at that time.** Thus, the guardianship authorities were notified within City-Halls and County Child Protection Directorate and employers have been sanctioned in accordance with the applicable law.
- As we mentioned in all previous reports, the Labour Inspectorate has the power to control how the young people work in domestic activities, without an employment relationship as defined by law.

Among the laws governing the rights of children and youth protection, and the work done by them, we mention:

- **Law no. 53/2003 on the Labour Code - stipulates in art. 109 par. (2) that: „For young people aged up to 18 years the working time is 6 hours per day and 30 hours per week”;**

*In art. 125 par. (1) stipulates that: „Young people who have not attained the age of 18 may not perform night work”;*

Also, **art. 280<sup>1</sup>** stipulates that: „*The employment of minors in contravention of the legal conditions or legal age or their use to perform some activities in violation of legal provisions relating to the employment of minors is a crime and is punishable by imprisonment for 1-3 years*”;

- **GD. 867/2009, (republished) with its subsequent modifications and completions on the prohibition of hazardous work for children** stipulates the legal framework governing the definition, prohibition and elimination of hazardous work for children who, by their nature or the circumstances in which is carried out, are harmful to health, safety or morals of children” (art. 1 para . (1). This legal document establishes certain criteria that determine a work classification as dangerous for children (art. 3) a list of types of hazardous work for children (Appendix).

Also, in art. 8 and art. 9 are set out offenses and penalties for failure to comply with its provisions, as follows:

*"Art.8 - (1) Parents or legal guardians of children found to allow the child or use the child to perform hazardous work are required to attend parenting programs or, where appropriate, advice, services provided or facilitated under the directorate general of social assistance and child protection, according to Art. 92 letter b) Law no. 272/2004 on the protection and promotion of child rights, as amended.*

*(3) The act of a parent or legal guardian that refuses the services provided in par. (A) or has received counseling and parenting programs and continue to use or allow the child performing hazardous work constitutes a contravention and is punishable by a fine of 100 lei to 1,000 lei.*

*"Art 9 - The act of a physical person who uses children to perform dangerous work constitutes a contravention and is punishable by a fine of 500 lei to 1,500 lei.*

- **GD nr.600/2007 on youth protection in the workplace** is to regulate issues related to youth protection against economic exploitation, of any work likely to harm their safety, health or physical, mental, moral or social development or to jeopardize their education.

At the level of the Ministry of Administration and Interior, Labour Inspectors structures are organized in the Central Office and the General Inspectorate, in accordance with the Law no.108/1999 on the establishment and organization of Labor Inspection, republished, having as inclusive objectives to put in force the provisions related to labor relations and consequently, the entire personnel of the Ministry of Administration and Interior.

Youth protection at work is governed in national legislation by GD. 600 / 2007 on the protection of young people at work, published in the Gazette. No. 473 of 13 July 2007.

The provisions of this decision aimed at ensuring the protection of youth against economic exploitation of any work likely to harm their safety, health or physical, mental, moral or social development or to jeopardize their education. There are also regulations intended to protect young people at work and in Law no.53/2003 - Labour Code, as amended and supplemented.

According to art. 13 par. (1) of the Labour Code, the physical person acquires the capacity to work at the age of 16.

Paragraph (2) of Art. 13 stipulates that a physical person may conclude a contract of employment as an employee at the age of 15 years, with the consent of parents or guardians for activities appropriate to his physical development, skills and knowledge, if such it is not injurious to health development and training.

According to art. 13 para. (3) of the Labour Code, employment of persons under the age of 15 is prohibited.

Moreover, according to art. 280 ^1 of the same law, the employment of minors in breach of conditions of legal age or their use to perform some activities in violation of legal provisions relating to the employment of minors is a crime and is punishable by imprisonment of 1 to 3 years .

**Article 7 Paragraph 2 – “Prohibition of employment of persons under 18 years - dangerous activities”**

**The Committee concludes that the situation in Romania is not in accordance with Article 7 par. 2 of the Revised Charter of the following reasons:**



- **Young people employed as domestic staff (household) are not covered by labour legislation;**
- **Interdiction to employ persons less than 18 years in hazardous occupation is not guaranteed in practice because of ineffective implementation of legislation.**

The Committee requested additional information regarding the following aspects:

- The existence of a preliminary agreement issued by the Labour Inspectorate, for situations in which a derogation from the provisions of art. 184 is requested, in the case of the vocational nature activities.
- How the problem of young people engaged in domestic activities is regulated by the legislation in force
- Progress made in terms of employment of persons aged fewer than 18 in hazardous activities.

GD no.600/2007 on the protection of young people at work is in fact a transposition into national legislation of the Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work. The provisions of this act are in addition to those provided by GD 867/2009 on the prohibition of hazardous work for children.

GD no. 867/2009 provides a comprehensive approach to child labour by linking the main legislation in force in the area of activity for child labour.

- defines the forms of unacceptable or hazardous work, serious forms of child labour under ILO Convention no. 182, ratified by Romania by Law no. 203/2000
- defines the formal and informal sector;
- provides a complete list of all hazardous / intolerable activities that are prohibited for people under 18 years, and sanctions against parents or other persons who involve children in such activities

For better implementation, two working methodologies applicable in this type of situation are to be approved by Government Decision:

- a. The methodology of intervention and monitoring of children involved in activities for profit, and children at risk, was completed in 2010, based on the Practical Guide approved by the National Steering Committee in 2009.
  - b. A working group was created to finalize the material on Regulation of artistic, cultural, sporting, modelling and advertising activities later this year.
- Since November 2006, prohibition of employment of youth under 18 in hazardous activities was regulated first by the Order no. 753/2006 of the Minister of Labour, Social Solidarity and Family, on the protection of young people in work, and subsequently by the Government Decision no. 600/2007 on the protection of young people at work. These regulations transpose the European Union Council Directive 94/33/EC on the protection of young people at work.
  - Regarding the specific question addressed ECSR for art. 7 par. 2, on the exceptions in art. 184 par. (2) of the General Norms of Labour Protection for vital training activities of adolescents, we note that from 1 October 2006, the above-mentioned normative act was repealed. From 1 October 2006 the applicable legislation no longer allows exceptions to prohibited activities for youth stipulated in the European Union Council Directive 94/33/EC.
  - Regarding the specific question addressed ECSR for art. 7 par. 2, concerning the provision of information on inspections carried out by the Labour Inspection and the results identified in these inspections, we specify:

In the 2008-2009 a control campaign was organized *on occupational hazards to which workers belonging to particularly sensitive risk groups are exposed (including youth)*.

The campaign results were as follows:

Number of controlled units – 1,268

Number of workers in controlled units - 908,473, of which 12,495 young people aged between 15 and 18 worked during the day and eight people aged between 15 and 18 carried on night work.

There have been cases of young people identified to carry on prohibited activities for which sanctions were applied.

Government Decision no. 600/2007 provisions apply to any person under the age of 18 who has signed an individual employment contract in accordance with the law in force. It allowed the employment of children from the age of 16 years for light work, or at age 15, only with parental consent. According to national legislation, under the age of 18 is not allowed any category of persons to perform heavy, harmful or dangerous labour.

Under mentioned normative act, the employer is obliged to provide young people working conditions appropriate to their age.

The employer is required to protect young people against specific risks to their safety, their health and development, risks arising from their inexperience, lack of awareness of existing or potential risks or the fact that young people are still in development.

The Labour Code, art. 13 par. (5) states that employment in heavy jobs, harmful or dangerous can be after the age of 18; these jobs are established by Government Decision.

### **Paragraph 3 - Prohibition of employment of children attending compulsory education**

**The Committee concludes that the situation in Romania is not in accordance with Article 7 & 3 of the Revised Charter for the following reasons:**

- **Definition of light work for children older than 15 who are still enrolled in compulsory education does not adequately reflect the concept of light work in accordance with Article 7 of the Charter Revised**
- **children older than 15 who are still enrolled in compulsory education are not a guaranteed benefit of a sufficient rest periods during holidays;**
- **children employed as domestic staff are not covered by labour legislation**
- **children's right to full benefit of compulsory education is not guaranteed due to ineffective implementation of legislation.**

Referring to the definitions and procedures applicable to minors engaged in light work and the Committee request for additional information on the national legal framework applicable to this area, we make the following clarifications:

Competent authorities managing this issue initiated a series of consultations with diplomatic missions and authorities of other European countries, which have regulated the issue in their national legislation in order to obtain examples of good practice:

Article 3 letter c of GD 600/2007 defines light work as - all activities which by the very nature of tasks performance and the conditions under which they are made, can not prejudice the young or child security and health development and are not likely detrimental to school attendance, participation in orientation or training programs approved by the head of school, or their ability to benefit from the instruction received;

According to art. 5. (1) of GD 600/2007, the employment of children is prohibited:

Para. (2) thereof stipulates that, notwithstanding the provisions of paragraph (1) provisions, children aged 16 years, subject to full-time compulsory education, may conclude, under the law, an individual employment contract as an employee to carry out light work.

A child enrolled in full time compulsory school can sign an individual work contract at the age of 15 years, with the consent of parents or legal guardians, to carry out activities appropriate to his physical development, skills and knowledge, if such shall not endanger the health, development and training, as established in art. 5. (3) of GD 600/2007.

In accordance with the provisions of GD 600/2007, children employed in accordance with art. 5. (2) and (3) can not perform work between 20.00 and 6.00 hours. Between two days of work, children employed as to art. 5. (2) and (3) should have a minimum rest period of 14 consecutive hours.

In the cases referred to in art. 5. (2) and (3), employers shall ensure that any work-free period is included, as far as possible in the school holidays of children subject to full-time compulsory schooling, as required by national legislation.

We specify that national legislation does not distinguish between domestic staff and other categories of workers, legal provisions and collective agreements applicable to them applies equally to domestic staff, so by default to young people.

#### **Paragraph 4 – Length of working time**

**The Committee concludes that the situation in Romania is not in conformity with Article 7§4 of the Revised Charter on the following grounds:**

- Young people employed as domestic staff are not covered by labour legislation;**
- the right to reduced hours of work, according to their development needs, is not guaranteed in practice due to the ineffective application of the legislation.**

During the reference period checks were conducted to verify compliance by employers of young people working arrangements (working hours, overtime, night work, additional leave, etc.).

For non-compliances found, territorial work inspectorates submitted 13 referrals to the bodies entitled to pursue criminal procedure for non-compliance to law on working time for young people.

Under the provisions of the Labour Code, for young people aged under 18 years working time is 6 hours per day and 30 hours per week.

Also, young people aged up to 18 years can not provide additional work or night work.

## **Paragraph 9 – Regular medical examination**

**The Committee concludes that the situation in Romania is not in conformity with Article 7§9 of the Revised Charter on the following grounds:**

- young people employed as domestic staff are not covered by labour legislation;**
- the right to regular medical examinations is not guaranteed in practice due to the ineffective application of the legislation.**

Since 2007, when the Government Decision no. 355/2007 became effective, periodic medical examination of workers is at least once a year for all workers.

GD no. 355/2007 establishes less than one year intervals for periodic medical examination of workers exposed to chemical agents, physical agents, biological agents, for sectors at risk of transmitting infectious diseases directly or indirectly (through food, water, etc.). (e.g.: food sector) for drinking water supply activities and other public facilities (e.g. hairdresser, public laundry staff, etc.) and for other categories of personnel.

According to art. 27 par. (1) of the Labour Code, a person may be engaged in work only under a medical certificate, which establishes that the respective person is suitable for that work.

Article 28 of the same normative act stipulates that the medical certificate is required under the following circumstances:

- a) to resume work after a break of more than 6 months for jobs with exposure to harmful factors, and a year in other cases,
- b) in case of attachment temporarily to another workplace or transfer to another place of work or other activity where the working conditions change;
- c) at the beginning of work, the employees with temporary labour contracts,
- d) in the case of apprentices, practitioners, pupils and students if they are to be trained in trades and professions, and if they change the trade during the job training ;
- e) periodically, for those who work in conditions of occupational exposure to harmful factors, according to regulations of the Ministry of Health;
- f) periodically, for those performing activities implying a risk of disease transmission and are working in the food industry, live-stock farms, drinking water supply facilities, in children communities, according to the regulations of the Ministry of Health;
- g) periodically, for those working in establishments with no risk factors through medical examinations according to their age, sex and health, based on the rules of collective labour contracts.

Also, art. 124 par. (1) of the same normative act stipulates that employees who perform night work are to undergo a free medical examination before taking up and then periodically.

Also, according to art. 182 of the Labour Code, employers must provide employees access to occupational health care service.

Article 185 of the Labour Code stipulates that the main tasks of occupational medicine physician are the following:

- a) prevention of occupational accidents and diseases,
- b) effective monitoring of hygiene and health,
- c) provide medical examination of employees both at employment and during the execution of the individual employment contract.

## **Paragraph 10 – Protection from physical or mental abuse**

**The Committee concludes that Romania is not in accordance with Article 7 &10 of the revised Charter because, although they have been taken significant steps to address the problem of child trafficking, the number of children affected is too high, indicating that the measures has not yet produced effects entirely.**

Regarding the Committee's request to be clarified how national legislation incriminates the mere possession of pornographic materials that include images involving minors, we note that Law 196/2003 with subsequent modifications and additions specifies in Art. 11 that „(1) distribution of obscene material presenting images of children or have a sexually explicit nature shall be punished with imprisonment for 1-5 years.

(2) The same sentence is for the possession of such materials as those mentioned above in order to be distributed.”

Regarding the issue of human trafficking, the statistics show that Romania is a country of origin. However in 2009 there were no cases of foreign children victims of trafficking.

In the first half of 2009, according to statistics available from the central authorities have been recorded a total of 74 cases of which 40 were considered victims or alleged victims of human trafficking networks, while a number of 34 children were considered victims or alleged victims of external trafficking networks.

The figures above show a decrease of approximately 20% compared to the same period in 2008 and a 51% over the same period in 2007.

Most of these children come from rural areas (approx. 61%).

Legislation on human trafficking and its monitoring and protection for victims (especially Law. 678/2001 (republished), with its subsequent modifications and completions, GD no. 299/2003, Decision no. 1083/2006 on modification and completion Government Decision no. 1.584/2005 for setting-up, organizing and function National Agency for Prevention Trafficking and Monitoring the Assistance granted to the Trafficking Victims, repealed by the art IV from Emergency Ordinance no.20/11.03.2009, Inter-ministerial Order no. 799 / 2007 and GEO. 20/2009) provide clear responsibilities incumbent upon public institutions, both local and central level depending on their competence, while coordination of this issue at national level is attributed to the Ministry of Interior and the General Inspectorate of Romanian Police.

Regarding activities to ensure the prevention, monitoring and evaluation of national efforts to combat human trafficking, inter-institutional coordination is provided by the Agency against Trafficking in Persons, which performs also the function of national rapporteur on this issue.

Regarding child protection, in accordance with Law no. 272/2004 (republished) with its subsequent modifications and completions and GD 1385/2009 (normative act repealed by Government Emergency Ordinance no.68/30.06.2010) and GD 1434/2004 (republished, with its subsequent modifications and completions) monitoring observing their rights goes to local authorities through the General Directorate of Social Assistance and Child Protection.

Romania has a specific legislation aiming at human trafficking for sexual or forced labour, while having provisions relating to slavery, prostitution, etc.

The main instruments ratified by Romania are:

- UN Convention against Transnational Organized Crime adopted in New York on November 15, 2000, ratified by Law 565/2002
- the International Labour Convention no. 182/1999 prohibiting the worst forms of child labour, ratified by Law 203/2003.
- Council of Europe Convention on Action against Trafficking in Human Beings, ratified by Law 300/2006.

One of the measures taken by Romania to ensure the prevention and reduction of sexual exploitation of children has been the development of national action plans on this issue, establishing a clear set of responsibilities and measures to be taken in this area.

Action plans have been approved by Government Decisions, which gives them a higher legislative value compared with those who use them as tools of current activity.

### **Sexual exploitation of children:**

	<b>2007</b>	<b>2008</b>	<b>2009</b>
Number of children	66	38	35

### **Trafficking in minors for sexual purposes:**

	<b>2007</b>	<b>2008</b>	<b>2009</b>
Number of children	32	33	49

Regarding the issue of street children, we mention that Romania has implemented a series of concrete activities designed to ensure the reduction of this phenomenon.

We mention here the project financed by a loan agreement with the Council of Europe Development Bank, entitled "Street Children Initiative".

Given the complexity of the needs of this category of children, especially in terms of drug abuse, according to a study by the Council of Europe in early 2003 the Romanian Government drafted the above project. The major objectives envisaged by this project were:

- Need to meet the needs of street children who are drug users and providing specialized services as part of integrated child protection policies;
- Need to develop mechanisms and procedures for joint action and better coordination at all levels in order to offer integrated services;
- Need to develop local authorities capacity in order to enable them a proper implementation of programs designed to reduce the phenomenon of street children.

According to data collected by the General Directorates for Social Assistance and Child Protection through a monitoring system (Child Trafficking Information Monitoring System - CMTIS) on 31 March 2007 the number of street children was around 1,588, grouped in the following categories:

- Children who live in the street, separated from their families for long periods - 502;
- Children who live with their families, but go or are taken daily on the streets to beg, wash windshields and similar activities - 978;

- Children who live with their families on street – 108, they usually provide leaders for groups of children and try to hold them on streets to keep their sources of earnings.

Thus, in 2005 the BDCE approved a loan of 3.3 million designed to provide co-finance for a street children project, the total project cost is Euro 4.782 million, the remaining funding being provided by the Romanian Government, local authorities and other donors.

Responsibility for implementing the agreement with the Ministry of Labour, Family and Social Welfare. Regarding statistics on the number of street children, the data indicate the following situation:

The overall objective of the „Street Children Initiative” - is to reduce the causes that generate the phenomenon of street children in Romania and its effects.

### **Specific objectives**

The project has two specific objectives as follows:

#### 1.2.2.1. Creation of approx. 20 centres for street children to provide shelter during the day and night for a total of 300 children

#### **Will be financed and monitored services such as:**

- **day and night shelters and**
- **emergency reception centres**

The 20 newly created centres and an estimated 300 children will benefit from social care, thus the total number of beneficiaries in three years of operation will be approximately 3,000 children.

To effectively achieve these objectives, the proposed subprojects to be financed under the Project will have to meet certain conditions:

- To be based on a functional partnership between public institutions with responsibilities in the field and non-governmental organizations authorized to work in child protection;
- To provide transparency regarding the organization and management activities based on predefined rules of operation;
- To show responsibility at all levels and projects technical evaluation of high quality, with strong analytical and evaluation mechanisms;
- To prove their effectiveness by focusing on key priority issues identified and using the best expertise available;
- Prepare and use robust monitoring and evaluation systems;
- To identify concrete ways of ensuring the sustainability of subprojects implemented.

#### 2. Continuous training of a number of approx. 150 professionals dedicated to the newly created social services for street children

Ongoing training sessions provided in the Project, containing three (3) training modules for a total of 150 professional employees in the newly created social services, as follows:

- The first module focused on issues related to training programs and community-wide preventive strategies on drug use. The goal is to increase knowledge of staff working in the

General Directorates for Social Assistance and Child Protection. In this way it is projected to increase access to specialized services of children and adolescents, drug users or those who are otherwise affected by drug consumption;

- The second module is directed towards improving the quality of social and psychological services provided by specialists from the Directorate General of Social Assistance and Child Protection for drug users children through the acquisition of basic methods and specific intervention techniques for overcoming drug addiction.
- The third module focuses on the acquisition of specific intervention methods and techniques for providing support services for street children.

They can apply for funding through the „Street Children Initiative”, **General Directorates for Social Assistance and Child Protection at counties level and Bucharest Municipality.**

### **Principles governing project**

General principles governing the project are consistent with those supporting local initiatives that lead to the creation of networks and services in the interest of child welfare. They are:

- channelling resources to community needs and requests;
- newly created service integration in existing network of social services at local level;
- make DGASPC responsible as a strategist and implementer of specific measures for reducing the phenomenon of street children by: providing a professional support for specialized staff training, provision of financial resources whether they are mobilizing to find local resources through contributions in labour, in kind and / or cash and functional partnerships with other public or governmental bodies;
- encourage partnership with NGOs and other civic organizations;
- sustainability for projects undertaken and their adaptation to similar needs depending on the evolution of the phenomenon;
- competition in the financing of projects (funding applications are subject to selection and assessment procedures);
- Transparency and accountability in managing its budget.

Statistics on the number of street children:

	<i>31.12.2007</i>	<i>31.12.2008</i>	<i>31.12.2009</i>
<b>Number of street children, of which:</b>	<b>1033</b>	<b>904</b>	<b>834</b>
• Children living in the street with their family	119	152	192
• Children living in the street without their family	279	253	210
• Children working in the street and going home at night	635	499	432



In terms of residential institutions, reform of child rights protection field has put emphasis on policies designed to ensure the prevention of separation of children from their families and where this is not possible, conditions offered by residential measures to be as close to those existing in a family environment.

Statistics for the reporting period show the following situation regarding day services and residential ones:

Total number of services	2005	2006	2007	2008	2009
Day care services	527	518	799	853	907
Residential services	1382	1545	1635	1595	1593

Regarding domestic violence, the specific legislation governing this area intended to create legal frameworks that provide real protection to victims of such behaviour.

In the process of reforming the Romanian social protection system, the Law no. 217/2003 on preventing and combating domestic violence, as part of strategies aimed at protecting the family, it sets the framework for developing policies to combat and prevent domestic violence. The law states also collaboration between the public and civil society on the situations of domestic violence.

The Criminal Code was amended by Law no. 197/2000 laying down measures and sanctions applied to persons who commit acts of violence against family members causing physical or mental suffering. In the case of rape committed upon a family member, the punishment is imprisonment from 5 to 15 years.

The notion of a **family member** was also affected by a change, giving up the parallelism covered by the code in force which operates both with the notion *close relatives* and *family members*. The meaning of the new Criminal Code definition of family member comes to fully absorb in its content the notion of close relatives, but also includes persons who had established ties similar to those between spouses or between parents and children, the condition is the existence of coexistence.

The solution is fully justified in terms of the large number of couples today living in free union, without having any reason to deny them a criminal protection similar to that given to married couples. In this way, the concept of a family member used the Penal Code is harmonized with the already established by Law no.217/2003 on preventing and combating domestic violence, but also with existing regulations in other European criminal codes.

In the period 2005 - 2009, the whole country dealt with a number of 51,691 cases of domestic violence and 694 deaths due to acts of violence in the family.

Of the 51,691 cases of domestic violence, in the age category of over 18 years, the overwhelming majority (85%) were women, while the proportion of male victims of domestic violence is very low (15%).

Relevant is the distribution of victims of violence in the family depending on the type of abuse or aggression they were subjected, the data showing that a proportion of about 60% of cases prevails physical abuse associated the psychological one.

In first place, as a share, in the scale of domestic violence, lies physical and psychological abuse (69.5% of cases), where victims say they have been subjected to repeated blows from the attacker,

they have “their head struck against the wall’ or “their hair pulled off”, their clothes were torn, they were frightened or terrorized, expelled from home or forced to endure insults, intimidation, threats of retaliation or rape, blackmail and suicide, excessive control of their program and free time.

In second place, as intensity, physical abuse (28.07% of cases), in which violence abuser tends to explode in certain circumstances of disputes in the family or when the abuser is consciously trying to impose coercion and control the victim by repeated blows and injuries.

Victims are abused daily in the largest proportion, followed by weekly. In most cases of domestic violence, relationship between victim and perpetrator was either marriage or cohabitation, the rest of them depicting acts of violence aimed at relations son / daughter, father / adoptive parent, brother, sister or half-blood sister, mother in law, grandchildren, grandparents, etc.

After the environment of origin criteria, national domestic violence victims are both from rural and urban area.

With regard to the legal steps taken by the victims of domestic violence we found that 37% of domestic violence victims have asked the forensic to obtain the medical-legal certificate, 30% of the victims complained to police, 9% a criminal record and 2% began divorce proceedings.

According to data held by the Child Protection Directorate-General of the Ministry of Labour, Family and Social Welfare, in 2009, there were 12,461 cases of domestic violence, an increase of 8.04% compared to 2008, year which saw a total of 11,534 victims of domestic violence.

- female victims increased by 13.81% in 2009 compared to 2008;
- male victims rose by 8.35% in 2009 compared to 2008;
- unidentified sex victims decreased by 4.13%

	<b>Female</b>	<b>Male</b>	<b>Unidentified sex</b>
Year 2008	51.83%	22.62%	25.55%
Year 2009	54.60%	22.68%	22.72%

## **Paragraph 10 - Protection from Sexual Exploitation**

In 2005-2009, the issue of **persons trafficking**, in terms of combating this phenomenon, came within the jurisdiction of the Romanian Police and the Romanian Border Police. Starting May 1, 2009 that power was exercised exclusively by the General Inspectorate of Romanian Police.

In the Romanian Police a campaign „*Child safety depends mostly on you*” was organized to prevent the disappearance of children and education for a safer Internet - the specific activities of the campaign being coordinated by the Institute of Prevention and Psycho sociology within the General Inspectorate of Romanian Police (IGPR), between **2007-2009**. The campaign was held in the county of Constanta, in collaboration with Microsoft, Centre Focus and the „*Nadia Comaneci*” foundation.

Through the National Agency against Trafficking in Persons (ANITP) were carried out a series of activities affecting the issue of child trafficking:

- Within the project PHARE RO 2006/IB/JH 08: „*Strengthening the institutional capacity of agencies involved in preventing human trafficking in Romania*” implemented by the National Agency Against Trafficking in Persons with Ludwig Boltzmann Institute for Human Rights in Austria, the German Foundation for International Legal Cooperation and

the European Centre for Public Law in Greece, was prepared the study „**Trafficking of children in Romania - study on the process of recruiting**”.

- AGIRE „*Action to strengthen public-private partnership and assistance in identifying vulnerable children and victims of trafficking*” in which ANITP is the partner of the organization *Save the Children* in Italy, is being implemented.
- REACT – „*Raising Awareness and Empowerment Against Child Trafficking*” project carried out within the DAPHNE III Programme 2007-2013 for the Prevention and Combating Violence against Children, Youth and Women and the protection of victims and groups in risk. The project aims at creating a national campaign to prevent the phenomenon - media coverage of using new technological means of communication for the purposes of recruitment, exploitation and trafficking of minors - through involvement in shaping and creating campaign materials of a group of children victims of trafficking or being at risk.

The main **regulations** in preventing and combating trafficking in persons are:

- **Law no.678/2001 Law on Preventing and Combating Trafficking in Persons**, as amended and supplemented;
- **GD no.299/2003 for approval of the rules to apply Regulation of Law no.678/2001 on Preventing and Combating Trafficking in Persons;**
- **GD. 1654/2006 for approval the National Strategy against Trafficking in Persons for the period 2006 - 2010**

Although the existing legislative framework is appropriate in the context of pro-active cooperation with all national and international structures and institutions involved in combating organized crime, *a draft law was initiated amending and supplementing Law no.678/2001* to ensure the development of a legal framework for the use of modern investigative techniques to prevent trafficking in persons and to protect and assist victims.

Of the total victims of trafficking in persons identified in **2007-2009**, approximately 23% were aged **below 18 years**. Of these, a significant proportion were victims of internal trafficking, and the rest were trafficked for various forms of exploitation abroad. In several cases, some of these children were re-trafficked, exploited first in Romania, and later sold by the Romanian pimp to other dealers, the victims have been sent to the place of exploitation, trafficking purposes is, in all cases, the sexual exploitation.

Distribution of child victims, according to the criteria of belonging to a genre and age group indicated that most were aged between **14 and 17 years**.

Other victims were aged **between 10 and 13**. Of these victims **under 13 years**, a relatively small number have been sexually exploited in Romania, the rest being forced to begging.

An important aspect of the exploited children is related to their family situation. Thus, of the victims of children exploitation, a significant number came from bi-parental families, while a relatively small number live in single parent families; a significant percentage of them were not family supported, and came from an institutional environment, living with relatives or having been abandoned by family. This situation draws attention to the fact that most of child-victims lived with both parents, and vulnerability to trafficking is evident in the bi-parental families.

Of the children who are victims of international trafficking, most have been trafficked and exploited in some EU countries. Thus, a significant percentage of girls were victims of **sexual exploitation** (most were exploited on the streets, homes and a few have been exploited to provide sexual services in clubs).

Some victims were forced to *begging* or *forced labor in hotels*, but also obliged to *commit theft*.

Most victims (around **90%**) were recruited in terms of false promises, mostly related to finding a better paid job. Other victims have been trafficked as a result of a marriage proposal (around **5%**), and in a relatively small percentage some have been abducted (**5%**).

**Counties** from which came most of the children trafficked abroad are: Mehedinti, Galati, Dolj, Botosani, Arges, Constanta, Arges, Iasi, Bihar, Vaslui, Giurgiu, Dambovita, Calarasi, Buzau and Brasov.

In most cases of sexually exploited children in Romania, unlike child victims of sexual exploitation abroad, exploitation took place in homes / private spaces, representing about **63%** of cases, which draws attention to the underground nature of this phenomenon.

Such cases are difficult to identify in these locations, access is more limited and strictly controlled by traffickers and customers and less visible, making the degree of social danger represented by the phenomenon to be very high.

Another significant fact is that the only cases of human trafficking for child pornography and pornography on the Internet took place within the national borders. Some victims have suffered also sexual abuse, and some have been subjected to threats and pressure from traffickers.

In the field of preventing and combating trafficking in human beings, the priority for action is, as so far, intensifying specific activities to fight against this phenomenon.

Recording of a downward trend in terms of human trafficking was an issue praised by international bodies, the Romanian Government and civil society.

**In 2009 there was an increase in the number of identified trafficking suspects, compared to the previous year, thus assessment of the operational situation in 2009 indicates a total of 925 suspects investigated for trafficking in persons, of whom 14 were foreigners and investigated ad fewer victims of Romanian citizens.**

In the General Inspectorate of Border Police, in the period 01/01 to 03/31/2009, there were identified 41 cases of human trafficking in which 84 traffickers and 115 victims of Romanian citizenship, of which 34 were sexually exploited and 81 were exploited for labour.

In order to prevent illegal removal of Romanian citizens children, *potential victims of trafficking in children* in various states of the European Union, the Border Police took the following measures:

- *Careful checking of vehicles when leaving the country*, as has been reported the emergence of situations in which participants in cross-border traffic tried to remove illegally children who did not meet the country exit formalities, by hiding them in a vehicles;
- Careful verification of the declaration relating to parental consent for minors to leave the country, in addition to parental consent to travel, there was also mention of *the name of the minor and his home address, indication that parents were present at the notary office in person, assisted or represented*, and how they found their identity, according to Law no.36/1995 on notaries public and notarial activity, with subsequent amendments. Also, by checking the above declaration including the existence and authenticity of notary stamps.

To prevent trafficking in children and their illegally country leaving, since February 2006, with the entry into force of Law no.248/2005 *on the free movement of Romanian citizens abroad*, (republished) with its subsequent modifications and completions, the Ministry of Administration

and Interior has taken the measure to media cover this law by publishing it on the website of the Romanian Border Police, as well as displaying leaflets on all border points or distributing flyers to participants in traffic, which set out the risks posed to the Romanian citizens that do not comply with the law nr.248/2005.

In 2009 a number of 7,517 Romanian citizens minors were not permitted to leave the country for the following reasons: 3343 - no empowerment, 2110 - no criminal record, 169 - missing companion, 1883 - no travel documents, 12 - for other reasons.

In 2008 a number of 9,409 Romanian citizens minors were not permitted to leave the country for the following reasons: 4,826 - no empowerment, 1,826 - no criminal record, 254 - missing companion, 2,023 - no travel documents, 480 - other reasons.

Regarding **the issue of street children**, the public order police, daily or whenever necessary, act on the ground, in collaboration with the structures responsible for the protection of children who have also responsibilities for their assistance and reintegration.

In the area of **sexual exploitation of children through information technology**, a awareness campaign „*Youth Safety on Internet*” on the dangers posed by the Internet for children was conducted by the Institute for the Prevention and Psychosociology within IGPR in **2009-2010**, together with Microsoft Romania, the Ministry of Education, Research and Innovation, Focus Center and the organization „*Save the Children*”.

Activities focused on training in video conferencing system for the officers involved in prevention from local structures around the country to use *e-learning* resource with information and the promotion of this site in each county schools.

Currently, is ongoing the project „*Development of capacity to prevent and investigate cases of child pornography via the Internet in Romania*” (conducted by IGPR and funded through the financial mechanism EEA Grants. Implementation is supported by the Norwegian partners. The project has two components, one of prevention and one of control, aiming at both increasing the investigative capacity of the intelligence structure in relation to cases of child pornography on the Internet, and develop proactive response, to prevent such acts.

Activities in 2009 on this project included a working visit to Norway, the development of tools for survey and information campaign for parents and children.

Regarding the request of the European Committee of Social Rights (ECSR) to be informed about **the incrimination in Romania of simple possession of materials on child pornography, shall** require the following details:

**Law no.196/2003 on preventing and combating pornography**, republished, stipulates in art. 11 that:

*“(1) Distribution of obscene materials, showing images with minors of sexually explicit conduct is punishable by imprisonment for 1-5 years.*

*(2) The same punishment is for possession of materials covered in par. (1) to spread them”.*

**Law No. 161/2003 on certain measures to ensure transparency in the exercise of public dignities, public functions and in business environment, corruption and punishmen prevention, (republished) with its subsequent modifications and completions, stipulates the following:**

- **Title III - Prevention and combating cybercrime, Chapter 1 General Provisions, Art. 35. (1) letter ( i):** *“pornographic materials with minors means any material which has an explicit sexual conduct with a minor or an adult who is presented as a minor with sexually explicit conduct or images which, although not representing a real person, simulates, reliably, a minor with sexually explicit conduct”.*
- **Chapter III Crimes and contraventions** incriminates in **art. 51** the offense of child pornography through computer systems,
  - (1) *is an crime and is punishable by imprisonment for 3-12 years and also the prohibition of certain rights, the production for distribution, offering or making available, spreading or transmission, purchase for himself or another , of child pornography through computer systems or possession, without right , of child pornography in a computer system or means of storing computer data.*
  - (2) *The attempt is punishable.*

**Article 18. (1)** of Law no.678/2001 on *Preventing and Combating Trafficking in Persons*, with subsequent amendments, defines the **crime of child pornography** as the act of *“exposing, selling or spreading, renting, distributing, manufacturing or otherwise produce, transmit, provide or make available for spreading objects, films, photographs, transparencies, labels or other visual media, representing sexual or pornographic positions, presenting or involving minors under the age of 18 years”*. The punishment prescribed by law for this crime is imprisonment from 3-10 years. According to par. (2) thereof, the same punishment is for *“the import or delivery of the items referred to in par. (1) to a transport or distribution agent for marketing or distributing them”*.

Given these legal provisions, the fact remains that **mere possession / ownership of the materials on the subject of child pornography is punishable**, regardless the intention to distribute them, **in case they are held in a computer system or in a means of computer data storing**.

Also the **new Criminal Code (Law no.286/2009, which entered into force)**, in the art. 374, incriminates the crime of **child pornography**, as follows:

- “(1) The production, possession for display or distribution, purchase, storage, display, promotion, distribution and availability in any way, of child pornography materials is punished with imprisonment from one year to five years.*
- (2) If the facts set out in para. (A) have been committed by a computer system or other data storage means, the punishment is imprisonment from 2-7 years”.*
- (3) The attempt is punishable.*

**Regarding ownership/possession of child pornography, Law No.161/2003 on certain measures to ensure transparency in the exercise of public dignities, public functions and in business environment, prevention and punishment corruption, (republished) with its subsequent modifications and completions**, states that: *„production, to distribution, offering or making available, distribution or transmission, obtaining for himself or another, of child pornography materials through computer systems, or possession, without right, of child pornography materials in a computer system or a means of storing computer data, shall be punished with imprisonment from 3 to 12 years and interdiction of certain rights”*.

Regarding the crime of sexual exploitation of minors, the **Criminal Code** states, inter alia, in art. 198 (intercourse with a minor) that: „*if the facts set out in para. (1) - (3) have been committed to producing pornographic materials, the punishment is imprisonment from 5 to 15 years and interdiction of certain rights, and if for that purpose coercion was used, punishment is imprisonment from 5-18 years and interdiction of certain rights*”. As can be seen, possession is maintained indirectly.

In art.202 (sexual corruption) possession is also, indirectly, maintained, namely in paragraph 3, as follows: „if the facts referred to in paragraph (1) and (2) have been committed to produce **pornography materials**, the maximum of the penalty shall be increased by two years (para. 2)”.

*De lege ferenda* the new Penal Code penalizes mere possession of child pornography materials in art.374, as follows: par. 1 – „*production, possession for display or distribution, purchase, storage, display, promotion, distribution, and availability in any way, of child pornography materials is punishable by imprisonment for 1-5 years*”.

*„If the facts referred to in paragraph 1 have been committed by a computer system or by any other means of storing computer data, the punishment is imprisonment from 2 to 7 years (paragraph 2)”*. *Accessing, without having the right, to child pornography materials, through computer systems or other means of electronic communication, shall be punished with imprisonment from three months to three years or a fine (paragraph 3)*.

**The Committee requests the next report to provide information on the results of measures taken to reduce child sexual exploitation including child trafficking.**

A series of measures have been a series taken with regard to sexual offenses against minors to reduce sexual exploitation of minors. Thus, the **new Penal Code** which will come into force in October 2011, reads as follows:

Art.213 - Pimping: "(1) Determine or facilitate prostitution or profiting from prostitution property by one or more persons shall be punished with imprisonment for 2-7 years and interdiction of certain rights.

(2) If the induction at the commencement or continuation of prostitution has been achieved by coercion, punishment is imprisonment from 3-10 years and interdiction of certain rights.

(3) If the acts are **committed against a minor**, the punishment special limits are increased by half.

(4) Prostitution practice means having sex with different people to obtain economic benefits for himself or another”.

Art.218-Rape: "(1) Sexual intercourse, oral or anal intercourse with a person committed by coercion, making it impossible to defend or to express their will or taking advantage of this state, shall be punished by imprisonment from 3 to 10 years and interdiction of certain rights.

(2) The same punishment is for any other acts of vaginal or anal penetration committed as to para.1 conditions.

(3) The punishment is imprisonment from 5 to 12 years and interdiction of certain rights, where:

a) the victim is under the care, protection, education, guard or treatment of the perpetrator,

b) the victim is a relative in direct line, brother or sister,

c) the victim has not attained the age of 16

d) the offense was committed to produce pornographic materials

e) the conduct resulted in injury;

f) the act was committed by two or more people together”.

Art.219 - Sexual assault - "(1) sexual act other than those mentioned in art. 218, with a person committed by coercion, making it impossible to defend themselves or to express their will, or taking advantage of this state, shall be punished with imprisonment for 2-7 years and interdiction of certain rights.

2) the penalty is imprisonment from 3-10 years and interdiction of certain rights, where:

a) the victim is under the care, protection, education, guard or treatment of the perpetrator,

b) the victim is a relative in direct line, brother or sister,

c) **the victim has not attained the age of 16**

d) the offense was committed to produce pornographic materials

e) the conduct resulted in injury;

f) the act was committed by two or more people together”.

Art. 220 - Sexual intercourse with a minor - "(1) Sexual intercourse, oral or anal intercourse and other acts of vaginal or anal penetration committed with a minor between 13 and 15 years shall be punished with imprisonment for 1- 5 years.

(2) The action referred to in par. (1) committed against a minor who has not attained the age of 13 shall be punished with imprisonment for 2-7 years and interdiction of certain rights.

3) act in par. (1) committed by a major with a minor aged between 13 and 18, where the major abused their authority or influence over the victim, shall be punished with imprisonment for 2-7 years and interdiction of certain rights.

(4) The action referred to in paragraph (1) - (3) is punishable by imprisonment for 3-10 years and interdiction of certain rights, where:

a) the victim is a relative in direct line, brother or sister,

b) the minor is under the care, protection, education, guard or treatment of the perpetrator,

c) the offense was committed to produce pornographic materials.

(5) Acts provided for in par. (1) and (2) is not punishable if the age difference does not exceed three years”.

With regard to child trafficking, the current legislation in the field is as follows:

- Law no. 678/2001 (republished) with its subsequent modifications and completions, on preventing and combating human trafficking, including minors, as amended;

- Government Decision no.1654/2006 approving the National Strategy against human trafficking, including minors, for the period 2006 to 2010;

- Government Decision no. 982/2008 approving the National Action Plan for the period 2008 - 2010 to implement the National Strategy against human trafficking, including minors, for the period 2006-2010.

On May 17, 2010 the Senate of Romania adopted the bill amending Law no. 678/2001 on preventing and combating trafficking in human beings (L663/2008/12.11.2009), initiated by the Ministry of Administration and Interior.

Ministry of Justice changes aimed to complying with the request for reviewing and adapting the sanctions regime to the general rules in this area. Currently, the bill was sent to the President of Romania for promulgation.

From a statistical viewpoint, in 2007, **429 defendants** were judged for crimes of human trafficking and **trafficking of minors**, of which 171 in preventive custody. 188 people have been definitively convicted.



In 2008, **329 defendants** have been prosecuted (five of which were minors), for human trafficking crimes and **trafficking of minors**, of which 152 in preventive custody. 187 people have been definitively convicted.

In 2009, **262 defendants** have been followed (including eight children) for crimes related to trafficking in human beings and **trafficking in minors**, of which 116 people were arrested preventively. 183 were definitively convicted.

*De lege ferenda*, the new Penal Code regulates in art.211 the crime of trafficking in minors "(1) The recruitment, transportation, transfer, hosting or receiving a minor in order to exploit it, is punished with imprisonment for 3-10 years and interdiction of some rights.

(2) If the offense was committed under art.210 par . (1) the penalty is imprisonment from 5 to 12 years and interdiction of some rights. (3) The consent of the person concerned is not supporting the victim”.

### ***Protecting children against other forms of exploitation, ill treatment or abuse***

According to Law no.272/2004 on the protection of child rights, child has a right to be protected against all forms of violence, abuse, exploitation, maltreatment or neglect. Any natural or legal person, including children, may refer to competent authorities to take necessary protective measures. Public employers and private institutions working with children are required to report without delay any case of suspected abuse, neglect or maltreatment to the general direction of social assistance and child protection.

The child's parents or, where appropriate, his legal guardian, public authorities and private bodies are obliged to take all appropriate steps to facilitate physical and psychological rehabilitation and social reintegration of any child who was the victim of neglect, exploitation or abuse, torture or punishment or cruel treatment, inhuman or degrading treatment. (Art. 86 par. (1) of Law 272/2004).

Article 87 of **Law no.272/2004** regulates the child's right to be protected from **economic exploitation** and to prevent children's involvement in business activities that may pose a risk to health and development or affect the educational-training process.

According to Law no.272/2004, the Labour Inspectorate, together with the National Authority for Child's Rights Protection, have the obligation to develop campaigns to prevent child labour exploitation. The objectives of these campaigns are as follows:

- Informing children about their rights, consequences and risks of labour exploitation, and the measures and services they may benefit;
- Informing parents about their rights and obligations, as well as the institutions authorized to offer support;
- Inform people who by the nature of their profession, come into direct contact with the children, about the signs and risks of exploitation, and about their obligations, or if appropriate, the authorized institutions;
- Inform employers of the consequences of child labour, legal provisions governing child labour, conditions in which children can be involved in work and sanctions.

Such campaigns were conducted under the International Programme on the Elimination of Child Labour (2004-2007).

Law no.272/2004 on the protection and promotion of children's rights also guarantees **freedom of expression of the child**. Parents can not limit freedom of expression of a child, except as expressly provided by law.

**Law no. 272/2004** is the centrepiece of the legislative package adopted in this field. Law adoption was combined with significant awareness campaign aimed at informing all those who work with children and those involved in educating parents about child's rights. This law further harmonises national legislation and practice with the United Nations Convention on the Rights of the Child.

Law no.272/2004 establishes also the **child's right to social protection** that is provided through social insurance or social assistance system. As a general rule, children benefit from social protection measures if the parents or persons responsible for their care can not offer a range of basic needs.

There are also situations where certain rights are granted to all children without the condition of previous contributions, as well as the state child allowance and maternity allowance (see Article 23 above). The child may benefit from social protection measures directly (state allowance, income support, survivor's pension) or indirectly through grants and services to its guardians (parental leave, childcare allowance, an allowance for a sick child).

### **Protection against the misuse of information technology**

As regards protection against the misuse of computer equipment, there are two provisions:

Law no. 196/2003 on preventing and combating pornography, republished, states in art. 14 that:  
*“(1) National Regulatory Authority for Communications and Information Technology receives complaints about failure to comply with art. 7 provisions;*

*(2) In the event of receiving a complaint and after verifying the contents of the site, the National Regulatory Authority for Communications and Information Technology require Internet service providers to block access to the site in question.*

*(3) Failure by the internet service providers to block the access to sites that do not comply with Article 7, within 48 hours after receiving the request under par. (2) of the National Regulatory Authority for Communications and Information Technology, is contravention and is punishable by a fine of 10,000 to 50,000 lei).*

Law No. 161/2003 on certain measures to ensure transparency in the exercise of public dignities, public functions and businesses, preventing and punishing corruption in Article 51 states that:

*(1) Is an offense and is punishable by imprisonment for 3-12 years and the interdiction of some, production for distribution, offering or making available, distribution or transmission, obtaining for himself or another, of child pornography materials **through computer systems or possession, without right, of child pornography in a computer system or computer data storage means.***

### **ARTICLE 8 -THE RIGHT OF EMPLOYED WOMEN TO MOTHERHOOD PROTECTION**

During the reporting period of this report there were not legislative changes related to motherhood protection.

The legal framework including occupational categories employed in the Ministry of Administration and Interior is the general regulation of motherhood protection at work, provided by the Government Emergency Ordinance no.96/2003, republished, with its subsequent modifications and completions. The Government Decree no.537/2004 Methodological Norms on motherhood protection at work, as amended and supplemented, have been established to ensure implementation and enforcement by employers - individuals and legal entities in public and private sector, of Emergency Ordinance no.96/2003 provisions, republished, with its subsequent modification and completions.

**Art. 8 para. 2 – Illegality of dismissal during maternity leave**

*Prohibition of illegal dismissals*

*Dismissals*

According to art. 76 of the Labour Code, dismissal in breach of procedure prescribed by law is null and void.

Article 78 par. (1) of the same law, if dismissal was done wrongly or illegally, the court shall order its cancellation and requires the employer to pay compensation equal to the wages indexed, increased and updated and other rights that employee benefited.

Par. (2) of Art. 78 of the Labour Code, at the employee's request the court ordering its cancellation will restore parts of the state before issuing notice of dismissal.

**ARTICLE 8 PAR. 5 - PROHIBITION OF HAZARDOUS, UNHEALTHY AND HEAVY WORK**

**Again, the Committee requests information on the activities of the Labour Inspectorate to ensure supervision of the relevant legislation.**

Regarding the specific information required by ECSR. **8 par. 5** we mention that the regional labour inspectorates constantly made checks to verify compliance with female workers rights to maternity protection. Thus:

- In 2007, 39,611 employers were verified to see if they comply with GEO No.96/2003 provisions, (republished, with its subsequent modifications and completions). For non-compliance sanctions were imposed on 1,529, of which 1,527 warnings and were ordered 3,424 measures.
- In 2008, 38,030 employers were verified to see if they comply with GEO No.96/2003 provisions (republished, with its subsequent modifications and completions). For non-compliance sanctions were imposed on 2,118, the total amount of fines was 19,000 lei. However, to restore non-conformities found, 6281 mandatory measures were ordered.
- In 2009, 36,730 employers were verified to see if they comply with GEO No.96/2003 provisions (republished, with its subsequent modifications and completions). 3,033 have been sanctioned, the total amount of fines being of 15,500 lei.

## Article 16 – Family rights to social, legal and economic protection

### I. Description of the general legal framework

Among the above-mentioned articles, art. 16 fall within the jurisdiction of the Directorate General for Territorial Development and the General Directorate of Public Works, because it contains references to encourage housing adapted to family needs.

*“Art 16 - Family rights to social, legal and economic living conditions necessary to achieve full development of the family, the fundamental unit of society, the parties undertake to promote the protection of economic, legal, social and family life, particularly through social and family benefits and tax provisions, to encourage the housing adapted to family needs, benefits for young families or any other appropriate measures.”*

The preamble to the Housing Law No. 114/1996, republished, with subsequent amendments states explicitly that *“the regulation of the framework for development, operation and management of housing is based on the following principles:*

- *free and unrestricted access to housing is a right of every citizen*
- *housing realization is a major objective of national interest, on long term, of the central and local government.”*

Article 7 of the above-mentioned normative act contains details regarding the construction of housing by local councils using special deposits especially created in this respect. These houses are built in order to *“facilitate access to property for certain categories of persons in the following order of priority:*

- a) newly married couples that, at the date of contracting the house have each up to age 35 years,
- b) people who benefit from facilities to purchase or build a house according to Law no. 42/1990, republished,
- c) qualified persons working in agriculture, education, health, government and religion fields, which establish their residence in rural areas;
- d) other categories of persons established by local councils.

People in the categories mentioned in a) - d) are entitled to a grant from the state budget, within annual budgetary provisions, compared with net average monthly income per family member up to 30% of house calculated from its final value, and a monthly installment payment, for 20 years, of the difference to the final price of the house, after deducting the subsidy and 10% mandatory deposit paid by the contractor, of the amount calculated on the date of house contracting.

As regards access to social housing, Housing Law No. 114/1996, republished, modified and supplemented, does not contain any discriminatory provisions, conditions or barriers:

Art.43, "Social houses are allocated by local public authorities that administrate them, based on yearly criteria set by them, subject to the provisions of this chapter, and in the order of priority established by law, the following people categories may benefit: individuals and families to be evacuated or returned to former owners evicted from their homes, young men aged up to 35 years, young people coming from social protection institutions and aged 18 years, invalids of the I and II grade, disabled, pensioners, veterans and war widows, beneficiaries of Law no.341/2004 on appreciation to the martyrs and heroes, fighters who have contributed to the victory of the Romanian Revolution of December 1989, and to people who have sacrificed their lives or suffered from workers anti-communist uprising in Brasov, November 1987, as amended and supplemented, and the provisions of Decree-Law no.118/1990 on granting rights to persons persecuted for political

reasons by the dictatorship with effect from 6 March 1945 and those deported abroad or set up prisoners, republished, with subsequent amendments and other entitled persons or families”.

Also, Law no. 116/2002 on **preventing and combating social exclusion** states in Article 2, “to ensure an effective access, particularly for young people, to the elementary and fundamental rights, such as right to employment, housing, health care, education, and instituting measures to prevent and combat social exclusion and mobilization of relevant institutions in this field.

Thus, "to facilitate access to housing to persons aged up to 35 years, being unable to purchase a home only by themselves, at the level of county councils and the General Council of Bucharest can be created a budget (...) which will fully cover the estimated amount of the advance to be paid to acquire a house or the house rent for up to 3 years for the rented house”. (Art. 13-14).

According to Article 15 will be given priority in awarding these amounts to the following categories:

- a. young people coming from orphanages and child centres of specialized public and private bodies for the protection of children,
- b. married couples under the age of 35 years with dependent children;
- c. married couples up to 35 years without dependent children;
- d. other persons under the age of 35 years.

## **II. Measures taken to implement the legal framework**

In housing construction, the Government strategy aims to develop social housing programs to ensure decent living conditions for the categories of persons with modest incomes, particularly young people. It was also considered the need to provide housing for tenants evicted from their homes returned to former owners.

Currently, the ministry runs a program for financing the construction of social housing under the provisions of Law No. 114/1996. **Its aim is to build social housing, rented housing for certain categories of persons disadvantaged, stipulated by law, whose subsistence level does not allows them the have access to a home owned or rented in market conditions. The objective is to achieve decent living conditions for disadvantaged social categories.**

Through this program, the state financially supports the construction of social housing at the local level, by allocating funds to supplement state funds from local budgets, through the Ministry of Regional Development and Tourism budget, at the fundamental request of local councils.

Please note that in accordance with law provisions, social housing applications are to be submitted to local authorities. Many housing applications submitted to the local government are from the people evacuated from their homes returned to former owners and the GEO no. 74/2007, (republished) with its subsequent modifications and completions, has established a legal framework through which local councils can make fund for social housing for the tenants evicted.

## **III. Providing figures, statistics or any other relevant information**

In 2005-2009, by the financing program for special housing construction in accordance with Law No. 114/1996, 2,198 residential units were completed. By Law no.11/2010 - state budget for 2010, state budget funds allocated to this program amount to 28.250 thousand lei. In 2010, is expected to finalize a number of 578 dwelling units.

Ministry of Regional Development and Tourism is the authority responsible for developing these dwelling programs.

According to the Emergency Ordinance no. 74/2007, (republished) with its subsequent modifications and completions, the ministry runs a Program for financing the construction of social housing for tenants evicted from their homes returned.

Through this program since 2007 have been completed over **1,965 residential units. Ministry of Regional Development and Tourism, through the National Housing Agency** tries to find the continuation and development of housing for young people to be rented, carried out based on Law no.152/1998 republished and according to the Methodological Norms for implementation of the Law no.152/1998 approved by GD no.962/2001, as amended and supplemented. The program aims to build rental housing for young people whose sources of income do not allow ownership of a house purchased or rented in market conditions and also ensure stability of young professionals through the creation of affordable housing.

Ministry of Regional Development and Tourism and local councils examine and determine, based on requests for housing and building land available, the need and opportunity for building homes. Promoting and financing investment for construction of houses for rent, is made in accordance with legal provisions on public investment, through the Ministry of Regional Development and Tourism as the implementing authority. Acceptance for funding will be based on budgetary resources allocated for this purpose by the State Budget Law.

In 2005-2009, through the housing program for young people 14,500 housing units were completed.

### **Contribution of the National Agency for Roma**

Ministry of Transport, Constructions and Tourism develops housing programs for access to housing and support of disadvantaged people in accordance with law as disadvantaged categories, including Roma population.

Considering that housing is a priority issue for Roma, in 2006, the National Agency for Roma developed by funding from the state budget the following:

- small infrastructure project: rehabilitation of housing block Medias
- small infrastructure projects: water supply in the village Plopiș, Salaj county
- small infrastructure project: the introduction of electricity in the village SINTESTI, Vidra Commune, Ilfov County

According to Article I, point 1, alin. 4 and 5 from the Government Decision no.1124/2005, amending and completing Government Decision no. 1703/2004, in exercising its attributions, the National Agency for Roma initiates, participates and promotes, together with specialized institutions and NGOs, sectorial programs and actions in order to improve the Roma situation.

During 2006, the NAR and NAR eight Regional Offices have developed 30 community development programs, selected based on a study "A social map of the Roma community", published by NAR in collaboration with the World Bank in 2005. Each of these community development programs contains priority measures in sectoral areas set up in the Government Strategy to improve the Roma situation, housing, health, education and work, based on community facilitation process, initiated in partnership with ministries, institutions and their decentralized services and nongovernmental organizations.

During 2007, the National Agency for Roma will implemented seven small infrastructure programs of Roma communities by funding from the state budget and identified in 2006 by the Regional Offices. It has also been identified a source of funding 10 of the 30 community development programs, which are included in the list submitted by the FRDS to be financed from the Social Inclusion Programme.

## **I. CREATE THE ROMANIAN ORGANIZATION FRAMEWORK TO ADDRESS ROMA COMMUNITY ISSUE**

In 1997 the Department for Protection of National Minorities was founded, coordinated by a Minister Delegate to the Prime Minister of Romania. In this department was established the National Office for Roma, as an institution representing the interests and problems of Roma.

In 2000, the Department for National Minorities has been dissolved and its tasks, including the National Office for Roma have been taken by the Ministry of Public Information. By mid 2004, the role and position of the National Office for Roma in the hierarchy of institutions have been modified, so that at the end of 2004, Office staff and responsibilities have been transferred to the National Agency for Roma, established by Law no.7 /2005.

Through the Law no7/2005 was approved the Government Emergency Ordinance no.78/2004 for establishing the National Agency for Roma.

Acquisition attributions Office for Roma Issues from the structure of the Department for Interethnic Relations, was achieved through the application of paragraph (1) Article 1 of Government Emergency Ordinance nr.78/2004 approved with the subsequent modifications, as amended by Law nr.7/2005.

According to the GD Government Decision no. 1584/2005, amended by Government Decision 1.083/2006 (legislation repealed by Government Emergency Ordinance 20/11.03.2009) on the organization and functioning of the National Agency for Roma (NAR), the institution is a specialized body of central public administration with legal personality, subordinated to the Government, whose primary responsibility is the coordination of public policies for Roma, in particular the coordination, monitoring and evaluation of intervention measures in the social sector areas, contained in Romanian Government Strategy for improving Roma situation, approved by Government Decision no. 430/2001 (republished), with its subsequent modifications and completions.

## **II. PUBLIC POLICIES FOR ROMA IN ROMANIA.**

### **1. Strategy to improve Roma situation**

In early 2001, the Ministry of Public Information proposed to the executive body a discussion and adoption of a national strategy for improving the Roma situation, namely, the **Government Decision no. 430/2001, (republished) with its modifications and completions** a comprehensive document, with a duration of 10 years, accompanied by a plan of measures for the first four years (2001-2004), in 10 major sectoral areas: administration and community development, housing, social security, health, economic, legal and public policy, child protection, education, culture and religions, communication and civic participation.

- Since 2002, the implementation was limited to five fields, namely **education, health, employment, housing, administration and community development**, addressed by the

National Agency for Roma, through the PHARE 2000, PHARE 2002 and multi-annual programming 2004-2006;

- Education field was approached exclusively by the Ministry of Education, Research, Youth and Sport (according to the provisions of Government Emergency Ordinance no.115/2009 regarding establishing some restructuration measures in the framework of central public administration.)
- **education field** was addressed solely by the Ministry of Education and Research
- **combating discrimination** is primarily the task of the National Council for Combating Discrimination.

***Concerning Romanian Government Strategy for improving Roma situation, Ministry of Regional Development and Tourism is developing, according to the Government Decision no.1237/2008, the pilot Program, „Social dwellings (houses) for roma communities”.***

This program aims to implement some pilot-projects for building a total of 300 social housing in the 8 Romanian development regions in locations established by the Ministry of Regional Development and Tourism, based on the proposals made by the National Agency for Roma and local public authorities.

The program represents an experimental strategy for implementing Romanian Government Strategy for improving Roma people.

The pilot-program “Social housing for roma communities” is developing by this ministry by the National Housing Agency-the authority for implementing this program and is financing from the state budget.

Utilities and engineering facilities for roma social housing represent the investments objectives promoted and realized by the local councils, with financing from their own budgets.

The program was approved in 2009, based on the request of the local councils and includes 301 housing for roma communities located in 11 localities from 11 counties, including the all 8 Romanian developing regions.

## **Decade of Roma Inclusion 2005 – 2015**

### **Brief description of policy**

Decade is primarily designed as an international political commitment by governments of nine countries in the region (Romania, Bulgaria, Hungary, Czech Republic, Slovakia, Serbia, Montenegro, Macedonia and Croatia), to which Romania joined in 2003 together with other eight countries in Central and Eastern Europe.

After 2004, during which were developed proposals for national plans of action for the Decade, taking the initiative was re-confirmed by the nine governments, participating States committing to promote active social inclusion of Roma, focused on four priority areas: education, health, employment and housing based on the concept of fighting poverty, gender inequality and promoting sex (gender) discrimination .

### **The aim of the Decade**

Decade goal is to reduce significantly, during a 10 year period, the socio-economic gaps that separate Roma from the rest of citizens.

Decade Action Plans, developed in 2004 were significantly improved during 2005, namely, were developed indicators of impact and results, financial estimates for each measure, and have set time schedules for each measure / domain, the institutions responsible for measures implementing and monitoring were specified but mostly, they were the result of the consultations held with experts from



ministries and civil society experts in the field of Roma. Subsequently, the NAR will prepare action plans adopted by the Romanian Government.

During July 2005 - July 2006, Romania, through the National Agency for Roma chaired the Roma Inclusion Decade. According to the "Memorandum on setting Romania's priorities during the chairmanship of Romania of the Decade of Roma Inclusion and the international business program, during the same chairmanship, Romania has proposed to clarify certain concepts with which to operate in all member countries to develop the public policy for the Roma Decade, organization of Decade CIC meetings and other specific activities for the Decade, nationally and internationally.

### **Main achievements during the Decade Chairmanship**

- a) In the context of analyzing the impact of the Decade in Romania, starting with January 2005, the National Agency for Roma was concerned with identifying common policy elements regarding the Roma in Romania, adopted by the Romanian Government with other national and international policies, the relations of different social actors, and their involvement in public policy for the Roma, the language used. The results of the analysis have resulted in the following publications:
  - Public Policies for Roma - trends and prospects
  - Employment Policies for Roma
  - Housing and extreme poverty - the Roma case, available on the website of the NAR: [www.anr.gov.ro](http://www.anr.gov.ro)
- c. On 31 May 2006, the Parliament of Romania approved the Law no.216/2006, ratifying the Agreement between the Government of Romania and the International Bank for Reconstruction and Development concerning the establishment and administration of the Trust Fund supported by several donors to support the Decade, signed in Bucharest on November 17, 2005.
- d. On June 12, 2006, a meeting, held in Brussels, organized by the Romanian Government through the National Agency for Roma, in partnership with the European Commission, the Mission of Romania to the EU and the Open Society Institute - Brussels. The main objective of the meeting was to identify policies and instruments through which the European Commission can be involved in the Decade, opportunities for strengthening cooperation between European Commission and national structures of the Decade.
- e. The meeting was attended by government officials from all nine countries participating in the Decade, representatives of the European Commission, World Bank and representatives of NGOs. The main advantage of this meeting was to increase the involvement of the European Commission for future action to improve the Roma situation. The presentation highly representative of the European Union has helped to clarify some aspects of the technical procedures necessary for the access to EU funds after accession. For Romania, this event can be regarded as a mission successfully accomplished in a time when the National Agency for Roma Decade Presidency transfer chairmanship to the following country, Bulgaria.
- f. **On April 4, at the National Palace of Culture in Sofia, Bulgaria**, took place the ceremony of transferring the Chairmanship of the Decade of Roma Inclusion 2005-2015, held by Romania during the period July 2005-July 2006.

### **III. PUBLIC POLICIES COST/CONTRIBUTIONS**

Financial support for the performance of the Plan of measures of the Government Strategy was mainly allocated by the European Commission through pre-accession programmes while the Government has contributed with amounts for co-financing these programmes.

#### **1. Amounts allocated by the European Commission for Government Strategy**

- In 2001-2004, the PHARE 1998 program was completed, amounting to 2 million
- In 2000 a new fund has been contracted, Civil society development, amounting to €1 million

- In 2002, a new developed PHARE program, amounting to €6 million, all based on the basic measures of the Government Strategy Plan.

**a. PHARE RO 9803.01 Programme**

The total value of EUR 2 M, it had a training component, EUR 1.1 million and a grant component amounting to EUR 900.000, which has been allocated to local projects, developed in partnership by local authorities and representatives of Roma community, during 2000-2002 out of the 334 projects proposals, 40 were successful (funded) and covered the 10 sectoral special areas of government strategy.

**b. PHARE RO 0004.02.02 Programme**

In February 2002, the second fund PHARE RO 0004.02.02 was launched, “Civil Society Development in 2000”, with a grant component for “Improvement of the Roma situation” amounting to EUR 1,000,000, for which there were 300 requests for funding. 36 projects were proposed to be funded covering the fields of Public Administration and Community Development, Education, Health, Social Security, Communication and Civic Participation, the projects were implemented during 2002-2003.

**c. PHARE RO 2002/000-586.01.02 Programme**

The program entitled “Support for the National Strategy for Improving the Roma situation” has a total of EUR7.6 million, of which EUR 6 million from the European Commission and EUR 1.6 million, a Romanian Government contribution.

The program aimed to strengthen the participation of Roma communities in the economic, social, educational and political life of Romanian society and improve access to health services. For the grant component of PHARE 2002 Programme, amounting to EUR 4,322,740, 531 projects were submitted, of which 65 received funding on the following areas: professional training and income generating activities, 34 projects amounting to EUR1,482,908, small infrastructure and social housing, 14 projects amounting to EUR 2,189,834, health, 17 projects amounting to EUR647,196.

**d. PHARE 2004-2006 Multiannual Programme**

In December 2004 was signed the Financing Memorandum between Romania and the European Commission for PHARE Multi-annual Programme 2004-2006, which includes sub-political criteria, minorities, and provides a financial estimate of 44,160.000 Euro (European Commission 35 million Euros, plus the Government contribution of 9.16 million Euros).

For this program six priority areas have been identified covering: the Roma identity documents, information and public awareness programs related to Roma and their problems, develop institutional capacity of National Agency for Roma and local structures involved in implementing and monitoring the Government Strategy, community development, education and health.

The first sectoral sheet of Multi-annual Programme was approved in December 2004 and provides the allocation of the amount of 8.5 Million Euros for two projects:

- institutional development of the implementation structure of GD no.430/2001, republished with its subsequent modifications and completions, amounting to 4.5 Million Euros
- Development of the institutional capacity and improvement of the educational environment in some schools, amounting to 4 million Euros.

#### **e. PHARE Programme in the education field**

Regarding education, the Committee support allocated to the Ministry of Education and Research to sustain the educational process also included the Roma children.

PHARE RO 01/04/2002 programme "Access to education for disadvantaged groups with special focus on Roma" began in 2002 with a total amount of 8,330.000 Euro, of which 7 million Euro from the European Commission and 1,330.000 Euro, the Government contribution.

- PHARE RO2003/005-551.01.02 Programme "Access to education for disadvantaged groups, with a total amount of 13.31 million Euro, of which 11 million Euro from the European Commission and 2.31 million Euro, the Government contribution.
- The Sectoral sheet of Multi-annual Programme amounting to 4 Million Euros, approved in December 2004, provides the development of institutional capacity and improvement of the educational environment in some schools.

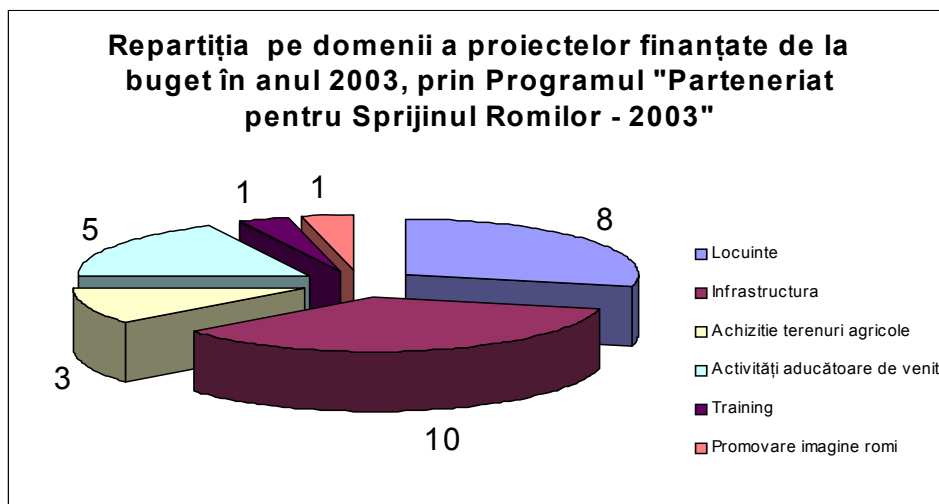
Government contribution for the annual program, estimated at the 9.16 M Euro, will be managed jointly, on the same components of the programmes.

## **2. Amounts allocated from state budget to strategy**

### **a. „Partnership for Roma support – 2003”**

Romanian Government's preparations for the Financing Memorandum signed with the European Commission in December 2002 meant the fulfilment of compliances stipulated in the 2002 PHARE programme, without which the signing of the memorandum would probably have been delayed. Therefore, the Government's financial contribution to the PHARE 2002 Programme, amounting to 1.6 Million Euros (56 billion Lei) was included and approved in the draft of the state budget for **2003**. In the same year, based on a methodology of the NAR, the amount was opened to a contest as the "Partnership for Roma support - 2003".

- 97 grant applications were received and evaluated, whose applicants (local governments, in partnership with NGOs and / or local initiative groups) have proposed activities in the same areas as the PHARE 2002 programme (health, small infrastructure, houses renovating, income generating activities, vocational education).
- 27 projects have received funding in the following areas: 8 projects for housing rehabilitation, 11 projects construction and / or minor rehabilitation of infrastructure, two projects for land acquisition and processing and four projects for income generating activities, one project for human resources training and one project to promote the image of Roma.



Breakdown by areas of the budget funded projects in 2003, through "Partnership for Roma support" programme  
 Housing Infrastructure Acquisition of agricultural lands Income generating activities Training Roma image promotion

#### **b. „Partnership for Roma support – 2004”**

**For 2004**, under State Budget Law was allocated the sum of 64 billion Lei, intended for the government strategy “Activities to implement and monitor the strategy for improving Roma situation – 2004”. In the same year, in September 2004, the Government signed a Memorandum between the Government General Secretariat (GSG) - Ethnic Relations Department (DRI) and United Nations Programme for Development (UNPD) on co-financing the mentioned programme.

The Memorandum was designed to co-finance and administrate the Programme “**Activities to implement and monitor the Strategy to improve Roma situation -2004**”, to which UNPD has contributed with an amount of 4,080,000,000 Lei (120,000 USD).

Under this program, 220 projects were submitted by local authorities in partnership with initiative groups and / or Roma NGOs. The projects reviewing and selection Commission declared as eligible a number of 83 projects, of which 17 projects approved and funded, on the following areas:

- 9 projects to develop local infrastructure (four projects for connection to electricity network, four projects to pave access roads, one project to build a house of culture )
- Four projects in **income generating activities** (blacksmithing and tinsmithing workshops, basketry work, micro-livestock farm)
- One project in health field (create a medical unit) and
- Three projects to rehabilitate several schools in the Roma communities.

#### **c. „Partnership for Roma support – 2005”**

**For 2005**, the Law on State Budget allocated an amount of USD 1.81 million, with Government Strategy destination, “Activities to implement and monitor the strategy for improving Roma situation”. In the same year (GD no.1128/September 2005), the Government signed a memorandum regarding the co-administration of the above-mentioned program between the General Secretariat of Government (GSG) / National Agency for Roma and United Nations Programme for Development (UNPD).

The Memorandum was designed to co-finance and administrate the Programme „**Partnership for Roma support – 2005**”, to which UNPD has contributed with an amount of 98,844 Lei (120,000 USD).

Under this program, 242 applications for funding were submitted by local authorities in partnership with initiative groups and / or Roma NGOs. The projects reviewing and selection Commission declared as eligible a number of 101 projects, of which 11 projects approved and funded on the following areas:

- Six projects to develop local infrastructure (connection to water supply system – two, paving some access road – two, and school rehabilitation – one, sewerage system - one),
- Four projects for income generation activities: create a printing unit – one, joiner’s workshop – two, paves manufacturing – one)
- One project in housing (rebuilding of 20 houses)

### 3. Conclusions

- By mid 2005, excluding the Ministry of Education programs, under the institution responsibility and management, through the **European Commission** programmes the 10 sectoral areas of the Government Strategy received 9 million Euros, of which for institutional building, the sum of 2.4 Million Euros and for grants, the sum of 6.6 Million Euros.
  - from the state budget 120 billion Lei has been allocated, for the implementation of 55 projects
  - the total amount for the strategy was 12.2 M Euro
  - total number of implemented projects is 196
  - The multi-annual programming, financial estimation amounting to 44,160.000 Euro, will support financially the same areas (education, health, housing, small infrastructure, income generating activities and vocational education) and new ones such as: identification documents, awareness and public information programs related to Roma citizens rights and duties, development of National Agency for Roma as institutional capacity and local structures involved in the implementation and monitoring of the Government Strategy.

However, even if the proposed measures focused specifically on the Roma, have been partially financed by the PHARE programmes and through the amounts from the state budget, they need to be addressed on long-term and, lead, on long term, to a cohesive and inclusive society, complementary to the rapid absorption of the serious problems of extreme poverty and social exclusion generated by the crises in the last decades, a goal of JIM (Joint Inclusion Memorandum) 324.

Therefore, the European Commission funds and those from the state budget, for programmes and future policies could focus on the same issues addressed insufficiently to significantly reduce socio-economic gaps that separate Roma people from the rest of citizens, an objective of the Decade.

Equally important is investment in the administrative capacity of national, regional and local authorities to address major issues, e.g. **development of economic opportunities and creating paid jobs, education, full access to medical assistance** and, on long term, supporting the preparation of future programming documents of structural funds.

## IV. OTHER PUBLIC POLICIES OF NAR

### 1. Hädăreni.

The government adopted at its meeting on 19 April 2006 Decision no.533/2006 approving **Hadareni** Community Development Programme, **Mures County**, and a commitment of the Government of Romania to the ECHR.

National Agency for Roma organized a process of facilitating, consultation, drafting, adopting and implementing the program in partnership with MEC, MTCT, NEA, NGOs and local institutions. A community development program was developed for the next three years (2006 -2008), amounting to 3,487,000 Lei. Program Coordination will be made by the General Secretariat of Government, National Agency for Roma and ministries involved in its implementation. National Agency for Roma will have the responsibility in terms of financial performance of the program.

## **2. Community development programmes**

Under its strategic function, as to GD no.1124/2005, National Agency for Roma initiates and participates in projects and programs development together with other institutions and NGOs.

During October 2005 - March 2006, in addition to Hadareni programme were initiated in partnership with other institutions and NGOs, eight local community development programmes in the following cities: **Cetatea de Balta** - Alba Iulia County, **Brăhăsesti** - Galati County, **Pitesti**, Arges - County, **Cuza Voda** - Constanta County, **Nistru**, Tăuții Măghereș village – Maramureș County, **Chitila** district of Bucharest, **Sector Bucharest 4** and **Lipscani area**, sector 1, Bucharest.

**Small infrastructure component** of the above mentioned programmes was introduced in August 2006 at the budget revision and amounts to 900 thousand Lei.

- a. Small infrastructure programme for Roma communities. This program focuses on rehabilitation of structures, considered emergencies for Roma communities in the following localities: Toflea, Galați County, Cetatea de Baltă, Alba County, Cuza Vodă, Constanța County, Cămărașu, Cluj County, Tăuții Măgherăuș, Maramureș County, Cergău, Alba County, Râmnicelu, Brăila County and Chitila district, Bucharest.
- b. Rehabilitation, building block of flats –Mediaș-str. Tineretului 3-5. This project's goal is the rehabilitation of 175 apartments, composed of one standard room having 10,15 square meters, of which 117 in personal property and 58 social houses.
- c. Water supply Plopiș village, Roma community – Sălaj County. The aim of this project is to ensure minimum hygiene conditions of the inhabitants of the village by providing drinking water to the community through a centralized system to protect water of various impurities.
- d. "With us, among us, about us women". This project is an information and awareness campaign for women, focused on Roma women.

## **3. Memorandum of Joint Social Inclusion**

From September through December 2005, ANR has contributed to the Strategic Plan on Social Inclusion, coordinated by Ministry of Labour, Social and Family - MMSSF, having as priority: To promote social inclusion among Roma communities.

## **4. National Development Plan (2007-2013)**

From September through December 2005, National Agency of Roma has made substantial contributions to guide and establish the priorities, measures and activities for the Roma population within the Sectoral Operational Programme (SOP), Human Resource Development; consultations

were initiated by the Managing Authority for Sectoral Operational Programme, Ministry of Labour, Social and Family.

#### **5. National Regional Development Programme**

During October-November 2005, during the consultations initiated by the Ministry of European Integration - The National Strategy for Regional Development, National Agency for Roma has made recommendations regarding the inclusion of Roma in the National Regional Development Programme (priority 1 and 4).

#### **6. National Anti-Poverty and Social Inclusion Plan**

NAR has been involved in consultations for the elaboration of the National Anti-Poverty and Social Inclusion Plan 2006-2008, which was approved by government decision.

#### **7. Social Inclusion Programme**

During 2005 the National Agency for Roma has actively participated in the consultations initiated by competent ministries in order to develop the necessary technical Sheets necessary for Social Inclusion Programme, based on housing, employment, and education and health fields.

- Consultations with (RSDF) Romanian Social Development Fund, the World Bank and the Department of Programmes Implementation and structural adjustment within the Government, aimed the preparations for the Social Inclusion Programme, proposed by the Government to be introduced in the country partnership strategy with the World Bank are also important contributions from the NAR.
- In January 2006, the NAR has developed its own data sheet, part of the Social Inclusion Programme.

#### **7. Policies for Roma Inclusion: good practice - Roma IN**

National Agency for Roma is a partner in this project, coordinated by the Catalan Parliament, Directorate of Social Protection in Barcelona, Spain. The project goal is to disseminate best practices in social policy on Roma inclusion in Europe and runs from September 2005 - July 2007. National Agency for Roma is a partner in this project together with Spain, Finland and Belgium.

#### **2.4. Multiannual Programming PHARE 2004-2006**

Programme's aim is to **promote social inclusion of Roma**, implementation began in 2005, and programme's finalization was scheduled for the end of 2009 and had a financial estimate of 44.16 million Euros. The program was designed on two priorities: **Priority 1** "Strengthening institutional capacity and building partnerships to improve the living conditions of Roma and their image, amounting to EUR 25,8 million, implemented by the SGG and the NAR. **Priority 2** "Improving access to education for disadvantaged communities" implemented by the Ministry of Education, Research and Youth.

**Priority 1**, was "covered" in three stages, corresponding to three project sheets for 2004, 2005 and 2006. The components of investment (grants) were only two sheets: PHARE 2005 project sheet, amounting to 3,33 million Euros and PHARE 2006 project sheet, for 18 million Euros (Table 1).

	PHARE 2004 project sheet	PHARE 2005 project sheet	PHARE 2006 project sheet
Amount	4.5 million Euro	3.33 million Euro	18 million Euro
Activities	<ul style="list-style-type: none"> <li>- organizational strengthening activities of the NAR, NGOs and institutions involved in Government Strategy implementation;</li> <li>- Develop a methodology to monitor and evaluate the Government Strategy;</li> <li>- Establish an estimate of the number of Roma people who do not have identity documents;</li> <li>- Awareness and information campaigns</li> </ul>	<ul style="list-style-type: none"> <li>- Investment scheme to reduce the number of people without <b>identity documents</b> and / or marital status and property;</li> <li>- Facilitate access to social services, state aid and the labour market for the Roma people, excluded from these social benefits.</li> </ul>	<ul style="list-style-type: none"> <li>- Investment scheme in the areas of housing, small infrastructure, health, vocational training and income generating activities</li> <li>- Awareness and information campaign to reduce discrimination of Roma, accompanied the grant component.</li> </ul>
Results		<ul style="list-style-type: none"> <li>- Have been issued: 16,102 identity cards, 12,611 birth certificates and 4,701 contracts on homes and land ownership.</li> <li>- there was made a national research on inclusion and exclusion of Roma<sup>1</sup></li> <li>- 170 local county development plans were prepared (Chart 12)</li> </ul>	<p>Although the grant component of the PHARE 2006 programme was provided an amount of <b>18 million Euros</b>, of which 4.5 million a Government contribution, actually, only 8,608,670.04 Euros was contracted amount.</p> <p>Following the evaluation process of applications submitted to the investment scheme (grants) held in November 2008, 79 projects from 30 counties were contracted, as follows<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>- 38 projects in small infrastructure, amounting to 6,768,125.08 Euros</li> <li>- 22 projects in health, amounting to 959,990.56 Euros</li> <li>- 19 projects in the field of vocational training and AGV, amounting to 880,554.40 Euros (Chart 13)</li> </ul>

Table no.1. Priority 1 of multiannual programme PHARE 2004-2006 – Roma minority

### Gant component results PHARE 2005

<sup>1</sup> Source: [www.sgg.ro.consultatã](http://www.sgg.ro.consultatã) in September 2010



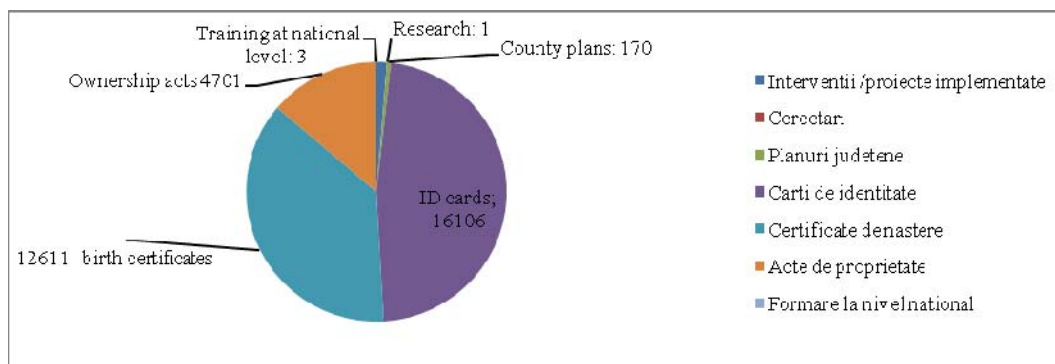


Chart no.1. Investment components results PHARE 2005

### Interventions/implemented projects

**Research County plans Identity cards Birth certificates Ownership acts training at national level**

### Grant component results PHARE 2006

A total of 79 applicants from 30 counties, local governments and NGOs, addressed to the PHARE 2006 programme and 79 towns have signed financing agreements with SGG (Chart 13).

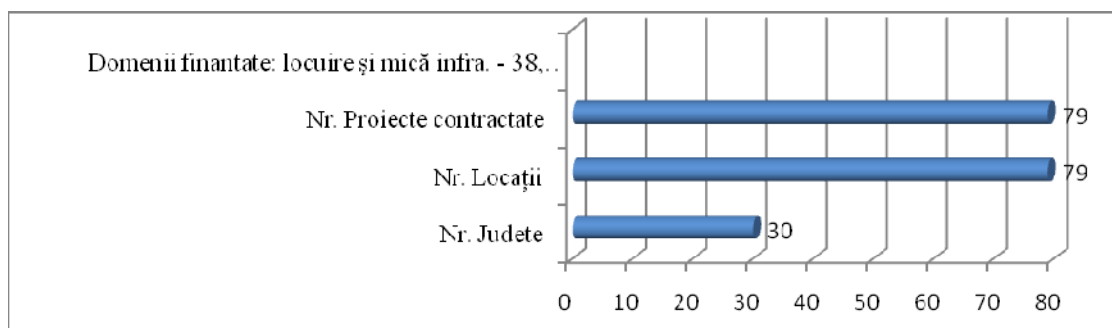


Chart no. 2. Grant component distribution PHARE 2006 per county and localities

Funded fields: housing and small infrastructure

No. of contracted projects

No. of houses

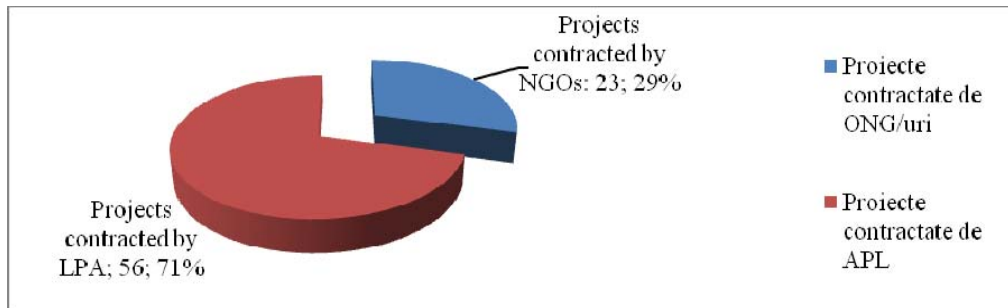
No. of counties

Of the 79 contracted projects nationally, 48% of the above amount has been allocated to infrastructure projects, 24% projects in the training and deployment of revenue-generating activities for members of Roma communities, 28% for projects in health field. (Chart 14).

Chart no. 3. Contracts / projects financed by the PHARE 2006

Of the 79 selected applicants and contractors nationally, 56 contracts for 38 projects (Chart 15), have been signed with **local governments**, **71%** of the total grant amount, mostly for infrastructure field (Chart 16) the most consistent in terms of financial value (projects between 50,000 and 200,000 Euros per project). The NGOs have concluded 23 agreements, 29% of the total grant, components for health, training and development of revenue-generating activities for members of Roma communities (Chart 18).

### Projects contracted / funded by local public authorities (LPA) and NGOs



Projects contracted by NGOs      Projects contracted by APL

Chart no. 4 Distribution of the grant scheme and applications submitted by NGOs and LPA in PHARE 2006 programme.

LPA, rather than NGOs (non-eligible for infrastructure component) exploited this valuable opportunity. Small infrastructure projects (32) and housing (6), compared with the number of projects in the other two areas (health - 12 and AGV - 6) respond more to local issues of public interest included as priority on LPA agenda.

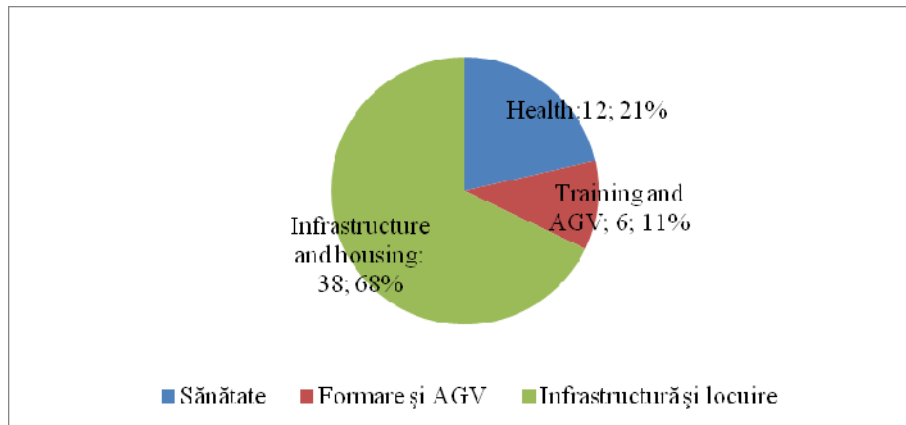
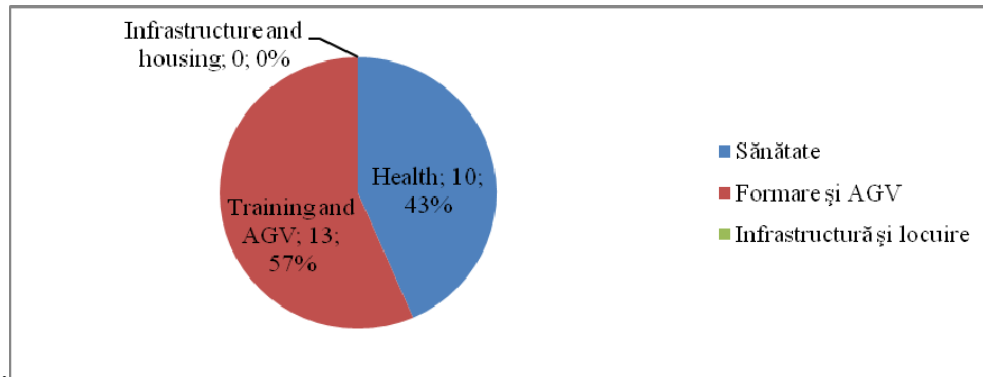


Chart no. 5. Distribution and LPA applications percentage to grant component PHARE 2006

NGOs not being eligible for the infrastructure component made use of the financing opportunities offered by the grant scheme, a rate of 29% (Chart 18), mostly in vocational training and deployment of revenue generating activities with the trainees, a percentage of 13.5%. Training and / or further training as medical mediators and conduct information campaigns in communities inhabited by Roma have been the subject of 10 projects, according to the NGO applicants, the communication with medical staff and the Roma access to health services may be provided through health mediator.

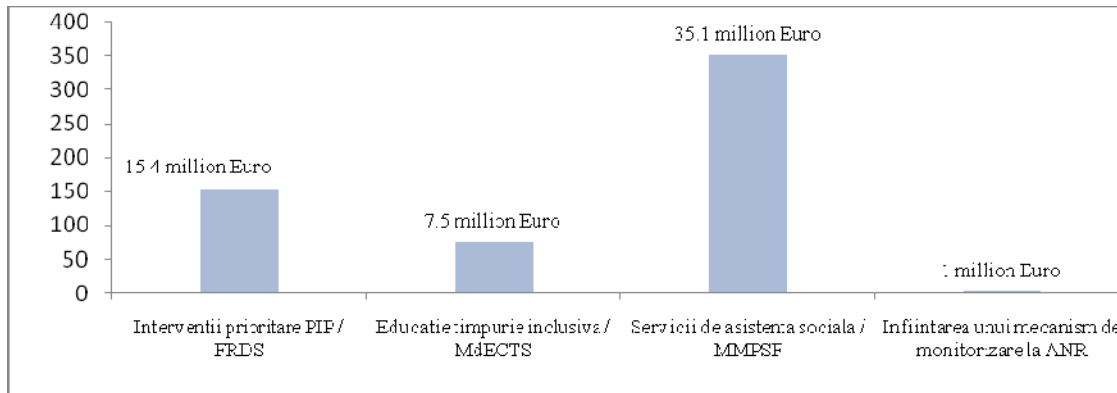


(Chart 18).

Chart no. 6. Distribution / percentage per domain of NGOs to grant component of the PHARE 2006. Health Training and AGV Infrastructure and housing

### 3. REPAYABLE FUNDS. Social Inclusion Programme. (SIP)

Romanian Government, through its authorized representative, Ministry of Finance, signed in July 2006, a Memorandum for a loan from the BIRD, amounting to 47.2 million Euros to finance solely the project on social inclusion of vulnerable groups and disadvantaged communities<sup>2</sup>. SIP is a new programme that will be implemented in Romania by 2011, is for social inclusion of disadvantaged population groups including Roma. The four components of SIP programme will be implemented by four partners with specific objectives.



Priority interventions PIP Early inclusive education Social assistance services Creation of a monitoring mechanism at NAR

Chart no.7. SIP components and partners

Regarding the objective of reducing poverty and **promoting social inclusion** of Roma provided in SIP, as to official documents, it will be achieved through a priority interventions component (PIP) component administered by FRDS and early education (PETI), managed by MEdCTS.

PIP component is preponderant for communities inhabited by Roma (about 1000) of which 81% in rural areas. The amount of PIP project is managed by the FRDS is 15.4 million Euro. (Chart 19). PIP implementation period is 2007-2011.

Early Education Component (PETI), managed by MEdCTS aims to support the inclusion of children belonging to Roma minority among the policies and programs of MEdCTS through interventions developed in early childhood, useful for child development and its preparation for school. The PETI project (MEdCTS managed) value is 7.5 million Euro (Chart 19). PIP implementation period is 2007-2011.

<sup>2</sup> The loan agreement signed in Bucharest on July 4, 2006 was ratified by Parliament by Law no.40/2007.

Area funded	Responsible Institution	BIRD Amount million Euro	Government Amount million Euro	Total million Euro
<b>Priority Interventions (PIP).</b> Small projects of infrastructure and community services in poor settlements inhabited by Roma	FRDS	11.7	3.7	15.4
<b>Early childhood inclusive education.</b> Access to preschool education for children aged 3 to 6 years, including children from disadvantaged groups such as Roma.	MEdCTS	6.1	1.4	7.5
<b>Social assistance services:</b> Rehabilitation of buildings and / or construction, training, care facilities, services, etc. for people with disabilities, youth at risk and victims of domestic violence.	MMSSF	28.6	6.5	35.1
<b>Establish a monitoring body of social inclusion</b> while reinforcing the ability to access post-accession funds.	NAR	0,8	0.2	1.
<b>TOTAL</b>		<b>47.2</b>	<b>11.8</b>	<b>59</b>

Table no. 2. SIP partners objectives. Source: Aide Memoire, Social Inclusion Project (SIP), 13 to 17 April 2009.

### Partial results of PIP grant component<sup>3</sup>.

The partial results, until May 2010, states:

- 128 local communities supported to initiate local projects (community facilitation)
- 260 people (average 3 representatives per every local community) trained in project management
- 106 integrated projects approved and contracted in small infrastructure works and social services - design, works, goods
- 98 projects being implemented in 62 locations submitted by municipalities in 15 counties, in partnership with Roma communities and NGOs, of which 8 are completed.

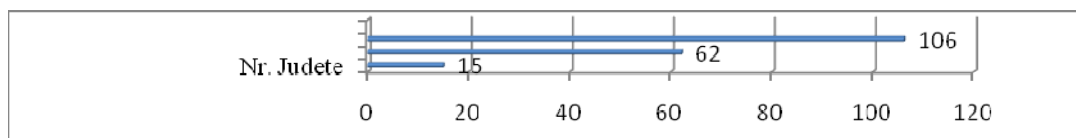


Chart no. 8. Partial results of the grant component of PIP.

### PETI components results

#### PETI component results

Activities	Anticipated results	Indicators
Construction, expansion, rehabilitation and equipping of educational facilities with furniture in communities with a high percentage of Roma.	1. Furniture manufacturing and equipping of 20 new buildings in areas where there is a high percentage of Roma minority children aged 0-6 years.	- 27 gardens will operate according to international standards. - 5,000 children (on average for every nursery about 70 children) of Roma minority will have access

<sup>3</sup> Source: [www.frds.ro](http://www.frds.ro), consulted in September 2010.

	2. Rehabilitation and provision of furniture for other approx. 50 existing buildings.	to an improved educational infrastructure and services. - 8 resource centres for parents will be organized and equipped in eight kindergartens in disadvantaged areas - 4 satellite kindergartens will serve as community-based alternatives.
Developing an inclusive early education curriculum, staff training in early education services, developing and distributing teaching and learning materials for early education and providing technical assistance to organizations able to apply for projects eligible for funding from the Structural Funds.	Curriculum for early childhood education from 3 to 6-7 years, reviewed, covering all areas of its development: cognitive, language and communication, socio-emotional and physical child-centered education.	- Curriculum for Early Education Inclusion - Good Practice Guide - Continuous training for 3,900 employees, the staff working with children aged 0-3 years. - - 1,500 parents of children will participate in training courses on the role and importance of the family in early childhood education - Training of 2,500 people who work with children aged 0-3 years. - Quality standards for early childhood education teaching / learning
Promotion of alternative solutions and integrated services, community-based, for early education, including developing a coherent legislation in early education programs and providing training and advice for parents.	Child-centered program in which teachers facilitate learning in ways that take into account the overall development of children, their needs and individual interests, different ways of learning.	Alternatives solutions to early childhood education interventions, community-based for Roma minority in four isolated locations.  Support for expanding the activities of MEdCTS in the resource centers for parents, approx. 150, in communities inhabited mainly by Roma.
Monitoring, evaluation, information, education, communication activities.		Creating a monitoring and evaluation system of early education on the basis of clear indicators and tools to monitor the readiness of the child in areas such as physical health, social skills, emotional maturity, language development and cognition, and communication skills general knowledge.

Table no. 3. Source: MECT- UMPIP Presentation

#### **4. POST ACCESSION FUNDS. STRUCTURAL STRATEGIC PROJECTS UNDER IMPLEMENTATION IN NAR**

In the context of the efforts declared by the Government and the European Union regarding inclusion of vulnerable groups and Roma minority as part of them, post-accession strategy included as strategic goal attracting post-accession funds, a new valuable opportunity, seized by the EU member countries. **There is in Romania's National Development Plan (RDP), a strategic policy document, no action and no special funding line for inclusion of the Roma minority, who are included in the category of vulnerable groups, defined in the RDP.** As a specialized institution of the central government, the NAR has developed and received favourable response for the six strategic projects focus on social inclusion submitted through POSDRU to be implemented in the coming period until 2012. The estimated value of these projects is 95,605,361 lei (25 million Euro) of which 80,216,185 lei EU contribution, 11,992,913 lei national public contribution plus 3,396,264 lei the contribution of the National Agency for Roma.<sup>4</sup> Unlike the projects implemented through the pre-accession funds and PIP discussed above, post-accession projects - strategic - of NAR focuses on: human resources training in education field (two projects) and employment in the labor market (four projects), specific to axis 6 POS / HRD (Chart 24).

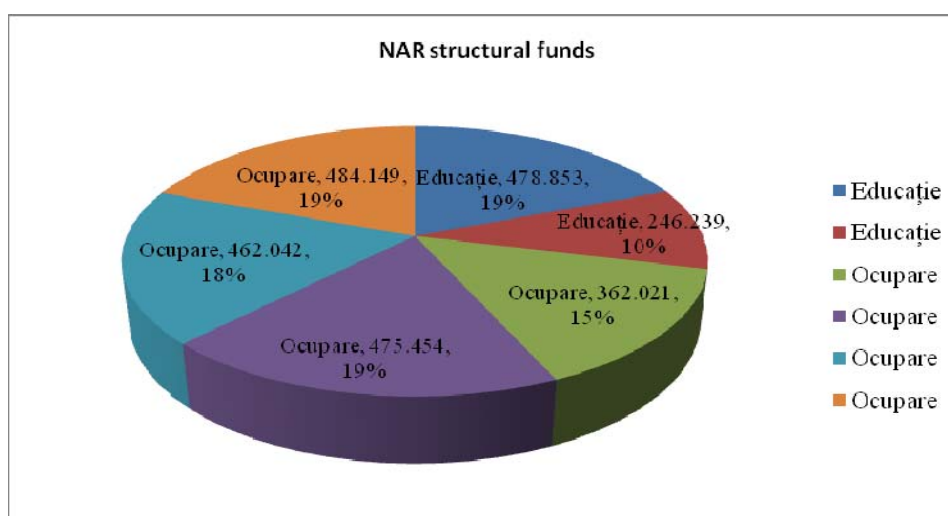


Chart no.9. Distribution of structural funds implemented by NAR

### OCCUPANCY – EDUCATION

In the other four projects for the period 2008-2011, the National Agency for Roma is a partner of public institutions and Roma non government organizations to implement strategic projects for inclusion of women in the labor market. (Table 4).

Nr.	Main applicant	Project name	Project value lei	Partners
1	National Agency for Equal Opportunities between Women and Men.	Roma women. Improving access of Roma women in the labor market and supporting the social economy.	FSE Community contribution: 18.5 million lei, of which: - NAR contribution: 27,057.24 lei	- Agenția Națională pentru Romi, - Municipal company of Community Service of Menemeni – Gracia, - Dyktio Rom – Grecia, - Bolt International

<sup>4</sup> Source: [www.anr.gov.ro](http://www.anr.gov.ro) consulted in September 2010.

				Consulting Grecia, - Trening and Consultancy Service-DIASTASI- Grecia, - Pakiv Association Romania, - Instituto Superior de Ciencias do Trabalho e da Empresa – Portugalia, - Asociația Euro Proiect Bihor
2	Association of Roma Women in Romania - Bucharest	Social inclusion of Roma women	Community contribution, FSE: 18,500,000 lei, of which: - AFR contribution: 370,000 lei 27,057.24 lei	National Agency for Roma Institute for the Study of National Minorities – Cluj, European Centre of Roma Rights - Budapest - HU
3	Association of Gypsy Women "For Our Children"- Timisoara.	Equality in difference. Access of Roma women in the labour market	Share communitarian FSE: 5.757.825.001 lei, din care: - contribuția publică națională: 727.673,10 lei, - contribuția ANR: 100.000 lei	National Agency for Roma Desire Foundation Asociația Puradimos Timișoara City Hall Autonomia Alapitavanz - HU
4	Campulung City Hall	Education, our chance for a better future	FSE Community contribution: 1.585.626.11 lei Of which: - national public contribution: 219,092.89 lei, - NAR contribution: 38,560.00 lei	National Agency for Roma - Lerești City Hall - Bughea de jos village Hall - Dragoslavele village Hall - Teaching Staff House – Argeș, - Pakiv Association-Romania

Table 4. Structural Funds. Strategic projects in which the NAR is a partner.

## Social Context

Since 2006, the Ministry of Labour, Family and Social Protection is the national coordinator of social inclusion policies. In order to develop targeted programs on the real needs of vulnerable people, Romania calculate a series of social indicators based on a national methodology developed in 2002 by a team of government experts, the National Institute of Statistics and World Bank. In this sense, the absolute poverty has the following calculating stages:

- determining values of individual consumption household's parameters, namely:
  - a. Food consumption
  - b. non-food consumption,
  - c. service consumption
  - d. value of durable goods.
- determining consumption per adult equivalent,
- comparing the results with the poverty thresholds.
- Calculation of indicators on various levels of aggregation.

In accordance with the methodology of calculating poverty a range of food products has been selected and the value of each unit of product consumed by a household was estimated in the reference month-quarter (lei). Since not all households have paid to consume these products in their own households, the monetary value of each unit was determined according to the values recorded by other similar households in terms of area of residence and the investigation period (month and quarter). Consumption value of a particular product in that month was calculated by multiplying the monetary value per unit quantity. It was also calculated separately the value of their own consumption (consumption of own resources).

Food consumption included mainly the following: cereals and cereal products, meat and meat products, fish, milk, cheese, eggs, oil, fruits, vegetables and canned vegetables, sugar, jams, honey, confectionery, spices, drinks.

**Determining indicators of poverty** are made on the basis of thresholds established in the methodology:

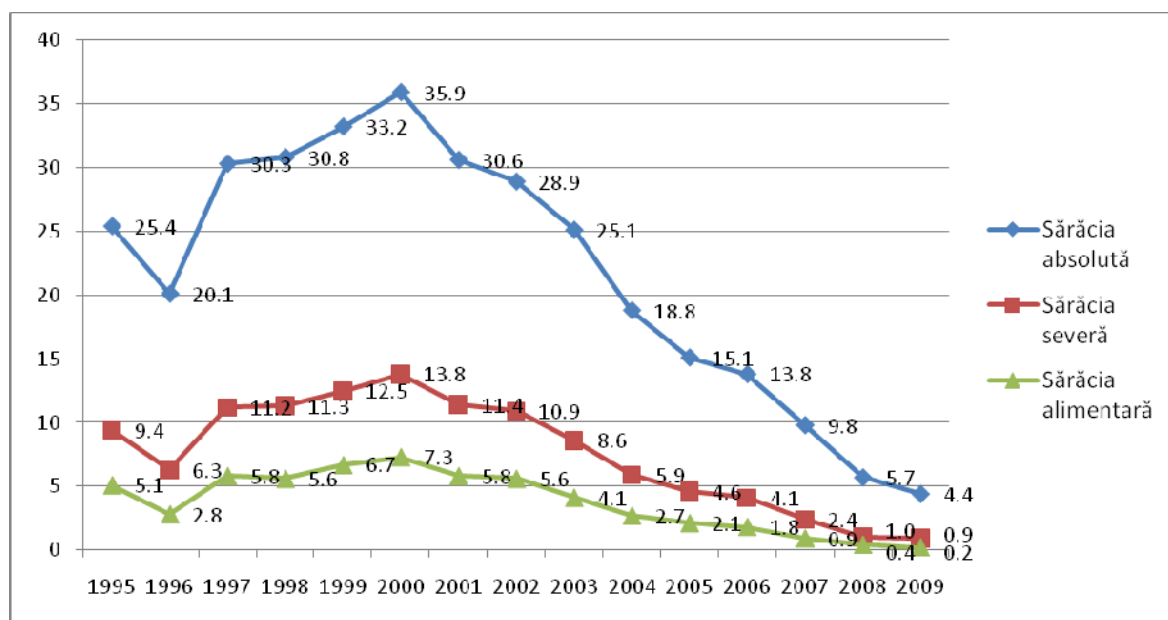
1. **1. Total (absolute) poverty threshold** was calculated by adding the minimum food basket cost with a minimum non-food consumer goods and services. Consumption of food goods and services is achieved by people whose food consumption equals the cost of food basket. The cost of the food basket was estimated to provide 2,550 calories daily requirements according to population consumption in deciles 2 and 3 of the distribution of population by consumption expenditure (these deciles totalling 4.3 million people).
2. **Extreme poverty (severe) threshold** was calculated by adding up the cost of a minimum food basket with a minimum non-food consumer goods and services equal to the costs incurred by individuals whose **total** consumption is equal to the cost of food basket.
3. **3. Food Poverty threshold** is equal to the costs incurred by individuals whose total consumption is equal to the cost of food basket.

*Table 1: Evolution of poverty rate (1995-2009):*

<b>Year</b>	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Absolute poverty</b>	25,4	20,1	30,3	30,8	33,2	35,9	30,6	28,9	25,1	18,8	15,1	13,8	9,8	5,7	4,4
<b>Severe poverty</b>	9,4	6,3	11,2	11,3	12,5	13,8	11,4	10,9	8,6	5,9	4,6	4,1	2,4	1,0	0,9
<b>Food poverty</b>	5,1	2,8	5,8	5,6	6,7	7,3	5,8	5,6	4,1	2,7	2,1	1,8	0,9	0,4	0,2

*Graph No. 1 - Development of poverty rates (1995-2009):*





**ABSOLUTE POVERTY**  
**SEVERE POVERTY**  
**FOOD POVERTY**

According to calculations made by the Ministry of Labour, Family and Social Protection, severe poverty rate declined every year so in 2007 the value was 2.4% while in 2008 the value was 1%. Compared to 2003, severe poverty rate decreased 7.6 percentage points (from 8.6% to 1.0%). Downward trend continued in 2009, when this percentage has dropped significantly below 1% to 0.9%.

1. Social benefits field

Period 2005 - 2009 was characterized by a continuation of national programs for family protection through the implementation of national legislation on social services. Thus, the evolution recorded in the period 2005 - 2009 was as follows:

✓ **State allowance for children**

Allowance is universal and is being given to children under the age of 18 years and also young people aged 18 years, attending high school or vocational education, organized under the law, until their graduation.

For children aged up to 2 years or 3 years if the child has a disability, as of 2007 the amount of allocation of state is 200 lei per month per child. For children who have a disability and are aged over two years since 2009 the amount is 42 lei per month per child, and for children older than 3 years with disability the amount is double (84 Lei).

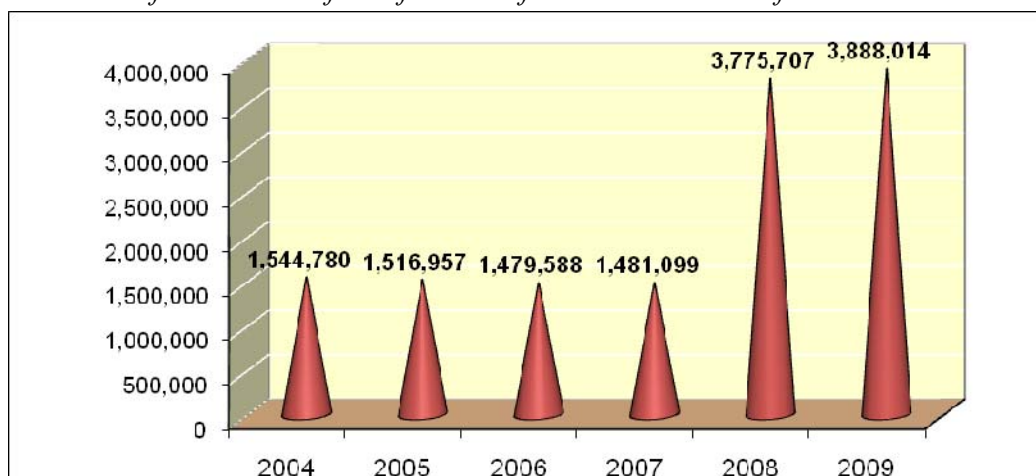
Table no.2 – Evolution of state allowances for children

Year	2005	2006	2007	2008	2009

<b>The amount of state allowance for children aged up to 2 years or 3 years if the child has a disability (lei / month / child)</b>	24	24	200	200	200
<b>The amount of state allowance for children aged between 3 and 18 (lei / month / child)</b>	24	24	25	32 lei (1 January - 29 February); 40 lei (1 March - 31 December)	42
<b>The amount of state allowance for children aged between 3 and 18 and who have a disability (lei / month / child)</b>	48	48	50	64 lei (1 January - 29 February); 80 lei (1 March - 31 December)	84

Regarding the number of children who have benefited from this service, in the reporting period the situation is as follows:

*Chart 2 - Evolution of the number of beneficiaries of the state allowance for*



children:

In 2009, the state allowance was received for a number of 3,888,014 children (monthly average), of which:

- 394,941 Children under 2 years without disability under 3 years with disability (10.2% of total)
- 3,438,520 non-disabled children over 2 years (88.4% of total)
- 54,553 disabled children over 3 years (1.4% of total).

Analysis of distribution of number of children by residence area indicates that living in rural areas were more than 64,500 children than in urban areas, the difference being due to the large number of children over two years in rural areas, about 94,100 more than in urban areas. For other groups of children the numbers exceeded that of urban areas, urban share in the total number of children in that category is over 53%.

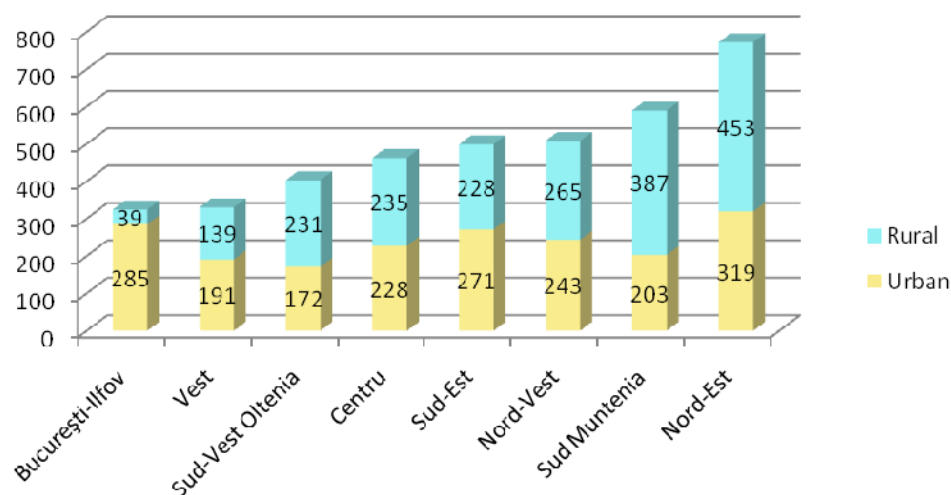
*Table 3 - Number of recipients of monthly allowance for children, by residence area in 2009*

Nuber of recipients	Total	of total:		
		Children under 2 years, no handicap and under 3 years with handicap	Children with no handicap, over 2 years	Children with handicap, over 3 years
Total, of which:	3.888.014	394.941	3.438.520	54.553
- urban	1.911.772	210.269	1.672.199	29.304
- rural	1.976.242	184.672	1.766.321	25.249

Differences between regions in the number of benefit recipients are significant: the North-East region recorded a number of children to be 2.38 times higher than in Bucharest-Ilfov region.

Rural share differ greatly between regions: South Muntenia (65.6%), Northeast (58.7%), South-West Oltenia (57.4%) recorded the highest values, at the opposite pole is located Bucharest-Ilfov region with 12.1%. Also differs between regions the percentage of children less than two years (3 years with disabilities): the minimum was 8.8% in South-West Oltenia region, and the peak in the Bucharest-Ilfov area (13.6%).

*Chart 3 - Number of recipients of monthly allowance for children, on developing regions and areas of residence, 2009 (thousands) Bucharest-Ilfov*



BUCHAREST-ILFOV  
WEST – SOUTH-WEST OLTERNIA – CENTRE – SOUTH-EAST – NORTH-WEST – SOUTH-MUNTENIA – NORTH-WEST

If we analyse the distribution by county, most children beneficiaries were in Bucharest (267,900) and Iasi (174 600), Suceava (155,100), Bacau (143.0 thousand) and Prahova (140 200) counties. the lowest values (below 50 000 children) were recorded in the counties of Salaj, Covasna and Tulcea.

The amounts paid by Ministry of Labour, Family and Social Protection as state allowances for children raised in 2009 to 2.894.505.562 lei (about 0.59% of GDP), being nearly 12% higher than those paid in the previous year. As the number of beneficiaries, the comparison with the previous

year is not relevant because the calculated monthly average for 2008 does not reflect the actual number of children, some of whom are paid by MMFPS in the first month of 2008.

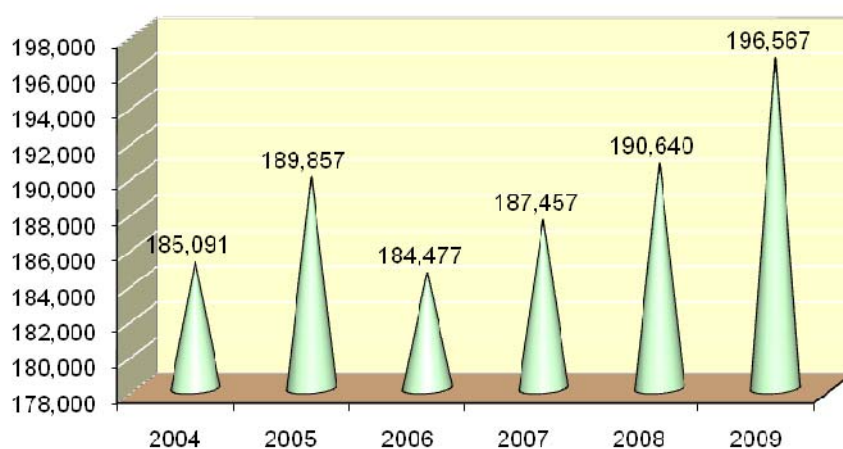
✓ **State allowance for newborn babies**

The allowance for newborn children is granted only once for each of the first four live births.

*Table 4 - Evolution of the allowance amount for newborn children:*

Year	2005	2006	2007	2008	2009
Allowance amount for newborn children	186	195	204	213	230

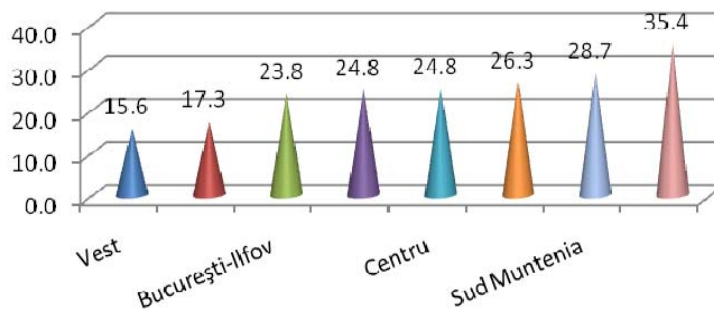
*Chart 4 - Evolution of the number of beneficiaries of the allowance for newborn children:*



In 2009 the total number of beneficiaries of child allowance was 196,567 upward trend from 2008 to 5927 children (3.1%). The upward trend at national level was mainly due to Bucharest which presented an increase over the previous year of 1533 beneficiaries, and Cluj, Satu Mare, Bihor and Ialomita counties (with increases of more than 500 beneficiaries), but in some counties, the number was reduced (we mention here Hunedoara, Maramures, Arad and Bacau, with a drop of over 200 children).

The amount payable for this allowance was 44,448,690 lei, 11.4% higher than the previous year. Northeast Region totalled the highest number of allowance beneficiaries (2.3 times higher than the Western region), followed by the South and North-Western Wallachia.

Chart 5 - Total number of beneficiaries of newborn children allowance for development regions,



2009 (thousands)

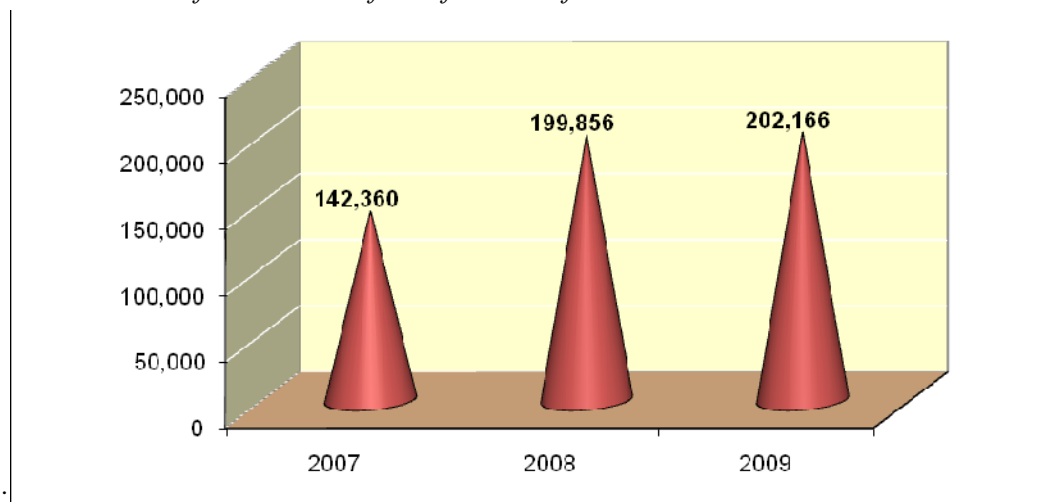
West – Bucharest-Ilfov, Centre – South-Muntenia

County average number of recipients was about 4680 children, but the number of allowances in Iasi (8666) was 1.9 times higher than the national average, while the corresponding number in Bucharest (20 019), 4.3 times higher. The lowest values for allowance for newborn babies (under 2,400 beneficiaries) were in the counties of Tulcea (1966), Salaj (2140), Covasna (2362), Caras Severin (2386) and Mehedinti (2388).

### Newborns' Trousseau

From 1 January 2007 is given free for every newborn baby, a trousseau including clothing, underwear and care products in the amount of 150 lei. The trousseau is given only once by the local government authorities, at the child leaving the maternity hospital or birth certificate issue.

Graph No. 6 - Evolution of the number of beneficiaries of the new-born



trousseau:

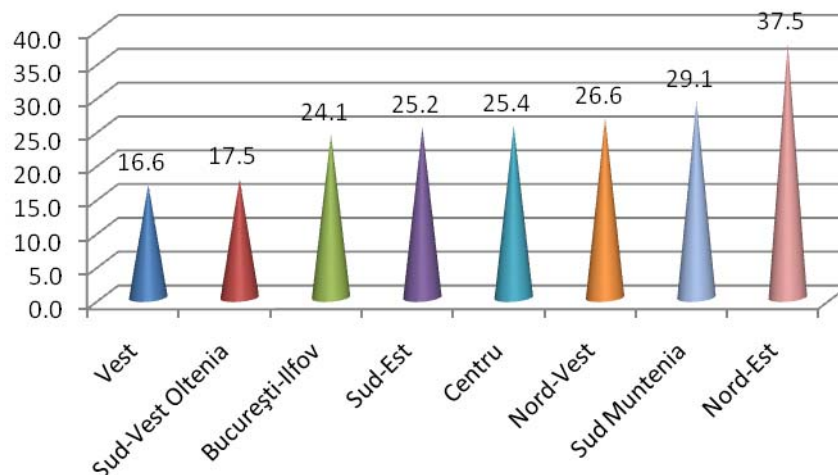
Total number of beneficiaries was 202,166 children, an increase of 2310 children compared to 2008 (1.2%). The amounts given were 30,311,035 lei.

Among regions, the largest number of beneficiaries was found in North-East (18.6% of the total number of beneficiaries). On the opposite side were the West and Southwest regions, each with less than 9% of the total.

In Bucharest (with 20 428 beneficiaries) were over 2 times more beneficiaries than in all other counties, the following counties in the hierarchy are Iasi with 9052 recipients , Suceava 7696, Constanta with 7399 Bacau with 7188 and Prahova with 7137 beneficiaries.

Lowest values (less than 2,500 beneficiaries) were recorded in Tulcea, Salaj, Mehedinti, Covasna, Caras Severin and Giurgiu counties.

Chart 7 - Total number of beneficiaries of trousseau, for each development regions, 2009



(thousands)

BUCHAREST-ILFOV

WEST – SOUTH-WEST OLTERNIA – CENTRE – SOUTH-EAST – NORTH-WEST – SOUTH-MUNTENIA – NORTH-WEST

#### ✓ Crèche tickets

According to Law no. 193/2006 regarding bonuses and crèche vouchers, employers will provide crèche tickets for employees whose children receive nursery services, in the second half of 2006. Evolution of the ticket nominal value for the reporting period was:

Tabelul nr. 4 – Evolution of nominal value of crèche tickets

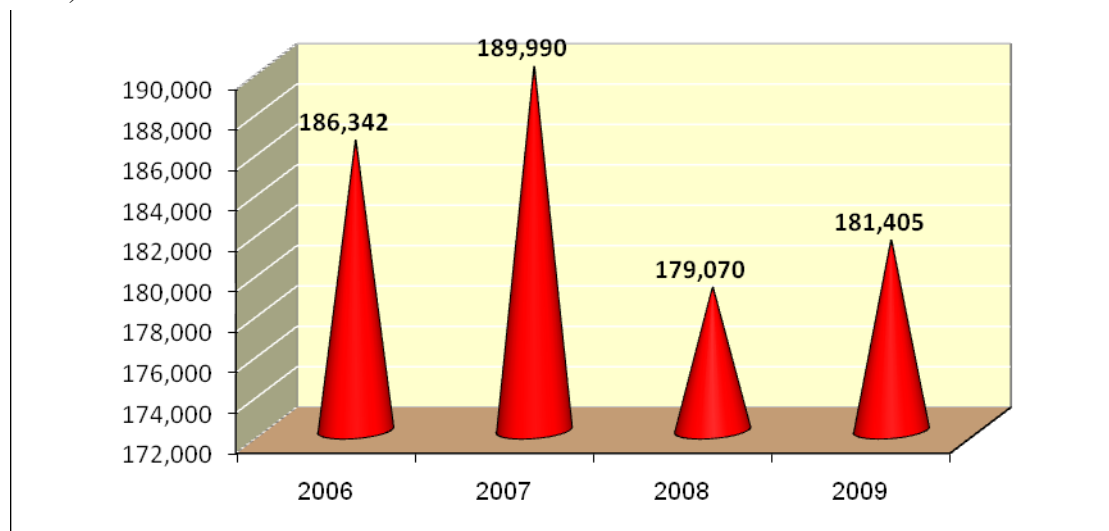
Year	2005	2006	2007	2008	2009
<b>Nominal value of crèche ticket</b>	0	300 (1 June 2006 – 31 January 2007)	310 (1 February 2007 – 31 July 2007) 320 (1 August 2007 – 31 January 2008)	330 (1 February 2008 – 31 July 2008) 340 (1 August 2008 – 31 January 2009)	350 (1 February 2009 – 31 July 2009) 360 (1 August 2009 – 31 January 2009)

#### ✓ Parental allowance and incentive

The legal document that established these benefits was amended in late 2008 in order to correct inequities for individuals whose salary level exceeded that of previously awarded

compensation (600 million). Thus, since January 1, 2009, people that in the last year before childbirth, for 12 months have made professional income subject to income tax according to Law no. 571/2003 regarding the Fiscal Code, as amended and supplemented, benefits of parental leave until the child reaches the age of 2 years, or in case of a disabled child, until the child reaches the age of 3 years, and a monthly allowance amounting to 600 lei, or optionally, the amount of 85% of the average income for the last 12 months, but not more than 4,000 lei <sup>5</sup>, while in the previous year the amount of the allowance was 600 lei, regardless of income. In 2009 were adopted other legislative provisions who also sought to correct inequities.

*Graph No. 9 - Evolution of the number of recipients for parental allowance (2006-2009)*



In 2009, around 195,980 people received a monthly child allowance or incentive, for which an amount of 1,756,522,891 lei was, spent (0.357% of gross domestic product estimated for 2009). Compared with the previous year, it was a decline of 0.5% in the number of beneficiaries (about 1,000 individuals) and an increase of 30.9% of the amounts paid. 14 counties have registered increases in the number of beneficiaries, the largest being in the counties of Constanta with 209 people, Brasov with 224 people, Ilfov with 266 people and Bucharest with 1545 people.

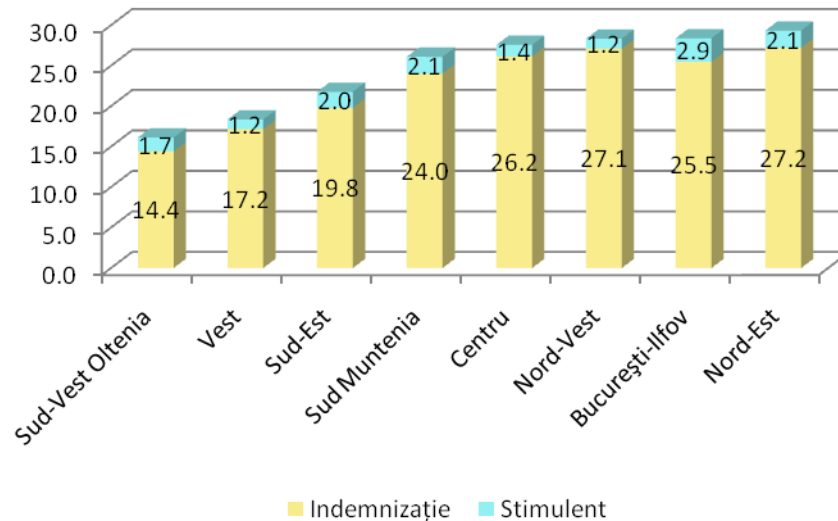
Of these, 181,405 people received compensation for child care, a number higher with 2335 people than in 2008. If allowance beneficiaries in 2008 accounted for 90.9% of total beneficiaries of the legislative provision in 2009 their share was 92.6%.

<sup>5</sup> Law no.257/2008 to amend paragraph. (1) of art. 1 of Government Emergency Ordinance no. 148/2005 on family support for child growth



The phenomenon is mainly due to an increase of the allowance, fewer parents are encouraged to return to the labour market.

*Chart. 10 - Average monthly number of beneficiaries of child allowance or inducement, by development regions, 2009*



(thousands)

– SOUTH-WEST OLTENIA - WEST — SOUTH-EAST - SOUTH-MUNTENIA -CENTRE – NORTH-WEST — BUCHAREST-ILFOV -NORTH-WEST

Allowance

Incentive

In 15 counties the number of beneficiaries of compensation was higher than the previous year, increases of more than 200 people were registered in the counties of Iasi, Arges, Ilfov, Brasov, Constanta (in the latter case a plus of 350 beneficiaries). In Bucharest the increase was 2.350 people (representing about 12% of beneficiaries registered in the city the previous year).

Most beneficiaries of compensation have been in the North-West and Northeast (each with over 27,100 beneficiaries). A small number of beneficiaries (under 20,000) was identified in the South East, West and South-West Oltenia (the latter being about 14,400 beneficiaries, almost two times less than in the North- East).

The average amount paid monthly for a person receiving the allowance increased to 798 lei, about 30% higher than that recorded in 2008 (corresponding to the amount of 600 lei). There are big differences in this respect between regions: in South-West Oltenia were paid on average 719 lei / month / person, in the Bucharest-Ilfov region the average monthly amount was 1117 lei (due to the value of 1162 lei recorded in Bucharest). In the counties of Constanta, Sibiu, Brasov Ilfov, Cluj and Timis it exceeded 790 lei (Timis

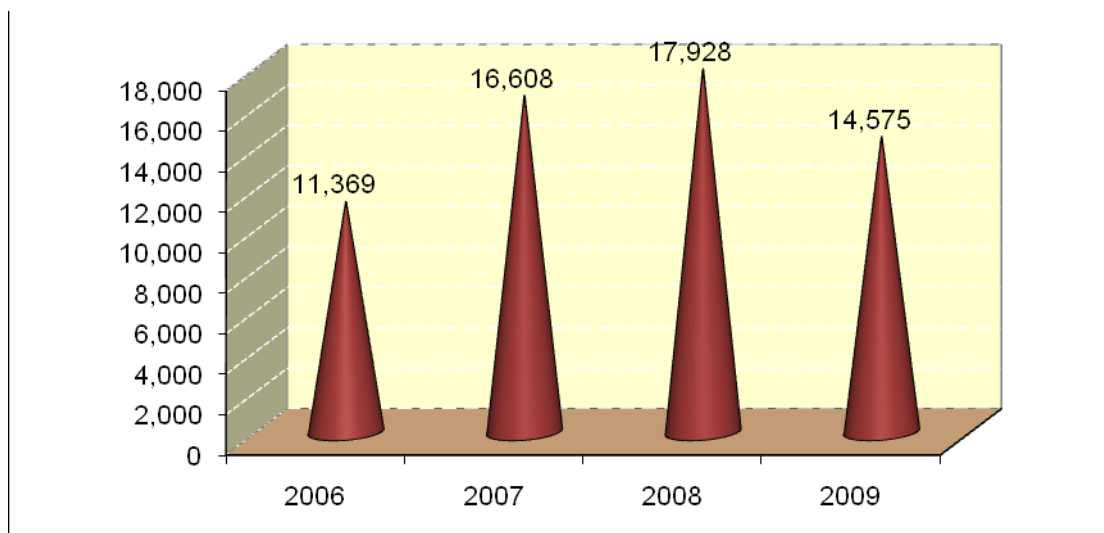
recorded the highest value, 895 million), while in the counties Harghita, Vaslui, Calarasi Caras Severin this value was less than 681 lei.

For the beneficiaries of parental allowance health insurance contributions are paid, the amount spent for this purpose in 2009 was of 94,034,065 lei.

In 2009 a number of 14,575 persons entitled to receive compensation for the child care who received professional income subject to income tax, received a monthly incentive amount of 100 lei, the money spent for this purpose from the state budget being 18, 716, 374 lei.

As to the previous year the number of beneficiaries who received incentives decreased by 3353 people (18.7%), likely the result of a combined effect of increasing the amounts awarded as compensation for child care and the economic crisis that has generated fewer and uncertain jobs.

*Graph No. 11 - Evolution of the number of beneficiaries of incentives*



Thus, in 2009 only 7.4% of all persons entitled to child allowance have opted to return to the labour market and thus benefited from the stimulus, compared with 9.1% last year. In eight counties the value of this indicator was less than 4%: Alba, Maramures, Bihor, Arad, Satu Mare, Bistrita-Nasaud, Harghita and Covasna (the latter being only 2.5%). Constanta, Dolj, Hunedoara recorded values above 10%, but the highest values were recorded in Bucharest (11.1%) and Galati (11.7%) and Gorj (17.7%) counties the latter having one of the lowest values of monthly average amount paid for each beneficiary.

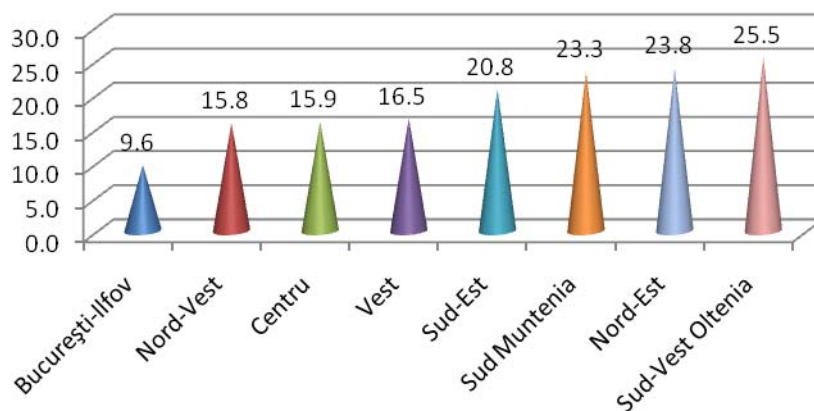
The analysis of parental allowance and incentive recipients in terms of the residence area, such benefits are received mainly by parents in urban areas, where 64.1% of all allowance beneficiaries live (116,343 beneficiaries of the 181,405 beneficiaries in total) and nearly 73.7% of the beneficiaries of incentive (10, 738 beneficiaries out of 14,575 in total), which means that parents beneficiaries living in the city are more likely to return to work.

More than three quarters of the beneficiaries of compensation were in urban counties of Cluj, Tulcea, Galati, Brasov, Hunedoara Braila, Constanta (in this county the percentage is 80.2%). A smaller proportion of 40% of all beneficiaries had Dambovita, Sibiu, Giurgiu, Ilfov, Prahova and Calarasi counties(for the latter the value being 30.9%).

The beneficiaries of incentive values above 75% were recorded in the urban counties of Maramures, Mures, Iasi, Constanta, Braila, Timis, Dolj, Brasov, Cluj and Hunedoara (the latter having a value of 93.8%) and lowest values (below 40%) were in Prahova and Calarasi counties (it's only a third of beneficiaries in urban areas, that is 41 as to 124 beneficiaries).

Number of cases for granting incentive compensation and allowance in which the legal representative of the family was male was 36,337. Their share of all cases in which such allowance was received is 18.5% at national level. In Cluj, Timis, Sibiu, Covasna, Bihar counties the value of this indicator was less than 14%. The lowest value recorded in Bucharest, of 8.9%. In 10 counties, men accounted for more than a quarter of all beneficiaries: Olt Neamt, Calarasi, Mehedinti, Dambovita, Suceava, Ialomita, Teleorman, Giurgiu Gorj (in this county the value was 34.6%).

*Graph No. 12 - The percentage of men who receive total compensation or incentive for child care, on development regions,*



2009

BUCHAREST-ILFOV – NORTH-WEST – CENTRE – WEST – SOUTH-EAST –SOUTH MUNTENIA – NORTH-WEST SOUTH-WEST OLTERNIA

Nationally, men accounted for 12.7% of all beneficiaries in urban area and 29.4% of those in rural areas. The counties where the proportion of men in total beneficiaries in urban areas was less than 10% were Arad, Timis, Sibiu, Satu Mare, Bucharest, Cluj and Salaj (the latter by 8.1%). Share above 20% had Hunedoara, Gorj, Mehedinti and Suceava counties (the latter 24.4%).

The preponderance of men in the total beneficiaries in rural areas was less than 20% in Timis, Bihor, Harghita Ilfov, Sibiu, Covasna counties (with a minimum of 10.8%). Very large share of over 40% were in the counties of Botosani, Dolj, Ialomita, Giurgiu, Mehedinti, Teleorman, while Galati and Gorj counties recorded values above 50%).

✓ **Additional family allowance and support allowance for single parent families**

Cele două alocații se adresează familiilor ce au în îngrijire copii și realizează venituri sub valoarea unui prag stabilit de lege. Limita de venituri nete lunare pe membru de familie până la care se acordă aceste prestații a fost la sfârșitul anului 2008 stabilită la valoarea salariului minim net pe economie și a cunoscut astfel o creștere treptată de la 184 lei la începutul anului 2008 până la 470 lei începând cu luna iunie 2009, lună în care s-a eliminat legătura cu salariul minim net.

*Table 5 - Limit of net monthly income per family member to receive complementary family allowance and support for single parent families, 2008 -2009 (Lei)*

Indicator	Since :				
	January 2008	November 2008	January 2009	February 2009	June 2009
Income Limit (Lei/month/person)	184	423,3	465,9	480,8	470

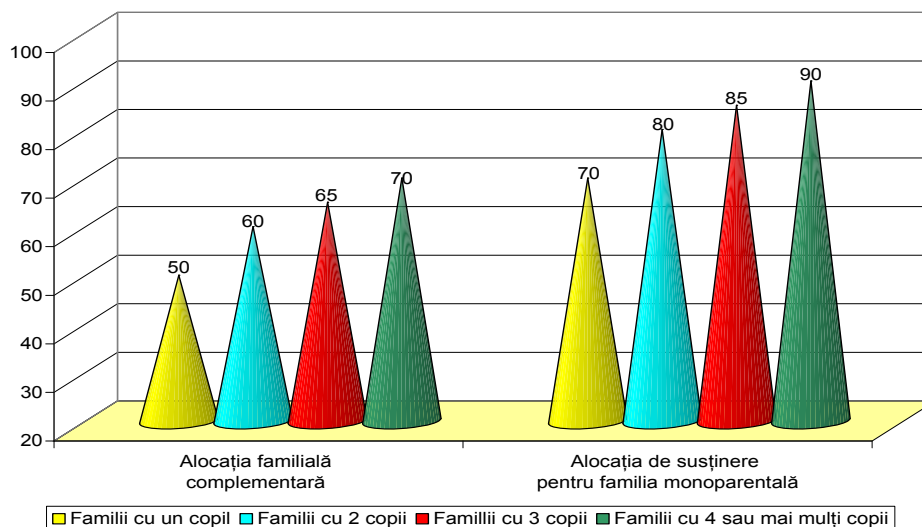
*Table 6 - Evolution of the amounts of the two benefits*

Indicator	Year				
	2005	2006	2007	2008	2009
<b>Complementary family allowance</b>					
Families with 1 child	32	34	36	38	50
Families with 2 children	38	40	42	44	60
Families with 3 children	43	45	47	49	65
Families with 4 and more children	48	50	52	54	70
<b>Support allowance for single parent families</b>					

Families with 1 child	48	50	52	54	70
Families with 2 children	56	59	62	65	80
Families with 3 children	64	67	70	73	85
Families with 4 and more children	72	76	79	83	90

The amounts of the two allowances were increased in late 2008, in 2009 they had the following values:

*Graph No. 13 - Additional family allowance and support allowance for single parent families, 2009 (Lei)*



Parental complementary allowance

Support allowance for single parent family

-Families with one child-Family with two children-Families with three children- Families with four or more children

\* For families receiving social assistance under Law no. 416/2001 on the minimum guaranteed income, the complementary family allowance increased by 25%.

Average monthly number of families receiving allowances for families with children, covered by EGO no.105/2003 registered a significant increase in the analyzed period, being paid in 2009 compared with the previous year with more than 46,673 allowances, according to a further 73.6 thousand children from the previous year. This was due mainly to reduce income families with children, caused by economic crisis, while significantly increasing the eligibility threshold in order to protect these families.

Thus, an average of 725,980 families received these benefits monthly in 2009, which means that more than 1295.0 thousand children (33.3% of all children who received the allowance for children) living in families with incomes small. In 2009 the amounts paid

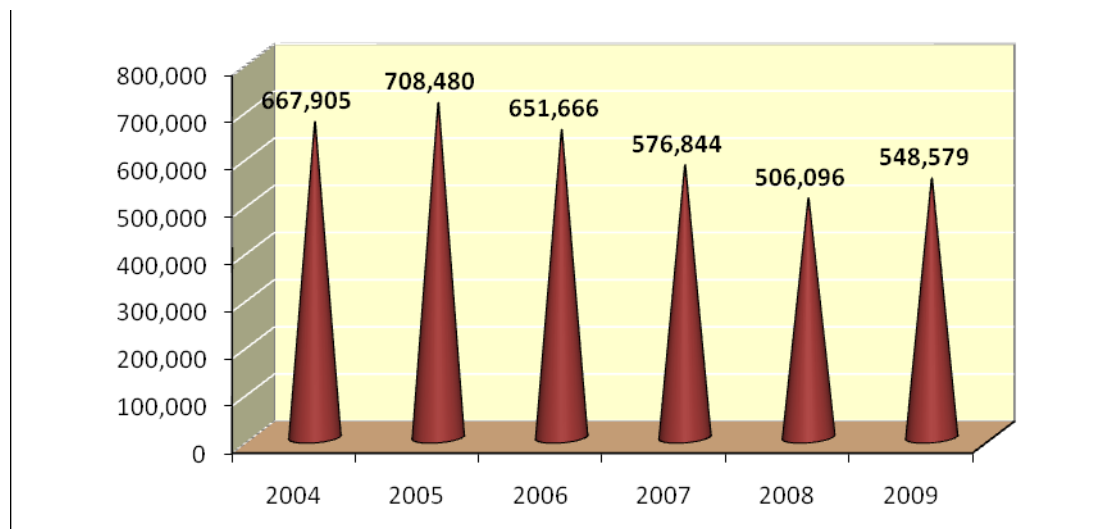
have reached 585,763,268 lei, representing approximately 0.119% of GDP estimated for 2009.

*Table 7 - Average monthly number of beneficiaries of EGO no.105/2003 on family allowance and additional allowance for single-parent family support, 2009*

Indicator	Total	Of total,			
		Families with one child	Families with 2 children	Families with 3 children	Families with 4 and more children
Total allowances, of which:	725,980	323,977	279,090	78,814	44,099
Additional family allowance	548,579	218,668	231,890	62,837	35,184
Of which, for families receiving the guaranteed minimum income	66,862	19,684	25,453	12,169	9,556
Support allowance for single parent families	177,401	105,309	47,200	15,977	8,915

- **Additional family allowance**

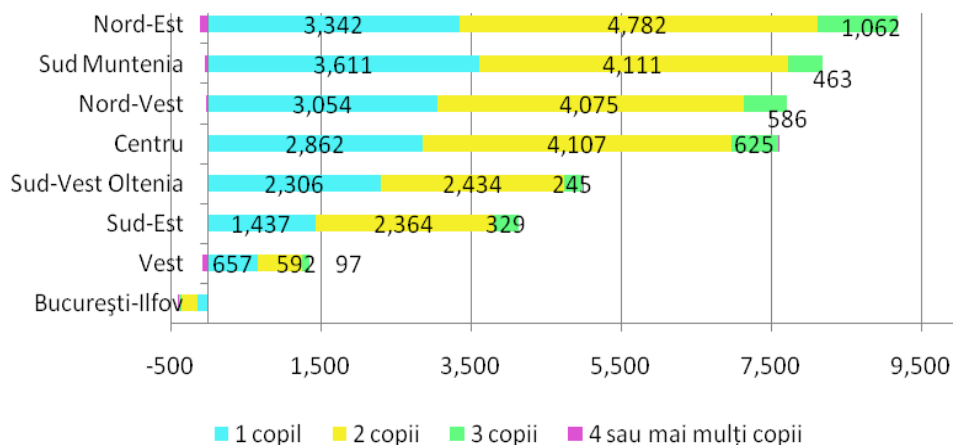
*Graph No. 14 - Evolution of number of beneficiaries of additional family allowance:*



548,579 families received additional allowances in 2009, distributed as follows: 218,668 (39.9%) families with one child, 231,890 (42.3%) families with two children, 62 837 (11.5%) families with three children, 35,184 (6.4%) families with four or more children. Consequently, in 2009 the number of children protected under this program was about 1011.7 thousand. Compared to 2008 there was an increase in the average number of beneficiaries to 42,483 families, i.e 8.4%.

Not all types of families recorded an upward evolution, the increase being higher for families with two children (10.6%) and families with one child (8.5%). for the families with three children the increase was of 5.7% and for the families with four or more children it was a decrease of 0.8%.

*Graph No. 15 - Absolute Change in the average number of recipients of additional family allowance in 2009 as to 2008, on developing regions (persons)*

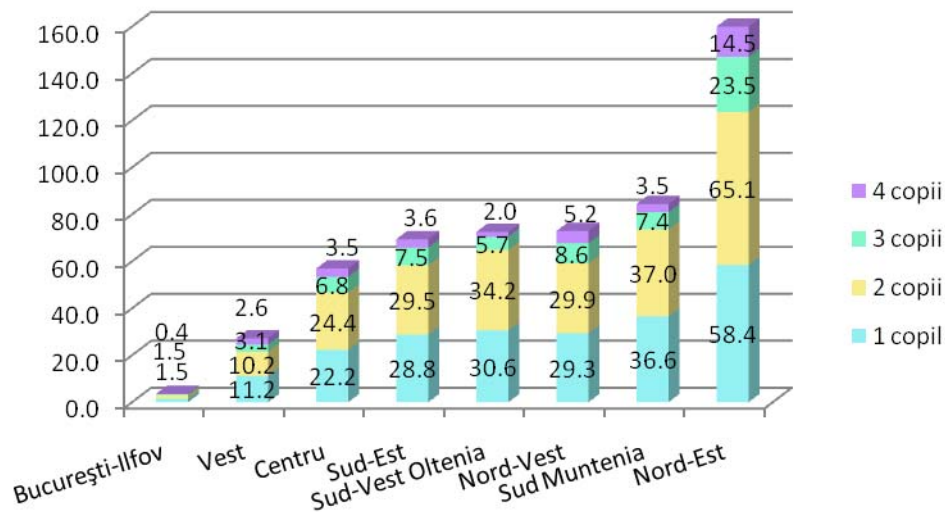


One child – two children – three children – four or more children

North-East region recorded the largest number of beneficiaries (161,566, representing 29.5% of the total number of beneficiaries at national level), because in Botosani, Vaslui, Bacau, Iasi and Suceava counties lived most beneficiaries (more than 23,000) in each county.

The value in Suceava County (36,251 beneficiaries) was 39.2 times higher than in Bucharest (924 beneficiaries).

*Graph No. 16 - The average monthly number of families receiving additional allowance, on development regions and the number of children in the family, 2009 (thousand families)*



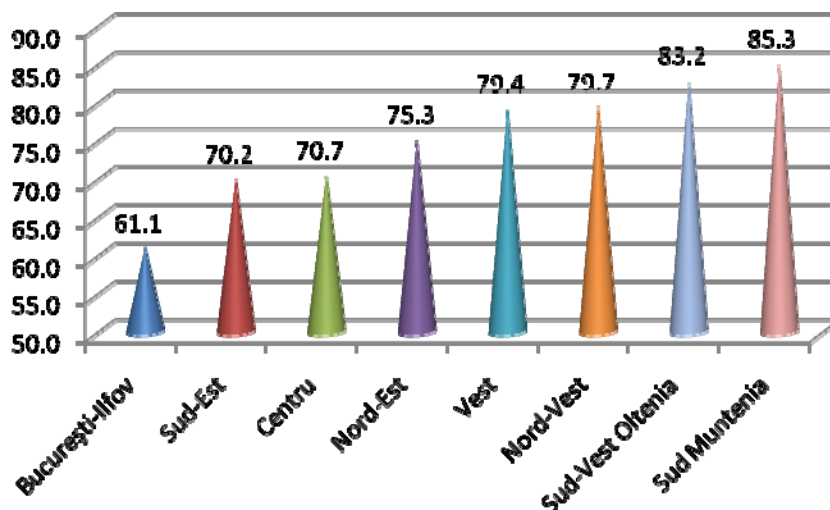
BUCHAREST-ILFOV

WEST — CENTRE- SOUTH-EAST – SOUTH-WEST OLTERNIA— NORTH-WEST – SOUTH-MUNTENIA – NORTH-WEST

In rural areas there were more than three quarters of the additional allowance recipients (77.5%). The highest percentage (over 90%) recorded Giurgiu, Cluj, Valcea, Neamt, Vrancea Calarasi and Iasi counties (in both 94.4%).



Graph No. 17 - The percentage of rural beneficiaries in the total number of additional allowances by region,



2009

BUCHAREST-ILFOV

– SOUTH-EAST-CENTRE-NORTH-WEST-WEST- NORTH-WEST – SOUTH-WEST OLTENIA-  
SOUTH MUNTENIA

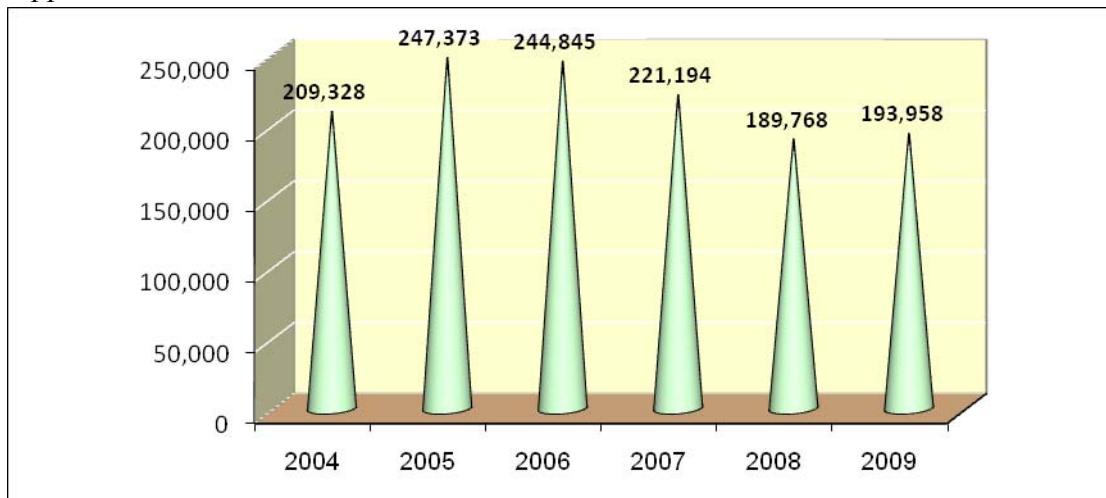
The number of families receiving additional family allowance and guaranteed minimum income in 2009 was 66,861 families (which means a share of 12.2% of all beneficiaries of the additional family allowance).

Amounts paid in 2009 were 405,027,834 lei, higher than previous year by 116,342,353 lei. Thus, the amounts paid the previous year were 40.3% higher, while the number of recipient families grew by 8.4% (corresponding to an additional number of approximately 70,700 children). Average amount at national level was 61.5 lei per month per beneficiary, the maximum being recorded in Salaj county (67.1 million), and the minimum in Giurgiu county (58.4 million) (a maximum is recorded if the share of families with several children is higher than in other counties).

- **Allowance for single-parent family support**

Graph No. 18 - Evolution of number of beneficiaries of allowance for single-parent family

*support*

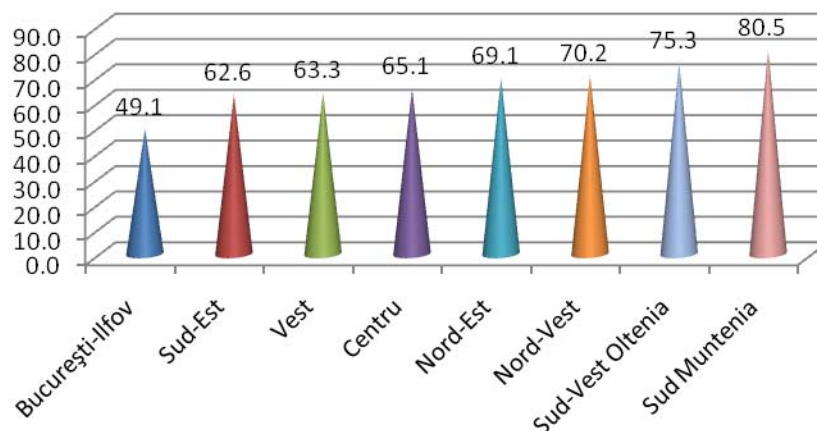


Average monthly number of beneficiaries of such benefits has grown from 189,768 families in 2008 to 193,958 families in 2009 (about 4190 families).

Share of support allowance recipients living in rural areas in total beneficiaries of this allowance was 70.1%, lower than for complementary family allowance, described above (77.5%), which means that rather in rural area are located poor families with many children than single parent families. Compared with the previous year, beneficiaries in rural areas have increased by 1032 families (+ 0.8%) and those from urban families by 3158 (+5.8%). Consequently, the share of urban families grew to 26.3% given in 2008 and to 30.0% in 2009.

Counties which reported rates of rural area higher than 80% are Ilfov, Cluj, Valcea, Giurgiu, Arges, Teleorman, Dolj, Salaj, Iasi, Bistrita-Nasaud, Vrancea Calarasi (the latter being almost 90%). Weights less than 40%, were in the counties of Covasna, Hunedoara, Suceava, Constanta, Tulcea (the latter being 25.4%).

*Chart. 19 - The percentage of rural total beneficiaries of allowance for single-parent family support, by development regions, 2009*



BUCHAREST-ILFOV– SOUTH-EAST – WEST — CENTRE NORTH-WEST – SOUTH-WEST  
 OLTERNIA - SOUTH-MUNTENIA –

The largest share of total recipients of support for single parent family gose to families with one child (59.4%).

*Table. 8 - Indicators of the number of families receiving allowance for single-parent family support, depending on family composition, 2009*

<b>Indicator</b>	<b>Total</b>	<b>Families with one child</b>	<b>Families with 2 children</b>	<b>Families with 3 children</b>	<b>Families with 4 and more children</b>
Average monthly number of beneficiaries	193,958	115.,12	51,580	17,442	9,724
Share of all families types of beneficiaries	100,0	59,4	26,6	9,0	5,0
Absolute change in the number of beneficiary families as to the previous year	+4,190	+4,415	+415	-284	-356

Evolution of the number of families recipients as to the previous year shows an increase of more than 2900 children who receive this allowance.

Men with low-income having children in care accounted for 19.4% of all recipients of support allowance. This percentage is lower but the total of those who have three or more children (17.6%), indicate that low-income families with single parent, the father, are less numerous.

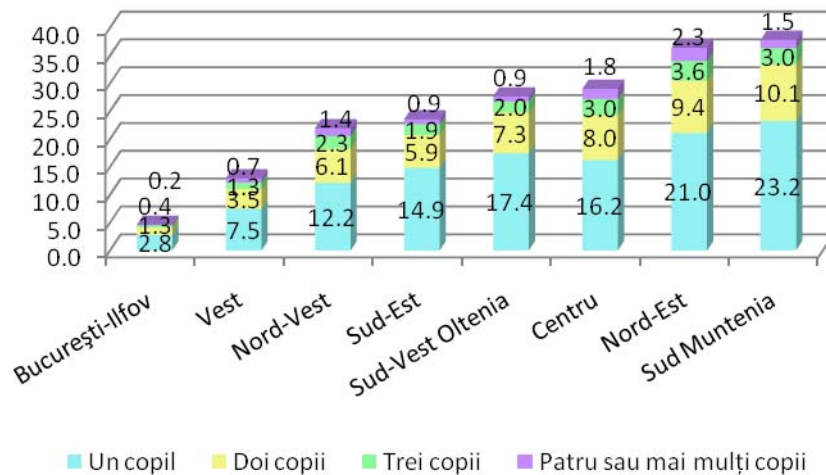
*Table. 9 - Indicators on the number of men who receive allowance for single-parent family support, depending on family composition, 2009*

<b>Indicator</b>	<b>Total</b>	<b>Families with one child</b>	<b>Families with 2 children</b>	<b>Families with 3 children</b>	<b>Families with 4 and more children</b>
Number of beneficiary families had the legal representative men	37.646	22.863	10.004	3.069	1.711
Share of families types of all benefiting families who have had the legal representative men	100,0	60,7	26,6	8,2	4,5
The preponderance of men as legal representatives in all legal representatives	19,4	19,8	19,4	17,6	17,6

The composition analysis shows that the number of beneficiary families of children living in single parent families with low income in 2009 was over 309,600 children. In single-parent families with one child 115,200 children were present, in the families with two children - 103,200 in families with three children - 52,300 and those with four or more children, over 38.900 children.

*Chart. 20 - Average monthly number of beneficiaries of allowance for single-parent family support, depending on development region and according to family composition (thousand families), 2009 BUCHAREST-ILFOV*

WEST – SOUTH-WEST OLTERNIA – CENTRE – SOUTH-EAST – NORTH-WEST – SOUTH-MUNTENIA – NORTH-WEST  
 BUCHAREST-ILFOV  
 WEST – SOUTH-WEST OLTERNIA – CENTRE – SOUTH-EAST – NORTH-WEST – SOUTH-MUNTENIA – NORTH-WEST



BUCHAREST-ILFOV WEST — NORTH-WEST– SOUTH-EAST– SOUTH-WEST OLTERNIA –  
CENTRE - NORTH-WEST -SOUTH-MUNTENIA –

*One child – two children – three children-four or more children*

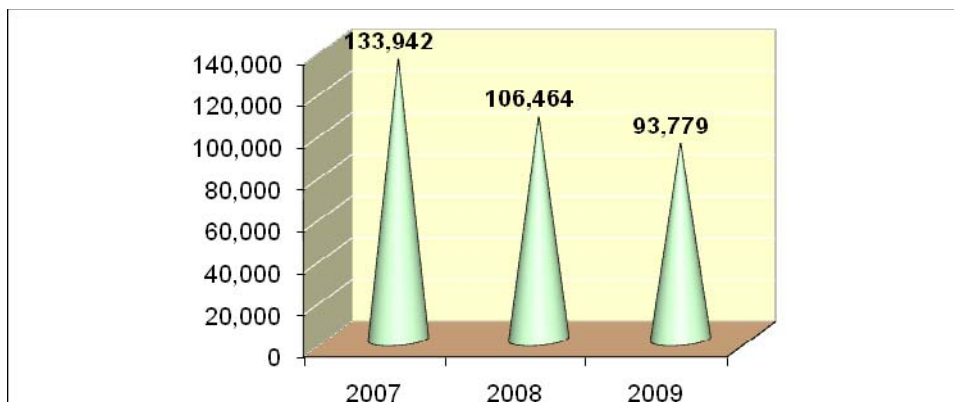
Unlike other services, the North East region having the highest values of number of beneficiaries, as for the allowance for single parent support, most of those recipients are in South-Muntenia region that recorded more than 8.2 times more beneficiaries than the Bucharest-Ilfov region.

Amounts paid for this benefit in 2009 was 180,735,434 lei (35,292,641 higher than the previous year). Thus, new legislation that stipulated an increase of the income limit and the amount of allowance, together with the deterioration in income due to economic crisis, probably more evident in single parent families, have led to an increase of 2.2% in the number of beneficiary families that means an increase of 24.3% of the amounts paid.

#### ✓ **Financial Support to marriage**

For newly formed families a financial support is given amounting to 200 Euros, regardless of the nationality of the spouses, provided that each spouse to be at first marriage and have their domicile or residence in Romania.

*Graph No. 21 - Evolution of number of beneficiaries of financial support*



As you can see the trend is that far fewer people to marry: the total number of beneficiaries in 2009 was 93,779 families, down from previous year 12 685 households (11.9%). Most recipients (over 3,000) were registered in Cluj, Arges, Bacau, Timis, Constanta, Suceava and Iasi counties (the last with 3758 beneficiaries) and in Bucharest (9365 beneficiaries). Under 1200 recipients were in Calarasi, Mehedinti, Giurgiu, Salaj, Braila, Covasna and Tulcea counties (the latter county with only 890 new family beneficiaries).

Nearly all counties saw declines from the previous year, the largest reductions (more than 500 families) were in the counties of Arad, Iasi, Dolj, Prahova, Constanta, Galati and Mures (where the decline was 736 families). An analysis in relative terms, shows that 10 counties saw declines of over 20% of the value recorded in the previous year: Tulcea, Vrancea, Olt, Galati, Calarasi, Giurgiu, Arad and Mures Mehedinti and Braila. Braila County experienced the largest relative reduction, 28.7% from 1439 to 1026 beneficiaries.

Only Bucharest (+109) and Timis County (+136) reported a higher number of beneficiaries as to the previous year.

Amounts paid in 2009 were 78,231,852 lei, 1,575,698 lei more as to previous year, due to exchange differences.

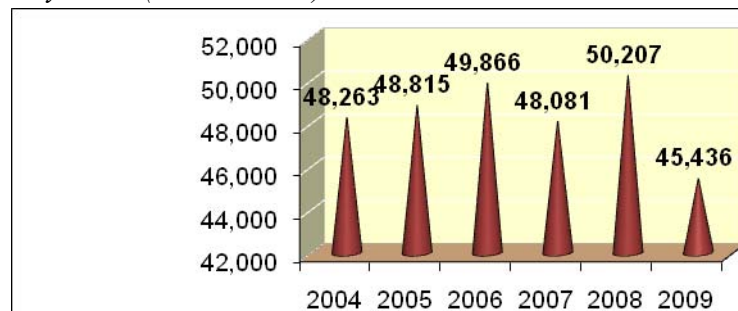
✓ **Monthly allowance under foster family care**

Every child who was included under foster family care receives a placement allowance. The child placed under guardianship is also a beneficiary of this allowance. Starting with January 2009 the placement allowance amount increased to 97 lei per month per child (compared to 7.8% in 2008). For children with disabilities residency care allowance is granted in an amount increased by 50%.

Table No. 10 - Evolution of the monthly placement allowance amount (2005-2009)

Year	2005	2006	2007	2008	2009
Monthly placement allowance amount	78	82	86	90	97
Monthly placement allowance amount for children with disabilities	117	123	129	135	145,5

Graficul nr.22 – Evolution of the number of beneficiaries of the monthly allowance for foster family care (2005 – 2009)



Average monthly number of beneficiaries in 2009 was 45,436, of which 2375 (5.2%) were children with disabilities. Compared to the previous year was a percentage reduction in the number of beneficiaries of about 9.5%, more noticeable for children with disabilities.

Most allowances (over 1,600) were received in Bucharest and the counties of Bihor, Galati, Constanta, Iasi and Timis Vaslui (with a maximum of 2351 beneficiaries). Children with disabilities were more than a tenth of the total number of beneficiaries in the counties: Timis, Maramures, Arges, Giurgiu, Alba, Suceava and Calarasi (which 14.2%). In six counties, the number of disabled children placed under foster family care was less than 100: Calarasi, Maramures, Constanta, Bihor, Timis and Suceava (where 234 children with handicap were under foster family care).

#### ✓ **Guaranteed Minimum Income - GMI**

The most important programme that addresses poverty alleviation is the guaranteed minimum income approved by **Law no.416/2001 on the guaranteed minimum income, as supplemented and amended**. Law no. 416 / 2001 on guaranteed minimum income aims to fulfil the obligations Romania assumed by ratifying the revised European Social Charter, namely the provisions of Article 13 concerning the right to social and medical assistance, meaning that anyone who does not have sufficient resources and is unable and

to get them through their own means or receive them from another source, be given appropriate assistance.

In order to reduce the negative impact of prices rising and in particular, the present economic crisis on the living standards of the poorest people, the benefit amount is updated periodically. Guaranteed minimum income levels established by law have been correlated with other household income (the country's gross minimum wage, unemployment help) in relation to the number of family members.

*Table 11: The guaranteed minimum income for a person alone from 2000 to 2009*

<b>YEAR</b>	<b>Guaranteed minimum income level for a person alone (Lei)</b>	<b>Extreme poverty threshold (Lei)</b>	<b>% Level of guaranteed minimum income in extreme poverty</b>
2002	63,0	106,1	68,41%
2003	74,0	116,0	56,76%
2004	82,5	132,3	60,36%
2005	88,3	143,8	62,85%
2006	92,0	150,8	63,91%
2007	96,0	160,7	67,40%
2008	100,0	170,8	70,80%
2009 (January-June)	108,0	NA	NA
2009 (July – December)	<b>125,0</b>	<b>NA</b>	<b>NA</b>

As you can see the share of GMI holds an important position in the value of extreme poverty, the percentage has grown each year by about 3 percentage points per year (3.49 percentage points in 2007 compared to 2006, by 3.4 percentage points in 2008 as to 2007). Thus, it can be concluded that the increasing evolution of the guaranteed minimum income level from one year to another had the effect of lowering the rate of extreme poverty.

Comparing the number of requests for social support is apparent that they had an upward trend until the end of 2004, after which the number started to decline reaching at the end of 2006 a lower level than in the year 2002. Period 2007 - 2009 is characterized by a tendency to increase the number of registered social aid applications.

*Table 12: Number of applications for social assistance compared to the period from 2002 to 2009*

2002	2003	2004	2005	2006	2007	2008	2009
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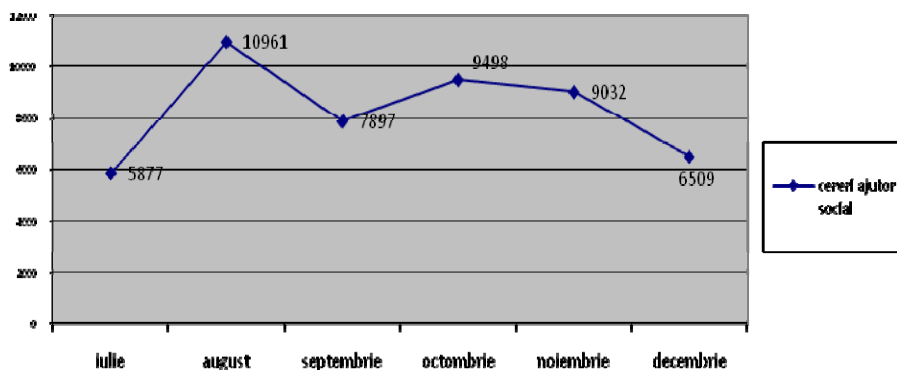


390.618	392.508	422.157	383.442	337.246	240.236	281.056	296.720
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Source: Ministry of Labour, Family and Social Protection

The economic crisis has increased the number of families who have low incomes and are therefore eligible for the payment of aid to ensure minimum income: in 2009 there were 85,608 new applications for social assistance, more than 16,246 applications last year. Increasing the level of GMI since July 2009 has resulted in a doubling of the number of applications filed, from 5,877 in July 2009 to 10,961 in August 2009.

Graph No. 23: Number of registered social aid applications, July - December



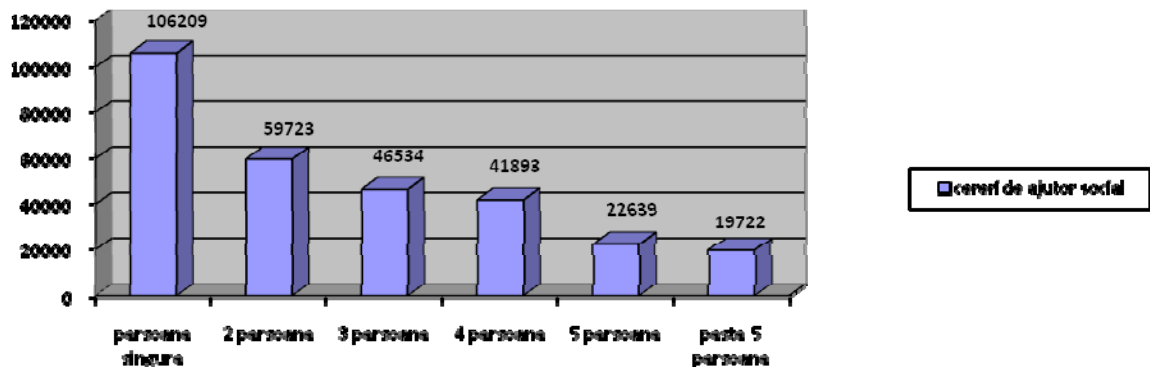
2009:

July August September October November December

- social support requests

Although the trend in recent years was a decrease in the number of beneficiaries, in 2009 we saw an increase in the number of claims in payment: At the beginning of 2008 were 281,056 applications for social aid payment, at the end of 2009 were paid 296,720 applications, which means an absolute increase of 15 664 applications, representing an increase of 5.6%.

Graph No. 24: Number of applications in payment at the end of 2009, according to the number of family members:



social support requests  
 Single persons two persons three persons four persons five persons over five persons

Monthly social assistance average at national level was 158.9 lei per family.

In 2009, the programme received increased funding: the amounts paid were 13% higher than the previous year (representing an absolute increase of 48,043,859 lei). Budgetary effort increased in 2009 to 414,584,280 Lei (0.08% of gross domestic product forecast for 2009).

GMI is subject to the provision of a community service activity and represents also a complementary measure to qualify for other paybacks such as medical insurance, emergency aid, aid for heating.

**Article 17 – Right of children and young people to social, legal and economic protection**

*Paragraph 1 – Provision or promotion of social welfare services*

Status of the child within paragraph I – Provision or promotion of social welfare services regarding the adoption the following mentions have to be made:

On the 1<sup>st</sup> January 2005 the Romanian Office for Adoptions (R.O.A.) was set up by the reorganization of the former Romanian Committee for Adoptions and the new legislation in the adoption field came into force (Law no.273/2004 on the legal status of adoption and the secondary legislation).

In order to implement the new legislation in the adoption field R.O.A. elaborated an Action Plan on implementing the primary and secondary legislation in the adoption field; it was approved by a Government Memorandum on June 29, 2005. The same Memorandum approved the setting up of the Working Group for the audit of the inter-country adoption files submitted during the moratorium on inter-country adoption in

Romania (October 2001 – December 2004) by foreign citizens who wanted to adopt Romanian children.

The Working Group started its activity on August, 2005 and it was composed of representatives of ministers/authorities with control attributions.

Until the end of March 2006 all 1100 foreign persons/families who applied for the domestic adoption of 1092 children were informed on the result of the assessment; the adoption files (documents) submitted by these families were also returned.

Following the assessment, the Working Group approved the Final audit report on 27<sup>th</sup> March 2006 which indicated that no domestic adoption application was solved.

The audit report was sent to the European Commission in order to clarify the information regarding the domestic adoption cases which had not been approved during the moratorium. The European Commission congratulated Romania for the activity of the Working Group when the **EU-Romania Joint Parliamentary Subcommittee** (7<sup>th</sup> Subcommittee on Regional Development – employment and social affaires) took place on 28 /29 March 2006.

The Government took note of the audit final report during its meeting held on 12 April 2006.

Since 2005, R.O.A. has permanently improved the adoption legal framework and elaborated the following normative acts:

- - **Government Decision no. 1075/2005** for amending and completing Government Decision no.1433/2004 on approving organizational structure, the maximum number of posts and the Organization and Functioning of the Romanian Office for Adoption, which came into force on 01.01.2006 ( the organizational structure was supplemented with a legal office and the service programmes strategies, and the maximum number of positions reached 40);
- **Order no. 136/2006** on the assessment methodology, template and content of forms and documents used in the assessment procedure for obtaining the certificate of person / family eligible to adopt. This methodology has come into force on January 20, 2007;
- - **Law no. Nr.102/2008 EGO no.49/2009** on approving the amendment of Law no. 273/2004, entered into force on 29.03.2009;
- **Government Decision no. 645/2009** for amending and completing Government Decision no. 1433/2004 approving the organizational structure, the maximum number of posts and of the Organization and Functioning of the Romanian Office for Adoptions, and the establishment, organization and functioning of the Romanian Advisory Office for Adoptions. - Act came into force on 03 June 2009 (the organizational structure was completed with a public relations department and ROA Consultative Council was created);
- **Ordinance no. 25/2009** for amending and supplementing Law no. 274/2004 on the establishment, organization and functioning of the Romanian Office for Adoption. Act came

into force on 03 September 2009 (institution were filled with control functions and responsibilities to facilitate steps taken by individuals to seek their origins);

- **Government Decision no. 329/2010** regarding some measures to streamline activities in the field of adoption. This bill provides the setting up a separate department for adoption within the structure of each Directorate-General for Social Assistance and Child Protection (D.G.A.S.P.C.);
- **Government Decision no. 1413/2009** for amending and completing Government Decision no. 1433/2004 approving the organizational structure, the maximum number of posts and of the Organization and Functioning of the Romanian Office for Adoptions, Act came into force on December 7, 2009.
  - **Draft law** on amending and supplementing Law no. 273/2004 on the legal status of adoption, is under endorsement stage.

ROA decision to change the current legislation in this field started with assessments and findings of ROA professionals on how to implement the legislation across the country, the non-unified practices for handling various cases, insufficient rules to regulate some aspects of the adoption procedures, different interpretations of the same legislative provisions and national centralized statistical data. Were taken into account the results of meetings with professionals working in adoption in all D.G.A.S.P.C. regarding the departments and adoption services activities to beneficiaries, the results of programmes implementation, complaints received from beneficiaries, meetings with representatives of various institutions involved directly or indirectly in the adoption field.

Another important aspect for reconsidering the legal framework in this field was the signing by Romania of the European Convention of Strasbourg, reviewed, about the Adoption of Children, on 4 March 2009. In view of this Convention ratification the legislative framework in the field should be reviewed and its adaptation to the standards imposed by the European document.

Also, following the decision to improve legislation, ROA takes into consideration the UN Committee recommendations on the Rights of the Child, on 12/06/2009, concerning the assessment of legislative framework, based on respecting the child's best interest and ensuring an appropriate duration for all stages of the adoption procedure.

The main changes that the new law will bring are:

- redefining notions of domestic adoption and international adoption,
- change/complete some provisions dealing with the substance of adoption,
  
- Raising the age at which the child is asked to consent to adoption, from 10 years as it is today, to 12 years
- New impediments to the capacity to adopt
- Difference in age between the adopter and the adoptee can not be more than 16 years
- For a child placed in an adopted position / adoptive family or in guardianship, will be mandatory the custody phase for adoption, except where placement or guardianship lasts for at least two years

- The adoption among spouses, who acknowledges child makes proof of paternity by performing a DNA test,
- Reducing the time the child is declared adoptable,
- The assessment period for the issuance of certificate of person / family able to adopt will be extended to 120 days,
- a new section was created - "Match of the child and the adoptive person / family",
- Amendment to Art. 45 of the current regulation, by expanding the range of persons who may adopt internationally a child residing in Romania, there is a provision that international adoption can be achieved by child's relatives up to fourth degree, as well as by Romanian citizens who are ordinarily resident in another State;
- Extension of the period for which child's adoptability effects are declared valid from one year as it is now to 2 years, until the approval of adoption for children of unknown parentage,
- Introduction of a new chapter "Monitoring and post-adoption activities,
- The possibility of termination and cessation or annulment of adoption,
- Establish penalties in event of a failure / breach of obligations.

R.O.A externally funded programs implemented during 2005-2009:

In November 2005 - April 2006, in partnership with the International Foundation for Child and Family and UNICEF funding, ROA has implemented a training project for professionals working in adoption services within D.G.A.S.P.C. The results of this project were: development of a methodology for assessing and training individuals / families to obtain the certificate of person / family able to adopt, train professionals within D.G.A.S.P.C. based on the methodology developed and prepare professionals to organize support groups for adoptive parents (post-adoption services).

- In 2007, ORA was the secondary beneficiary Phare 2003 Programme "Education Campaign on Child Rights", according to the protocol of cooperation signed in February 2007 between ROA and the National Authority for Child Protection (ANPDC). This programme was implemented by ANPDC with the support a consortium led by LDK Consultants (Greece) between December 2005 - June 2007.

The implementation results of this program were:

- Were developed and published three types of leaflets: "Adoption is not a secret" (30,000 copies), "How can I adopt" (15,000 copies), "Why is it important each step in adoption" (15,000 copies). These leaflets have been distributed to all D.G.A.S.P.C.;
- it was organized a seminar "Development of national adoption support services", attended by representatives of all D.G.A.S.P.C., and NGOs working in the area of adoption and child protection and international experts on adoption

- the following books have been translated: "Attachment and Loss", by John Bowlby, "About adoption, information for adoptive parents"(compilation of several speciality papers)"Twenty things adopted children wish their adoptive parents to know" by Sherrie Eldridge,"To be adopted. Searching for a life of the self" by David Brodzinsky, then these books were published and disseminated by ROA to all DGASPCs.
- During March-September 2007, ROA implemented the project Twinning Light "Strengthening the administrative capacity of the Romanian Office for Adoption to promote best practices in national adoption". This project was implemented in partnership with the Ministry of Justice of the Netherlands and the Institute for Care and Welfare in the Netherlands.

The project activities were the following:

- analyze the current situation on the needs at county and central level, in terms of staff training, working tools and methodologies, this assessment was based on field visits (in the counties of Dolj, Cluj and Bucharest, Sector 4), interviews and questionnaires ;
- A training session for ROA specialists and 3 training sessions for D.G.A.S.P.C professionals;
- Developing a manual of best practices in national adoption; develop an action plan for training personnel working in the field of adoption based on the results of needs assessment and training sessions;
- Organizing a seminar at the end of the project, to which D.G.A.S.P.C directors were invited to participate, to be presented project results, the activities included in the action plan and recommendations of foreign experts.

ROA Funded programs during 2005-2009:

- Program "**Support ROA activities to coordinate and monitor national adoption** " was implemented by ROA in partnership with Civil Professional Society for Social Work in September-December 2006; the two components of the program were: implementing adoption legislation and a comparative study of national adoption legislation in eight European Union member states. Component on implementing legislation adoption aimed at supporting and coordinating the activities of law professionals on adoption, in five counties: Bihor, Brasov, Salaj, Sibiu and Caras Severin.

Comparative study of legislation ("Comparative study on procedures of national adoption in European Union countries) the targeted states were: Britain, Ireland, Czech Republic, Denmark, Austria, Germany, Italy and the Netherlands. The study gathered data in a comparative survey of: structures involved in executive decision taken at central and local level, conditions for declaring adoptability; necessary consents, assessment and certification of adopters, matching procedure between the child and adopters, foster family before adoption, adoption approval , post adoption services, regulate the access to information about the origin of the child; other features.

- The "Comparative study on adoption legislation in EU Member States, implemented" by ROA in partnership with Civil Professional Society of Social Work, May-September 2007. This program consisted of a comparative analysis of existing provisions in national legislation in six member states of the European Union (Portugal, Spain, Finland, Belgium, Greece, and France) and has contributed to improving adoption policy in Romania in accordance with European practice legislation.
- **"Implementation of legislation in the adoption field"** was put into practice in 2007 by ORA in partnership with Civil Society of Social Work. Under this program, was elaborated a draft methodology for matching between the adopted child and adoptive family, and a draft methodology for authorizing private providers operate in the area of adoption.
- **"Coordination and monitoring of work in national adoption"** a program started on January 1, 2007 and the deadline by December 31, 2012. Under this program were carried out activities to support and guide professionals activities within D.G.A.S.P.C. by organizing regional meetings, supervision sessions, training courses, seminars, elaboration of specialized materials, exchange of experiences and best practices.

Between **2007 and 2008**, programs were implemented by ORA in partnership with Civil Professional Society of Social Work. In 2008, in addition to the above activities were organized information sessions for professionals in the adoption field about materials developed under the Twinning Light project "Strengthening the administrative capacity of the Romanian Office for Adoption to promote national adoption of best practices".

**In 2009**, were carried out the following activities:

- 2 training courses on "Attachment and adoptive parent-child relationship" with the participation of specialists working in the area of adoption from D.G.A.S.P.C. (social workers and psychologists); the courses have been organized in partnership with the Regional Center for Continuing Education for Local Public Administration Timisoara;
- 4 inter-regional meetings with experts on adoption from D.G.A.S.P.C.; the purpose of these meetings has been to create the opportunity for experts to exchange their experiences and discuss problematic cases to identify the best solutions. In addition, during the last two regional meetings the forthcoming legislative changes and amendments have been presented for their debate.
- Two meetings with directors general / executives within D.G.A.S.P.C., with the purpose of presentating and discussing the future legislative changes and additions.
- A national seminar with specialists working in the area of adoption which was organized in order to be discussed proposals for amending and supplementing ORA current legislation in the area of adoption.

- **"Responsibilities for adoption - assessment", a program started on January 1, 2008 with the deadline on December 31, 2009.**

In 2008, the program was implemented by ROA in partnership with Civil Professional Society of Social Work in South-Eastern and the Centre of development regions. It was evaluated how to respect minimum standards of the internal adoption procedures in those 12 counties and to establish a methodology for developing and implementing specific intervention programme in adoption field.

In **2009**, the Romanian Office for Adoptions organized a seminar with professionals working in adoption field in the 47 D.G.A.S.P.Cs (social workers, psychologists, lawyers) to assess the adoption legislation. On the basis of this assessment were identified difficulties that exist in implementing the legislation throughout the adoption procedure and also legislative provisions that require changes or additions. Based on the conclusions of this seminar, ROA began drafting the legislative amendments and additions in the area of adoption.

**"Adoption - an open dialogue for better understanding"** a program that started on January 1, 2008 with the deadline on December 31, 2011. Their aim is to promote adoption through increased community awareness and understanding of population on the adoption procedure, of adoption specific role to improve community perception of adopted children and adoptive families. The meetings were attended by representatives of the media, maternity, schools / hospitals, courts, priests, and policy decision makers.

In **2008**, the program was developed in partnership with Civil Professional Society of Social Work in six counties: Iasi, Buzau, Mures, Cluj, Prahova and Bucharest, Sector 3 where public debates were organized to promote national adoption. It has also been developed and draft a strategy for recruiting adoptive families.

In **2009**, public debates were held in Neamt, Botosani, Harghita, Sibiu and Bucharest Sector 1.

In addition to leaflets and books translated within the mentioned Phare programme during 2005-2009, ROA published the following information materials disseminated to all D.G.A.S.P.Cs :

- „Adoption in Romania” (2006) is a summary of national adoption proceedings in Romania, adoption principles and steps to comply with applicable legislation regulations
- "Certificate for adoption" (2006) was developed to assist professionals within D.G.A.S.P.Cs and contains Order nr.136/2006 and the annexes attached to this order, as well the methodology for organizing and holding information meetings and training sessions (within the procedure for awarding the certificate of person / family able to adopt);
- "Handbook of future adoptive parents" (2009) was developed to assist families / individuals who wish to adopt in order to inform them of every step in the

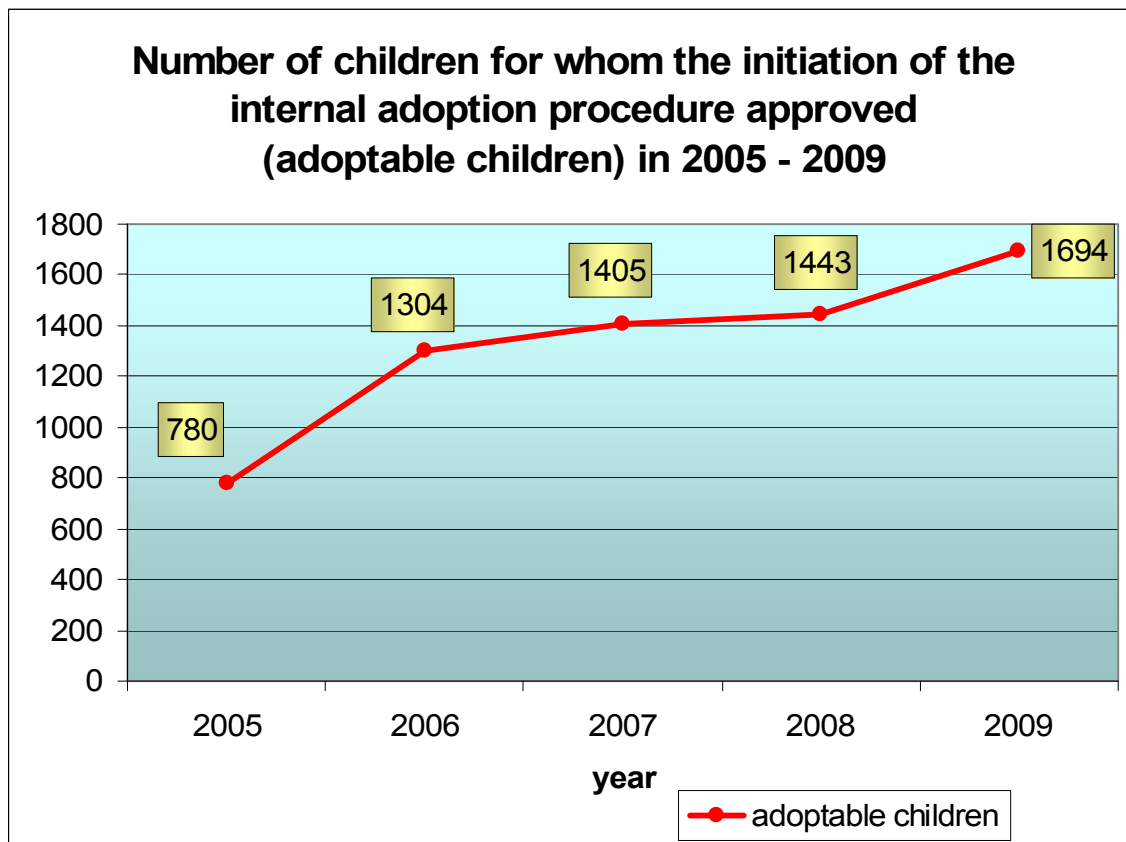


adoption procedure, the importance of each stage, adoptable children features, the consequences of adoption on children adopted and the family as a whole.

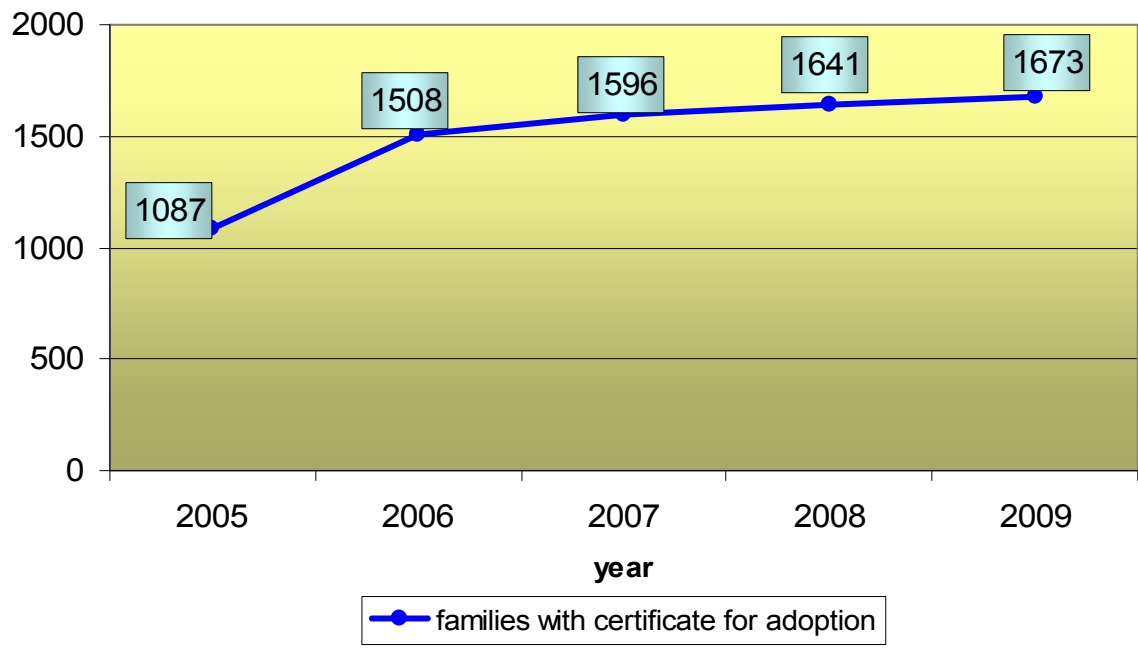
In 2006 was completed the necessary software to organize at national level the Evidence of adoption (National Adoption Registry); to organize these national electronic records, the National Adoption Registry information are permanently updated with data about adoptable and adopted children from Romania, as well as information on adoptive families.

Statistics on adoptions in the period 2005-2009 are as follows:

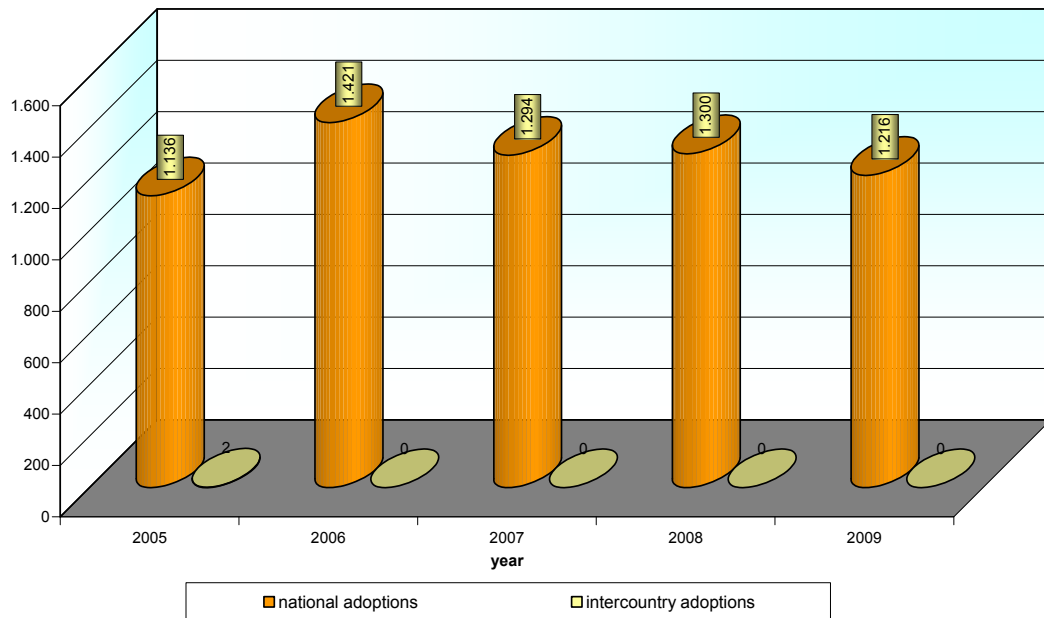
Year	Number of children for whom the court has opened the domestic adoption (adoptable children)	Number of children adopted at national level	Number of families certified as fit to adopt
2005	780	1136	1087
2006	1304	1421	1508
2007	1405	1294	1596
2008	1443	1300	1641
2009	1694	1216	1673



### Number of persons / families with certificate as person / family able to adopt in 2005 - 2009



## Adoptions 2005 - 2009



Regarding the Committee's observation that residential care institutions for children must ensure their optimal growth and development, while ensuring respect for human dignity, the legislation on the protection of child rights adopted after 2004 had in view that each institution applies the mandatory minimum standards. Thus residential services will have to ensure children they protect here decent living conditions of the highest quality, in a family-like environment that ensures beneficiaries their specific needs of life and care.

It is also important to note that the vision behind a decision on placing children in residential institutions is that this measure has a purely temporary nature, the ultimate objective being their reintegration into the natural or extended family.

Residential centres are adequately furnished and equipped, each child being his own space allocated. Moreover, based on the same standards in a room can not stay more than 4 children, except in special situations such as e.g. the existence of several siblings placed in the same centres. Habitable surface is 6m<sup>2</sup>/child and for children with disabilities the minimum area is of 8 m<sup>2</sup> / child while ensuring the specific facilities required for this category of children.

Likewise, it is ensured full involvement of children in terms of customizing the living space so as to meet their needs. It is also required to provide a space arranged for meetings between children and family members or persons with whom they maintain personal relationships.

In addition to living spaces in residential institutions there is the obligation to ensure adequate facilities for preparation, storage and serving meals, study and other educational activities.

Regarding the section for "children in the public system of special protection" (**Children in public care**), the following remarks are necessary to be mentioned:

The reform of Child Protection system in Romania, started in 1997, and led to the closure of about 300 old-type residential institutions and the creation of alternative protective services (apartments and family houses, foster care, maternal centres, emergency reception centres for abused, neglected, exploited children). In addition, services have been developed to prevent separation of children from their parents and re-institutionalization of those who have been reintegrated into their families (counselling centres for children and parents, day care centres, monitoring services for pregnant women prone to abandon the child, services to prevent child abandonment in the period before conception).

The results obtained in the special protection of children during 2005 - 2009 are as follows:

- Number of children institutionalized in the public system has decreased from 23,684. to 19525
- number of children cared for by families / individuals / relatives increased from ..... to.....;
- number of children cared for by foster parents increased from 17,561 to 20635;
- number of foster parents has increased from 14,058 to 14,432.

This result is a consequence of applying a policy focused on deinstitutionalization of children and a priority pursue the possibility of their reintegration in their natural or extended family, or where this was not possible, replacement of residential protection measure with a family type one (foster family, person, relative or foster parent), being well known that the harmonious development of all aspects (physical, mental, intellectual) of a child, and the possibility of his integration into society is best achieved within a family.

At the end of 2009 there were 1217 residential public services. These included:

- traditional or modulated foster care centres - **202**
- apartments - **423**
- family type houses - **420**
- maternal centres - **59**
- emergency reception centres - **62**
- other services – services to develop independent living skills, day and night shelters - **51**

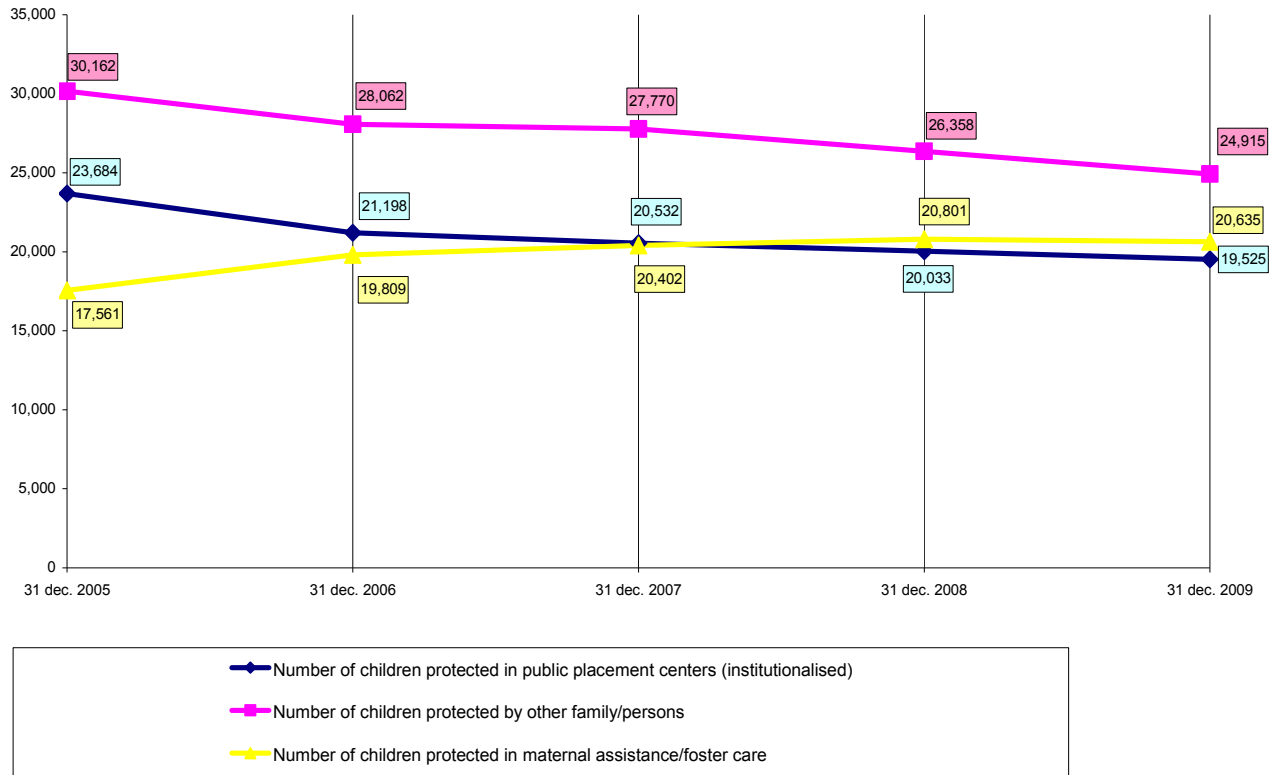
Closure of old type child protection institutions made room for the development of several projects of national interest and internationally financing projects (Phare, ChildNet) while also allocating funds from the county budgets for this purpose. As a result, between 1998 – 2009, **292** such institutions closed.

Reduction of the number of children inclusion in the special protection system was made possible through the development of services to prevent children being separated from parents (day care centres, rehabilitation centres, counselling centres, etc.), who wanted to support families at risk.

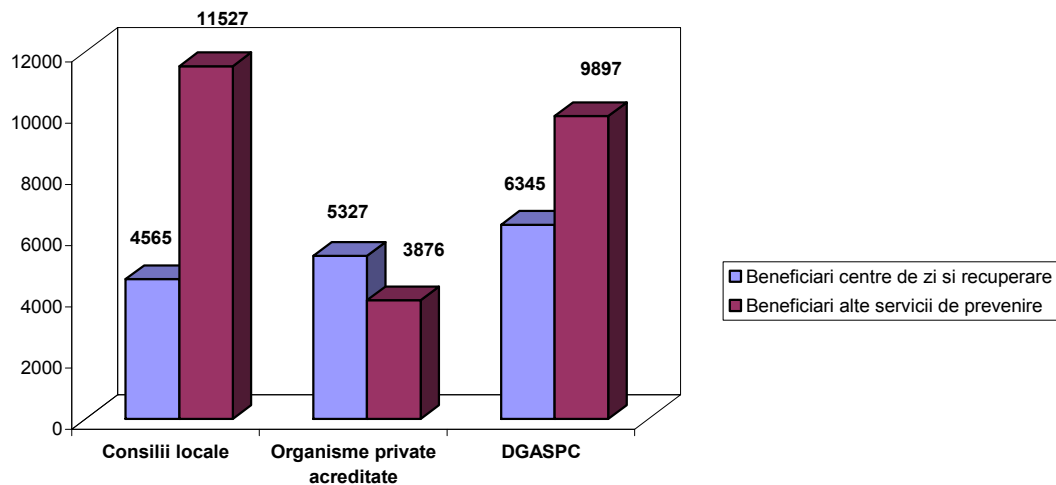
The purpose of these services has been to ensure, maintain, restore and develop the child and his parent's capacity to overcome situations that could cause the child's separation from his family.

The application of such measures had as priority to integrate newly created services into the existing social network of local services, while empowering local competent authorities to assume responsibilities of strategy and implementation of the specific measures to prevent the child's separation from his family.

Starting January 1, 2005 public social services from the local councils are the main responsible for their development, reaching 31 December 2009 to provide services for 38.74% of children who receive such services, for 22.16% accredited private bodies have offered these services, and 39.10% are beneficiaries of prevention services offered by the General Directorates for Social Assistance and Child Protection.



### Distribution of the number of children beneficiaries of prevention their separation of family, depending on the service provider, as on December 31, 2009



Local councils

Private accredited bodies

■ beneficiaries, day and night centres

■ beneficiaries of other prevention services

	2006	2007	2008	2009
Number of children beneficiaries of prevention activities (cumulated data per year )	27986	37657	43201	44008

In late 2009 there were 19 institutions of the old type still with a capacity of 80 seats. One caveat about this important issue concerns the fact that the remaining institutions are, in fact, structures belonging to special education boarding schools, which were taken in 2001 by the child protection system. This transfer was the solution found at that time by the Romanian authorities to close special education institutions and integrate the children with learning disabilities in mainstream schools.

The following objectives were considered in this context:

Providing education for children with special educational needs or for vulnerable people by:

- measures to include all children with special educational needs in the special or mass education system;
- implementation of integration programs for children in special education institutions into the mass education institutions, in different forms, taking into account the specific needs of each child;
- provide itinerant teachers and the necessary support;
- flexible curricula;
- training teaching staff in mainstream schools to work with children with special educational needs;
- preparation of mainstream schools to welcome and integrate children with such requirements;
- Transformation of special schools into resource centres for special and mass education.

Articles 55 and 56 of Law no.272/2004 regulate both the protective measures that may be established for children requiring special protection, and the categories of children who will benefit from these measures.

**Responsibility for this area is divided as follows:**

- For children whose parents are deceased, unknown, deprived of the exercise of parental rights or to whom has been applied the prohibition of parental rights, placed under interdiction, legally declared dead or missing, not being possible to establish guardianship, residential care is determined by court;
- for the child, in order to protect its interests, that can not be left in his parents care for reasons beyond their will, the decision on residential care is determined by the court (where there is not the parent / parents agreement ) or, where appropriate, by the

**commission for the child's protection** (where the parent consents to this measure) the court;

- for abused or neglected child, is determined emergency residential care measure. It can be ordered by the director of general directorate for social assistance and child protection, in case there is no opposition from people who have the child in care, or by the court, by presidential Ordinance, where there is opposition;
- for a child found or abandoned by his mother in hospitals, is established the emergency placement by director of general directorate for social assistance and child protection;
- for the child who committed an offense under the criminal law and is not criminally responsible, the measure taken by the child protection committee or the court is supervised freedom or placement, as may be the case.

Regarding measures taken by the Romanian authorities to improve standards in all institutions (Article 17) should be noted that by Resolution no.1438/2004 was approved the regulation framework for the operation and function of services to prevent the separation of the child from his family and the special protection of the child temporarily or permanently deprived of parental care.

The above mentioned Resolution includes the following annexes:

- Regulation framework for residential services organization
- the operating framework for the regulation of day care services
- operating framework for the regulation of family services.

By this act is imposed on all public authorities and private bodies accredited under the law provisions, operating in the area of child protection to acquire a compulsory licence for providing the services on preventing the separation of the child from his family, and on special protection services for the child deprived temporarily or permanently of parental care.

Only after obtaining the license public authorities or accredited private bodies have the right to establish, organize and develop services for which the license was granted.

The process of verifying the conditions and quality of services to be provided to beneficiaries shall warrant an institutional filter to ensure their compliance with existing standards.

Among the issues considered in the licensing process is that on the way in which services that require licensing go on with meeting national and regional strategy for the protection of child rights and also the needs of the local community where the service works.

Also, they verify [././Cristina.Cuculas/Sintact.2.0/cache/Legislatie/temp/00077276.HTM](http://Cristina.Cuculas/Sintact.2.0/cache/Legislatie/temp/00077276.HTM) - # compliance with organizational structure and operational framework and the minimum standards set by law for that service.

The third annex of GD no.1438/2004 defines the role of special protection services, residential type and makes a list of the services that belong to this category: shelters,



child reception emergency centres, and maternal centres. Residential public services, unlike the private ones, are organized exclusively within the General Department of Social Assistance and Child Protection structure.

The family model is established as an organization / reorganization of residential services to better meet the needs of children placed in institutions, including the special needs of children.

The main normative acts of reference for residential services are:

1. GD no.1438/2004, Annex 1 relating to the Framework Regulation of organization and operation of residential services to be completed by GD no. 539/2005 as amended by 1007/2005;
2. Order no. 21/2004, published in the Official Gazette, Part I no. 222 on 15/03/2004 to approve minimum standards for child protection services, residential type;
3. Order no. 27/2004, published in the Official Gazette, Part I no. 515 on 06/08/2004 for approval of mandatory minimum standards for child protection services, residential type, for children with disabilities;
4. Order no. 89/2004 for the approval of minimum standards on the emergency reception centre for abused, neglected and exploited children;
5. Order no. 101/2006 on the approval of minimum standards for maternal centre and methodological guide for implementing these standards.

If day services and family services may be established by accredited private bodies, residential care services can be established only with the approval of the county council or the local councils of the districts of Bucharest (Art. 2 par. (3) Annex no. 1, GD no. 1438/2004).

Beneficiaries of residential services are:

- a) children temporarily or permanently separated from their parents after the decision, according to the laws, of the placement in this type of service;
- b) children who had been, according to the laws, under emergency placement,
- c) young people aged 18 years that enjoy special protection under the law;
- d) couples parent / legal guardian - child, when finding the risk of abandoning their children for reasons not attributable to the parent / legal representative or in case of its inclusion in a program to re-establish family links;
- e) children unaccompanied by parents or a legal guardian, which demand a form of protection within the legal regulations on the status of refugees.

Beneficiaries' access to residential services is based on:

- a) placement measures ordered, under the law, by the child protection commission or the court;
- b) provisions for emergency placement issued by the director general of social assistance and child protection department or by the court,
- c) the admission of the mother-child couple in the maternal centre, decided by the governing bodies of individual legal structure that provides this type of service and residence contract of the mother.

Regarding the request of the Committee be provided with information on the role of guardian or other legal representative of an institution, about ensuring children's rights, Law no. 272/2004 regulates the exercise of parental rights and obligations throughout the period established for child placement measure (Article 62).

Although according to par. (1) in all cases where this measure was established by the Child Protection Committee (CPC), parental rights and obligations are maintained, however, it should be noted that the exercise of parental rights and obligations on the child changed as a result of the way of achieving this form of protection - the child being in care of someone other than the actual parent / parents.

Thus, in practice, we are in a situation where the exercise of parental rights and obligations on the person of the child is shared between the parent / parents (e.g. permanent and direct link with the child throughout the placement period, child visits, correspondence with him, right to ensure his growth, education, and professional training) and the person providing child care (Supervision of the child, the obligation to provide care and conditions for his development, carrying out the necessary activities to meet this obligation or to remove any emergencies that endanger the child, his security, development or its moral integrity).

Due to the specific way in which this measure operates in terms of parental rights and obligations regarding the child, the Court will solve any possible disputes that may arise in practice on the exercise thereof, if it is not possible to resolve them amicably.

Another issue is when the discussion is dealing with parental rights and obligations concerning the child's property (the right to administrate his assets, to be represented or to acknowledge child acts), all of them belong to parent / parents as long throughout the placement period established by the decision of the commission for child protection.

As to the above considerations, we should stressed that the establishment of the placement measure by the commission for child protection is not in any way to affect the quality of the parent as the child's legal representative.

The child for whom it could not be established guardianship and placement has been established so far by the court, parental rights and duties are exercised by the chairman of the county council or by each district mayor in Bucharest.

These rights and obligations cover both the child and his property and can not be delegated to a third legal or physical entity. A problem that this provision arises in

practice is the situation where the placement is decided to a person or a residential service residing or being located on other administrative-territorial jurisdiction than the area where the court works so far. In such a situation, parental rights and duties must be exercised by the county council chairman / mayor of Bucharest district where the child actually lives.

Law no.272/2004 establishes an exception to the provisions that concern the exercise of parental rights by the county council chairman/ district mayor of Bucharest, they are not entitled to express parental consent for child adoption, this is still a right of parents deprived of parental rights and those who received the penalty of denial their parental rights.

In all other cases in which the measure of placement is determined by the court the possibility for the parents to exercise or not the parental rights and obligations is at the discretion of the court. The court is required to decide when establishes the placement also on some issues and concrete and concrete ways these rights and obligations are to be exercised or met, both on the child and his property.

Body empowered to order the placement measure must check first that the steps to identify the child's extended family members or other persons / families to which he may be placed, can maintain brothers and sisters together and also the existence of conditions to ensure the personal relations between the child and his parents.

Where the right to visit the child and maintaining personal relationships was not restricted by law, the choice of person / family where the child will be placed, is made while taking into account its capacity to ensure effective implementation of right to be visited and maintain personal relationships (proximity to residences, the existing relationship between parents and the person / family where the child will be placed, etc.).

With the establishment of the placement measure, the responsible body to take such a measure has the possibility to decide and order the parents / parent to contribute to its monthly paid support (Article 63, Law no.272/2004). Under the Family Code, while the descendant of a minor is entitled to receive payment assistance, whatever the need may be, according, as to art. 110 provisions, deprivation of parental rights does not relieve the parent's duty to give the child payment assistance. Regarding the determination of the amount of this contribution, it is determined according to art. 94 (par. 3) of the Family Code, or up to a quarter of earnings from work, for one child, a third for two and a half for three or more children.

Although these provisions relating to parents obligation to provide support were found also in the old law, namely GEO no. 26/1997, the current regulation is an improvement because the provisions which referred to the possibility of establishing an obligation for a parent to provide unpaid community work when he could not provide payment assistance were removed. In this way, it was eliminated the sanction nature of this measures, which result in this obligation non-compliance as it is referred to in the Family Code.

Regarding the request of the Committee to provide information on services available to children under 3 years of age, we mention that as to national legislation, placing children younger than 2 years in residential services is prohibited, except where their health requires them to be provided specialized medical care.

The costs of these services are borne by the state budget and their quality monitoring is done through the Social Inspection. Regarding the Roma families' access to these services, the national legislation requires to protect and promote the rights of all children regardless of race and ethnicity.

Regarding the remarks made by the Committee on the number of abandoned children, we mention that current legislation in force in children's rights protection and promotion no longer uses the term "abandoned minor". Law no.272/2004, (republished) with its subsequent modifications and completions, on the protection and promotion of children's rights establishes a clear set of tasks and deadlines to the competent authorities with regard to birth registration of children abandoned in health care facilities.

Thus, when the child is abandoned by his mother in maternity, the medical institution is required to notify by the telephone and in writing the general department of social assistance and child protection and also police bodies, within 24 hours after finding out the mother's disappearance.

Within five days since the referral the representative of the general department of social assistance and child protection, the police and maternity unit representatives have to prepare a report about the abandonment of the child, and then the general department of social assistance and child protection decides the emergency placement measure for the child.

Within 30 days since the report preparation the police are obliged to undertake specific checks on the mother's identity and communicate the findings to the general department for social assistance and child protection, which will ensure the mother, if identified, advice and support to achieve the steps related to birth certificate arrangements.

If it is not possible to identify the mother, the general department of social assistance and child protection forwards to the public service for social work in whose territorial administrative area the birth occurred the file containing the medical certificate stating the birth, the reports and the emergency placement decision and police response about checks results, to obtain the approval to establish the child's name and surname, according to law provisions, and make the birth declaration for its registration at the competent civil status office.

In case of a found child or a child abandoned by the parents in other hospitals, whose birth was not registered, the obligation to perform the steps required by law to register the birth, is the responsibility of the public social service in whose administrative-territorial area the child was found or abandoned.

Regarding the children abandoned in hospitals, official statistics show the following situation:

	2005	2006	2007	2008	2009
<b>Total number of children temporary abandoned in hospitals</b>	<i>2580</i>	<i>2216</i>	<i>1710</i>	<i>1317</i>	<i>1400</i>
<b>Integrated in their natural family</b>	<i>999</i>	<i>610</i>	<i>482</i>	<i>375</i>	<i>454</i>
<b>Protect in alternative family</b> (foster care, relatives, other families / individuals)	<i>984</i>	<i>1051</i>	<i>805</i>	<i>654</i>	<i>581</i>
<b>Protected in residential services</b>	<i>177</i>	<i>117</i>	<i>77</i>	<i>70</i>	<i>80</i>

Regarding the issue of "Minors who have committed criminal acts" and the request of the Committee to be given information about educational courses available to that category and the relation teacher / pupil ratios in specialized centres, the Ministry of Justice has provided the following information:

1. Regarding the types of training courses for children and young people in prisons and rehabilitation centres deprived of their liberty, professional training courses are organized for the following areas: mechanical locksmith, electro mechanic / mechanic, woodworking, carpentry worker, tourism and catering, wood products manufacturing.

Also, we mention that by PHARE-RO 031BJH09 Project, "Support for improving minors legislation in Romania" developed by the Ministry of Justice of France and Romania, have been established and equipped rehabilitation centres, workshops and laboratories for practical and vocational training (painting, sculpture, multimedia, music, barbers, shoemakers, tailors, IT).

2. In the National Administration of Prisons system, 11 schools provide education of minors deprived of their liberty, of which: five schools of arts and crafts (Buzias Găești, Bacau, Tichilești, Craiova), three high schools with technological qualifications (Targu Ocna Buziaș , Craiova) and three secondary schools (Taegu Mures, Tg. Ocna Buziaș).

3. The average teacher / pupil in the three rehabilitation centres, is an educator / 4 minors, and in minors and young adults prisons (Tichilești, Craiova) is about an educator / 10 persons deprived of liberty.

4. National Penitentiary Administration has developed an educational and psychosocial support policy, mainly in the following areas:

- school training - to all children, regardless of age and level of training prior their entry into rehabilitation centres and prisons, organized in primary and secondary school;
- professional training - organized as schools of arts and crafts / technology profile high school classes or vocational training courses, conducted in collaboration with the Ministry of Education, Research, Youth and Sport and the County Employment Agencies;
- education and culture - programmes and activities for acquiring pro-social skills, information and cultural development of minors cultural horizon;
- physical education and sport - as useful ways to maintain physical and mental tonus and leisure time;
- Psychological assistance - minor assessment and intervention through specialized therapy programmes for individuals and group, targeted on a specific issue (risk of suicide, drug use, etc.);
- Social assessment requires specific knowledge and understanding of the social history of the child (family of origin, social dynamics, social and economic structure), providing social counselling, to improve relations between family members and their involvement in the process of social reintegration.

## **Section: EDUCATION**

### **A. Equal access to education for all children**

The Government Programme for 2005 - 2008 established as priorities in education the following:

- 6% of GDP allocated to education;
- restructuring the school network, enhancing the rehabilitation of schools and their equipment with the necessary teaching materials;
- development of support and social protection programmes for pupils;
- education reconstruction in rural areas;
- ensure implementation of school autonomy and decentralization;
- Harmonize Romanian educational system with the European system (Bologna Process).

In the light of these priorities, the reform was directed to:

- Increase the quality of school education while increasing people access to education;
- increase educational accountability of public authorities at central and local levels;
- promote and take advantage of cultural diversity in education;

- reform of early education (0-7 years).

All these objectives were implemented through a set of laws designed to contribute to their achievement.

Thus, in terms of ensuring equal access to education for all children, the Ministry of Education, Research, Youth and Sports:

- invested more than 434 million lei in building schools, kindergartens, school campuses (in 2008);
- provided continuous training for 116,203 teachers;
- equipped primary and secondary schools, special schools, kindergartens, sports clubs, National Centres of Excellence, Children's palaces and clubs, teachers; houses, teaching materials, books and sports equipment;
- promoted and developed social protection and support programmes, such as: free transportation or reimbursement of travel expenses for students studying in schools located at a distance greater than 50 km from home, free school supplies (for students from disadvantaged families economically), the programmes *Euro 200* and *Money for High School*;
- Developed the programme “*Second Chance*” at primary and lower secondary school. Through this program, MERYS sought to bring back to school, all young people who left school before completing compulsory education. In addition to developing the 72 methodological guidelines for teachers, 850 teachers were trained, 382 persons in the framework of County Inspectorate Scholar were trained for writing the projects, 550 directors and 7725 teachers from the pilot schools were trained under the PHARE Programme, “*Access to education for disadvantaged groups*”;
- Improved educational infrastructure in 1400 schools to achieve school safety, sanitary and educational conditions.

In terms of increasing the quality of education in disadvantaged areas, MECTS supported the educational process in rural areas, as follows:

- investment in educational materials, school libraries, the rehabilitation of rural schools;
- restructuring the school network to employ qualified staff in all schools;
- Phare TVET 2004 Programme-2006 focused on improving vocational and technical education and increase access to education of students from disadvantaged areas (small and medium-sized cities, rural areas);
- *Rural Education Project* which aimed to provide qualified teachers in rural areas. This project end results were the following:

- Development a national curriculum for special training of the teachers from rural areas and its implementation in the universities that provided accredited distance learning;
  - Specialization of 3,000 teachers from rural areas through the curriculum and courses mentioned above.
- Development of Social Partnership programme specifically for rural schools to improve student access to quality education through school-community partnership projects. In 2006, MECTS funded 761 projects, and in 2007, 776 projects. The project provided assistance to:
  - 3076 local councils in developing an educational strategies;
  - 6964 schools in project management.
- TIC introduction in educational system:
- 2001 – 2006 - creation of 4780 laboratories in high schools;
  - Acquisition of 76.000 PCs, servers and auxiliary equipment;
  - Provide educational software for each TIC laboratory.
- 2005 – 2008 – set up 3270 laboratories;
  - purchase 3005 softwares with multimedia lessons;
  - equip all schools with 10 PCs and a server;
  - train 40.000 teachers to provide computer-assisted teaching.
- Improvement of rural small and medium-sized schools infrastructure in rural or disadvantaged areas economically, as follows:

In 2006:

- MECTS equipped 8000 schools with teaching materials, the libraries of 4000 schools received 1,5 million books; purchased 80,000 sports equipment and more than 700,000 books for primary education;
- MECTS equipped 1500 schools with school furniture;
- 428 schools were connected to the mains water supply and sanitation system;
- 968 schools have improved plumbing, heating and electrical system.

In 2007:

- in 335 schools were provided plumbing, heating and electrical systems
- 151 TVET schools entered the rehabilitation process (through the PHARE programmes);
- 12 schools have been rehabilitated with MECTS funding;



- 539 schools were rehabilitated and equipped with school furniture.

In 2008:

- 29 schools were rehabilitated and equipped with school furniture;
- 55 schools were in the rehabilitation process;
- 203 schools started the rehabilitation process;
- 105 schools completed rehabilitation;
- 315 schools ordered technical rehabilitation projects.

#### **A. School drop-out**

##### **a. Statistics**

#### **DROP OUT RATE IN THE PRE-UNIVERSITY EDUCATION**

Type of education	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2008/2009
Primary school	0,9	1,2	1,3	1,5	1,7	1,4
Gymnasium	1,5	1,7	2,0	2,1	2,3	1,9

**Source: National Institute of Statistics (NIS)**

#### **COMPULSORY EDUCATION ENROLLMENT RATE**

##### **Primary Education**

School Year	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
<b>Total</b>	100,3	104,0	103,7	109,1	107,9	106,1	103,8	97,8
<b>Urban</b>	99,3	105,7	105,1	110,2	105,6	109,3	107,9	102,2
<b>Rural</b>	101,4	102,4	102,4	108,1	109,9	103,3	100,3	94,1
<b>Female</b>	99,2	102,9	102,5	108,1	107,0	105,4	103,2	96,9
<b>Male</b>	101,4	105,0	104,8	109,8	108,7	106,7	104,4	98,7

**Source: National Institute of Statistics (NIS)**

##### **Gymnasium**

School Year	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
<b>Total</b>	94,7	92,1	93,7	93,5	94,0	97,4	96,7	100,5
<b>Urban</b>	97,3	94,7	98,3	98,2	96,1	104,5	105,1	109,1
<b>Rural</b>	91,5	88,7	88,2	88,3	91,7	90,1	88,7	92,5
<b>Female</b>	94,5	91,6	93,2	92,8	93,1	96,4	95,8	99,7
<b>Male</b>	95,0	92,5	94,0	94,2	94,9	98,2	97,6	101,1

Source: National Institute of Statistics (NIS)

**Lower Secondary education (including Arts and Crafts School)**

School Year	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Total	79,2	81,2	80,9	80,2	84,2	80,0	82,0	87,8
Female	80,3	82,5	82,6	81,5	81,9	80,8	82,5	88,5
Male	78,0	79,9	79,2	78,9	86,5	79,3	81,4	87,1

Source: National Institute of Statistics (NIS)

**b. Drop out causes and measures adopted to address the problem**

There are certain categories of students who faced difficulties in completing compulsory education, such as: children from remote rural areas, children from economically disadvantaged families, Roma children and children with special educational needs.

- Children from remote rural areas - poor road infrastructure and the considerable distance from home to school represented the factors for which determined difficulties/obstacles in school attendance, especially in winter. To solve this problem, MECTS purchased school buses offering free shipping. In cases where this was not possible, children were provided accommodation and food in the boarding schools surrounding their schools.
- Children from remote areas and poor. So, they resorted to restructuring the school network by setting up central schools with superior infrastructure, qualified teaching staff, these schools being attended by children of several smaller communities. In this case, school buses were provided.
- Many Roma children. These children came from very poor families with low education and, usually, with many children. These children remained at home to help their parents in household and seasonal work or to care for younger siblings. Due to very poor economic and social status and, in some cases, due to premature marriage traditions, this category of children are dropping out of school or abandoned school after eighth grade.
- To support school attendance of Roma pupils were taken the following measures:
  - Attract Roma children in education system since pre-school cycle. Program "Rolls and milk" has contributed substantially to this effect.
  - Organizing summer kindergarten for Roma children that have never attended preschool classes
  - Rehabilitation of schools from disadvantaged backgrounds and improve performance of teachers who teach in these schools;
  - Introduction of Romani language courses

- Creating the post of inspector in charge of Roma students education in all school inspectorates;
  - Creating the post of school mediator as the interface between school and community, whose role is to increase enrolment rates and school attendance and school dropout prevention. Its role was very important in communities where the education level of parents was very weak, explaining the importance of education, educational opportunities, and specific relations issues family- school.
  - Elaboration of specific rules designed to prohibit, prevent and correct the school segregation of Roma students
  - Encouraging Roma students to attend secondary education courses and tertiary education (higher), for which were allotted separate seats.
- Children with special needs are enrolled in special schools or in mainstream education, according to the type and level of disability. Children enrolled in mainstream schools were assisted by a support teacher. In cases with severe disabilities, children were provided school at home or in hospital.

MECTS has taken actions to reduce school drop out and support the participation of students, through programs of social protection and support, of which we mention:

- *a free school transport* (minibus purchased and distributed by MECTS to county school inspectorates, according to the number of students not studying in the area of residence);
- *reimbursement of travel expenses* for students who attend schools within a distance of less than 50 km from the city of residence (in 2007 to 115,000 beneficiaries in 2008 to 215,933 beneficiaries);
- Providing free school supplies for students from poor families (in 2006 to 829,298 beneficiaries, in 2007 to 775,446 beneficiaries, in 2008 to 767,894 beneficiaries, in 2009 to 767,894 beneficiaries);
- *Programme EURO 200* – to encourage and support students from disadvantaged families to purchase a computer (in 2004 to 25,064 beneficiaries in 2005 to 28,570 beneficiaries in 2006 to 28,703 beneficiaries in 2007 to 38,499 beneficiaries in 2008-35. 128 recipients, 2009-24698 beneficiaries);
- *Programme “School money”* - intended to support high school students (coming from disadvantaged families) in order to complete their studies (in 2004 to 87,100 beneficiaries in 2005 to 87,018 beneficiaries in 2006 to 105,046 beneficiaries in 2007 to 119,295 beneficiaries in 2008 to 141,254 beneficiaries in 2009 to 124,935 beneficiaries);

- an extension of the "Roll and milk" programme from pre-school and primary to secondary education, according to GEO. 95/2008.
- *Romanian Government Scholarship* - a support for gifted students, primary school graduates, coming from disadvantaged families in rural areas to attend school classes in a unit of successful urban school.
- this scholarship covers the costs of accommodation in a boarding school and the costs of school supplies. The programme began in 2008 and there were 165 beneficiaries in the 2008-2009 school year, and 329 beneficiaries in 2009-2010.

These measures have been regulated by government decisions and their implementation by ministerial orders. For example:

- EURO 200 was based on Law no. 269/2004 on financial support to encourage the purchase of computer and GD no. 1294 / 2004 approving the Methodological Norms for applying Law no. 269/2004 (as amended and supplemented by GD no. 1990/2004, 385/2005, nr.770/2005, 615/2007, 123/6.02.2008). Through this programme, students from economically disadvantaged families receive financial support amounting to EUR 200 for the purchase of a computer.
- *School Money* was implemented based on GD no. 1488/9.09.2004 to approve the criteria and amount of financial support to high school students to continue secondary education (subsequently amended by GD no. 1005/3.09.2008. Rules of application have been approved by MO no. 4839/2004. The programme is providing students from economically disadvantaged families a monthly scholarship of 180 lei during the school year to cover accommodation and meals at the boarding school.

**B. Number of students / classroom and teacher / pupil ratio**

In accordance with art. 158 (1) of the Education Law no. 84/1995 republished with amendments and completions, the number of students in the classroom varies as follows:

- primary school, between 20 -25 students, but at least 10 students;
- in the lower secondary level - between 25 to 30 students, but at least 10 students.

**Pupil/teacher ratio**

School Year	Pupil/teacher ratio	Primary school	Gymnasium
2004/2005	Total	17	11
	Urban	18	12

	Rural	16	10
2005/2006	Total	17	11
	Urban	18	12
	Rural	16	10
2006/2007	Total	17	11
	Urban	19	12
	Rural	16	10
2007/2008	Total	16	11
	Urban	18	12
	Rural	15	10

**Source: National Institute of Statistics (NIS)**

### **C. Development of training programmes for teachers working in special education system**

MECTS was concerned to provide specialized training for teachers, on the assumption that training is the first step towards providing quality educational services. With regard to special education, MECTS:

- offered accredited training courses through the Didactic Body House (ex. *Inclusive school, personalized education for children with special educational needs, educational strategies for children with behavioural disorders and hyperactivity, school inadaptability of children with special educational needs* etc.)
- has partnered with NGOs (e.g. RENINCO, World Vision) and UNICEF Romania to organize training seminars for teachers, programmes development (e.g integrated education, Network power ) and production of auxiliary teaching materials (Itinerant teacher's Guide);
- initiated the organization and operation methodology of educational services for children with special educational needs integrated into mainstream education through itinerant teacher - approved by MO no. 5379/25.11.2004. This document specifies, among other things, educational services provided both to children with special educational needs and their families, number of classes for the itinerant teacher and personalized intervention programmes.

Since school year 2004 - 2005, MECTS implemented the National Strategy of Community Action at national level to strengthen volunteering. The beneficiaries of this initiative were: children with special educational needs and learning disabilities, street children, abandoned children and the elderly. From 2004 through 2009, the number of volunteers student has increased from 22,000 to 56,541, the number of beneficiaries rising to 14,654 In this programme have been involved 650 schools and 350 special schools.

- supported the inspectorate of county schools in accessing European structural funds to fund specialized training programmes for special education. In 2009, CSI was Mures approved a project for creating a training center for teachers in special education system, providing training in special therapies, career development opportunities, and facilitate access to continuous training of teachers from rural areas to keep those teachers in the educational system.

**E. Contribution of PHARE multiannual programme. Access to education for disadvantaged groups with special focus on Roma, increased quality of education for disadvantaged groups**

Following the implementation of the PHARE programme "Access to education for disadvantaged groups", among the most relevant results we can be mentioned:

- training of 550 principals and 7725 teachers from 42 counties that attended the training sessions of inclusive education, active participatory learning methods - development and implementation of the school curriculum according to the school decision, remedial education programs and "*A second chance*". The sessions were sustained at the county level with the support of Didactic Body House.
- developing a new curriculum for the Second Chance programme, which includes subjects related to Roma culture and traditions;
- participation of 584 school mediators from 36 counties in specialized courses and integrate them into communities of origin;
- establishment of 36 resource centres for inclusive education in 36 counties participating in the programme;
- Complete the purchase / rehabilitation procedures for 300 disadvantaged schools in the first 25 counties that participated in this programme;
- Creation of educational materials relevant to the target group;
- providing remedial education courses;
- organizing summer kindergartens;
- Organization activities with parents in 450 schools.

Within the project access to education for disadvantaged groups financed from PHARE funds, MECTS has initiated and developed the Second Chance programme for primary and lower secondary school.

## **Primary school**

- The programme's target group is children and young people who have not completed primary education and have at least 4 years beyond the normal age specific to this level of education.
- Programme objectives are to support a flexible school model needed to specific primary school reintegration for people who have abandoned school before completion of this level of education, provide a curriculum tailored to the needs of young people participating in this project and specific national compulsory education standards, the training of human resources for this project: school managers, project coordinators in each school, school mediators

### **Strong points of the Second Chance programme for primary school:**

- the standard duration of 2 years instead of 4 years (standard mainstream education stipulated by law) for a person who did not at all attended school classes;
- shorter time for students who have already completed several years of study in mainstream primary education;
- a more flexible organization of courses, tailored to specific situations of the students (evening classes during the week-end, holidays) for students who are working in parallel with participation in the programme or for those who take care of their family members
- possibility to start the programme either in October or February;
- less people than in mainstream schools (8 - 15 students compared to standard groups of 25 to 30 students);
- ability to assess and recognize skills acquired in formal, non-formal, informal context, at the beginning or during participation in the programme;
- Modular structure of curriculum and assessment and recognition of skills at the end of each module, something which gives greater flexibility, offering students to enter or leave the program to their needs (this is very important for students who are engaged in seasonal activities). Such a curriculum is easily adaptable to the learning tempo, for example, a student may be at grade III level and grade II in mathematics;
- Specific educational materials for teachers and students, approved by MECTS and available on the ministry's website
- a consistent component of guidance and counselling, and also support for individual study subjects.

After completion of the pilot phase established under the PHARE programme, the Project *A Second Chance* for primary school was endorsed by MO and was implemented

nationally, as part of national educational offer. It is financed from the state budget and local budgets, being considered an alternative to compulsory education.

In the case of Roma pupils in some schools have been employed school mediators to disseminate the programme and facilitate dialogue between teachers, pupils, parents and local community.

### **Lower secondary cycle**

Second chance programme for lower secondary level is designed to support a flexible model of education that combines education with mandatory professional training. The programme's target group is young people who have less than 14 years, who have completed primary education but dropped out before completing lower secondary education.

#### **Strong points of “A second chance” in lower secondary cycle:**

- the standard duration of 4 years instead of 6 years (standard mainstream education stipulated by law) for a person who has not attended the lower secondary cycle;
- shorter time for students who have already completed several years of lower secondary school study in mainstream schools;
- Specific provisions for situations that allow shortening the duration of the program or for situations requiring additional support;
- a more flexible organization of courses, tailored to specific situations of students, particularly by offering evening classes;
- possibility to start the programme either in October or February;
- fewer students than in mainstream schools (8 - 15 students compared to standard groups of 25 to 30 students);
- ability to assess and recognize skills acquired in formal, non-formal, informal context, at the beginning or during participation in the programme;
- Modular structure of curriculum and assessment and recognition of skills at the end of each module, something which gives greater flexibility, offering students to enter or leave the programme as to their needs;
- student-centred approach, with a substantial component of guidance and counselling, and support for individual study subjects;
- curriculum developed to provide both general theoretical training required to complete compulsory education and training necessary to obtain the appropriate level of apprenticeship training;
- Specific educational materials for students and teachers approved by MECS and available on the website of the Ministry;
- At the end of the programme, young people receive a certificate that gives them the same rights as of all those who have graduated from compulsory education,



including the right to participate in the final exams of compulsory education. After taking these exams, students may continue their secondary education. After completing their professional training, students receive a certificate recognizing their professional qualifications.

- students receive credits based on skills which are recognized after graduation: 30 credits for compulsory education and 30 credits for professional training.

Also, were introduced subjects on Roma culture in the new curriculum for the Second Chance programme, and its extension.

The most recent national collected data confirm the effectiveness of the programme, taking into account the number of students who attend these courses (10,052 students), and the number of schools where are organized the Second Chance classes (332 schools). Data on levels of study are:

- primary school - 268 schools, 4848 students;
- Lower Secondary - 332 schools, 5204 students.

## **B. MERYS achievements and its partnership in 2005 and 2009, regarding education for Roma, future activities, proposals**

### a. Achievements:

Ministry of Education taken into account in the last years (2005-2009) the following directions of actions/activities, programs/projects, initiated in the context of Decade of Roma Inclusion (2005-2015), the Governmental Strategy GD 522/2006 regarding improving rroma situation, of the strategy MECI/METC.

- **Continuation of providing distinct places** for Roma children at admission **in colleges** in various specialization (annually, were admitted between 2500-2800 pupils to the IX class (grade) on such places).
- **Continuation of proving distinct places** for rroma youth at admission **in universities** (annually, between 420-555 distinct places were granted and occupied by the rroma youth);
- Continuation of initial training, at distance, of teachers for *PIPP (teachers the primary and preschool education)* at CREDIS- Bucharest University and UBB Cluj Napoca (curriculum Roma, 3-4 optional discipline) between 2005-2009, 120.
  - Continuation of initial training, intensive, in the framework of Summer courses in language and methodology of teaching Romani language, of the

potentials teachers of Rroma language and history (annually, financed by the UNICEF and Ministry), were trained 50-60 teachers.

- Preservation of languages, history and Romani culture in teaching approach (providing teaching, still 3-4 hours/week of mother tongue Romani, at the classes I-XII, respectively 1 hour/week for history and Romani traditions, at classes VI and VII). Over than 230.000-260.000 pupils with assumed Rroma identity (grade preschool and pupils at I-XII, about 26.000 annual (11-12%) studying language and roma history or integral in Romani mother tongue.
- Further support, if required, of integral teaching in Romani mother tongue, at the class I-IV (4 compulsory hours per week of Romanian language and literature). (430 Roma pupils chose this type of education, thus 1,7% of those 26.000 who studying hours of mother language and/or history and Roma traditions).
- Supporting further, where required, of teaching in Romani mother tongue Romani, at the education preschooler level, by bilingual approach (rromani-romanian). A number of 12 kindergartens function teaching in romani mother tongue, with bilingual teaching approaches (Romani - Romanian, Romani - Hungarian);
- Assuring the positions and corresponding financing for teachers of language and history Rromani, of teachers teaching Rromani language. During 2005-2009, 440 teachers insures, annually, teaching of Romani language, history, rroma traditions or in Rromani mother tongue.
- Maintaining teaching Romani language at university level, at the University of Bucharest (20-25 admitted students, each year).
- Maintaining the inspector positions for Roma educational problems, at the County Scholar Inspectorate level (42 inspectors).
- Maintaining the network of methodologists for language, history, traditions and Rroma scholarship (at the level of each county, between 2-6 Methodists, of which at least one for language, history and rroma traditions).
- Further training of Romani scholarship mediators (MERYs and its partners (UNICEF, NAR, and PHARE Program) were trained, during 2005-2009, 666 Rroma school mediators.
- Further financing the scholar competitions (Romani National Scholar Olympics, annually, for 104 participants), of the National Scholar

Competition “Diversity” (annually, 290 persons in the final phase, 900 persons in the mass-phase).

- Periodical revised of the scholar programs (for all classes I-XII) and of the scholar textbooks for Romani language and literature, history and roma traditions, and also publishing/republishing them.
- Continuation publishing educational materials and auxiliary scholar textbooks for language, history and Rroma traditions, for intercultural education and diversity, together with partners.
- Organizing summer kindergartens prior I grade, for rroma children who did not attend the kindergarten and are to attend in the first class (in the summer 2008 year: 5800, through Directorate Minorities and 2400 through Phare Program of MERYS).
- Organizing and further financing the scholar recovery courses type “The Second Change” (annually between 5600-6500 students).
- Continuation issuing new normative acts and revising the existing ones, initiated by MERI/MERYS, regarding educational provision/offer for Roma people.
- Continuation the collaboration with ppartners, in structuring, financing and developing together educational programs (inclusively from structural funds with partners: National Agency for Roma, Save the Children Organizations, Romani Criss, REF-Romania, etc.)

#### **F. The right of refugee children in compulsory education and equal educational conditions**

With regard to immigrant children continue MECTS facilitated their studies through the following measures:

- Curriculum development and approval in the Romanian language for foreign students who were granted refugee status in Romania and for unaccompanied refugee minors (MO no. 4041 / 06.16.2004)
- providing free textbooks in Romanian language;
- Offering free courses of Romanian language, on request. Classes are held at the county level by county school / Bucharest School Inspectorates

In 2006, MECTS and UNHCR have developed a partnership project entitled Human and refugee’s rights, which was pilot project in 2007-2008 school years, in order to transform it into an optional subject for study. In the project, 42 teachers were trained (one teacher /

county) and 42 units were involved in education training sessions for the rights of refugees.

In 2007, MECTS implemented Gravier Rule programme in order to ensure equal access to education for citizens from EU and European Economic Area (Norway, Iceland, Liechtenstein and the Swiss Confederation).

In 2009 MECTS renewed MO (No. 5925/2009) on providing Romanian language courses for children who have acquired some form of protection in Romania. Based on current legislation, this category of children enjoys the same educational rights as children of Romanian nationality.

#### **F. Integrating children with disabilities into mainstream education**

Children with disabilities access to a form of education depends on the decision of the Committee on Child Protection that issues a certificate of vocational/ school guidance, according to Art. 16 (4) of Law no. 448/2006.

Regarding children with mental disabilities, their schooling was governed by the MECTS MO no. 4928/08.09.2005 on the approval of education for special classes / groups / schools for children with severe, serious, deep and associated disabilities.

#### **G. Education of vulnerable groups ( pregnant teenage and young mothers, children in hospital, etc.)**

Regarding the education of vulnerable groups mentioned above, their right to education has been legally guaranteed by the Rules of organization and functioning of secondary education units approved by MO no. 4925 / 2005 (Art. 96, 68, 64, 65). According to this document, students in these categories are supported to complete their studies by attending the educational form they choose (day classes, evening classes, distance learning).

In addition to legal provisions, MECTS has developed special educational programmes designed to help inform students about their future lives as adults (eg School of future parents, Family Life, Education for Health, etc.).

#### **H. The prohibition of all forms of violence against children**

Regarding the maltreatment or exploitation of children in schools, MECTS banned officially, corporal punishment, physical and verbal aggression by the Regulation on organization and operation of pre-university education units approved by MO no. 4925 / 2005 (Art. 84 (7)).

Moreover, according to this document, teachers are obliged to inform the public institutions responsible for child protection on any issues that could endanger the physical or spiritual dignity and integrity of children / pupils (Article 84 (4)).

### **I. Education of minors in prisons**

All children and young people receive education in prisons. Based on a collaboration agreement (the latest being agreement no. 13343/21.08.2007), the National Penitentiary Administration and MECTS organized the development of an educational process, as follows:

- MECTS, through the county school / Bucharest School Inspectorates provided:
  - an educational process in accordance with art. 41 of the Education Law no. 84/1995 republished with amendments and completions;
  - education at primary, lower secondary, School of Arts and Crafts levels (areas of specialization being selected from a list of professional qualifications for higher education, approved by Government Decision), year of completion and the Second Chance programme;
  - both adapted national curriculum and curriculum for special education;
  - teaching staff;
  - textbooks for compulsory education
  - student assessment;
  - remedial education courses.

Pupils schooling was provided in mainstream schools, in prisons or organized structures affiliated to a school. Classes consist of 10-12 students, but not less than 8 students and in special cases 4-6 students.

- National Penitentiary Administration:
  - provided a logistical base necessary to carry out the educational process;
  - provided the students supervising ,
  - ensured the presence of students in classes.
  - At the same time, children and young people in prisons have benefited from educational facilities, such as:

- Educational programmes conducted in partnership with NGOs, public institutions and schools / clubs and children's palaces;
- psychosocial support;
- camps organized with free children in mainstream education, are at large,
- learning activities for their future social insertion.

**J. School network restructuring process**

In the preparation process of decentralization, strengthening local decision-making capacity and increase efficiency of educational resources, MECTS began restructuring the school network in the school year 2005 - 2006 to increase the quality of education locally.

MECTS restructured those schools whose enrolment rate did not comply with Education Law provisions, whose logistical base was inadequate and worked with unqualified teachers. Some of them were closed, but became structures surrounding schools with legal personality. Schools with legal personality operates with a minimum of 200 students, headed by a principal, manage documents, school teachers, have their own assets, issue official documents and are legally responsible. A school-type structure is running with less than 200 students.

Following the implementation of the restructuring process, MECTS employed qualified teaching staff, has intensified the process of rehabilitation of schools, equipping them with modern teaching equipment. Students who had difficulty in coming to school had available school buses purchased by MECTS.

Therefore, students have benefited from:

- higher learning conditions in schools with better infrastructure and equipped with modern educational materials
- better quality education by employing qualified stable staff
- Free transport to school buses purchased by MECTS.

**Statistics**

<b>School Year</b>	<b>2006/2007</b>	<b>2007/2008</b>	<b>2008/2009</b>
<b>JP schools</b>	<b>8019</b>	<b>7879</b>	<b>7864</b>
<b>Structure schools</b>	<b>15556</b>	<b>15452</b>	<b>15277</b>

**Source: MoERYS**

## **Contribution of the Ministry of Administration and Interior**

Regarding disclosure of certain information about **the number and age of juveniles placed in temporary detention, jail**, it is necessary to make the remark that the application "Imprisoned" existing in the Romanian Police, reveals the following **statistics on the number of records on juveniles placed in residential restraint centres and preventive arrest**, as follows:

Year 2006 – 1070 records;  
Year 2007 – 695 records;  
Year 2008 – 670 records;  
Year 2009 – 704 records.

We mention that the above figures represent the number of entries in the records of arrest and detention centres, not the number of minors detained/ arrested, there may be situations where for the same person be more than an entry.

## **Contribution of the Ministry of Justice**

### **Paragraph 1 – Provision and promotion of social assistance services**

Offenses with minor

**Committee calls for more details on the types of training courses available and the percentage of teacher / student in the centres of reform. The Committee requests the next report to contain information on educational facilities for juveniles in prison.**

Currently, in the Romanian penitentiary system there are three rehabilitation centres (Buziaş Găeşti and Targu Ocna), with a capacity of 324 persons who have custody of 164 children punished in accordance with Decree no.545 / 1972. On average, the ratio teacher / child, in these rehabilitation centres is one educator / 4 minors.

Also, there are four prisons for juveniles and young adults (Craiova, Tichileşti, Targu Mures and Bacau), who have children with custodial sentences, according to Law no.275/2006. They are held separately from adult detainees.

In accordance with the Law No.275/2006 the Article 31, para. (4) states that: *"It is forbidden to transfer to prisons for more than five days, children placed in rehabilitation centres or a medical-educational institute" par. (5) stipulates that : "Also, it is prohibited to transfer for a period longer than five days minors sentenced to imprisonment, other than juvenile and young prisons"*.

All juveniles detained in rehabilitation centres and juveniles and young adults' prisons are attending school. This activity is equated with that of special education integrated into

the national education system and is conducted in accordance with the Protocol no.99/144/03.09.2007, signed between the Ministry of Education, Youth and Sports and Ministry of Justice.

In accordance with Article 181 of the Government decision no.1897/2006 to approve the application of the Law nr.275/2006 : "educational and professional training activities are required for children and young detainees," in the penitentiary for juveniles and young adults operate independent schools, since teachers and salaries are secured by the county school.

Referring to the educational facilities for children detained under the PHARE-RO 031BJH09 project "Support for improving juvenile justice in Romania" implemented by the Ministry of Justice of France and Romania, were established and equipped rehabilitation centres: workshops and laboratory for practical work and professional training (painting, sculpture, multimedia, music, barbers, shoemakers, tailors, computer, etc.).

As regards prison conditions and in accordance with Article 29 of Law no.275/2006 provisions, juveniles execute sentences of imprisonment separated from adults or in special places of detention, while the girls are separated from boys.

Juveniles deprived of their liberty are offered the necessary conditions to participate in educational activities, cultural, therapeutic counselling, psychological and social assistance activities, adapted to their needs and personality, and conditions to study and gain a professional qualification, depending on their choice and their skills.

On August 5, 2010 in the rehabilitation centres, juvenile and young detainees prisons and other detention facilities (re over five days at the courts, medical care) were 466 juvenile detainees, as follows:

- 161 juvenile detainees punished with internment in a rehabilitation centre;
- 12 juvenile detainees punished in the first instance, with internment in a rehabilitation centre;
- 144 juvenile detainees punished definitively with internment in a prison;
- 45 juvenile detainees punished in the first instance, with internment in prisons
- 104 juvenile detainees in preventive arrest.

**The Committee asks whether juveniles may be kept isolated.**

For the detainees sentenced to imprisonment in prisons for juveniles and young applies the disciplinary procedure approved by Decision no. 497/04.06.2007 of the Director General of the National Penitentiary Administration. According to the Law no.275/2006 on execution of punishments and the measures ordered by the court in criminal proceedings, the limits of sanctions for minors, if they violate discipline, be reduced by half, and in this case, **the isolation penalty cannot be applied.**



Juveniles executing sentences of deprivation of their liberty have the same rights as the adults are deprived of their liberty, as required by law no.275/2006, namely:

- right to information,
- right to personnel documents ,
- right to petition
- right to correspondence (correspondence is confidential and can not be opened or put away),
- the right to make phone calls (calls are confidential and are under visual surveillance.
- freedom of conscience, opinion and religious belief;
- right to daily walks and the right to receive visits,
- the right to receive goods,
- the right to medical care
- the right to diplomatic assistance.

Regarding the concern for rehabilitation centres, juvenile detainees punished with internment in such a center are subject to the Decision no. 339/27.03.2007 of the Director General of the National Penitentiary Administration governing disciplinary procedures applied to juveniles who committed disciplinary violations. In accordance with Article No. 4, juveniles who committed disciplinary violations may be isolated for a **period of up to 10 days**, in this period the programme is set properly. Isolation will be applied after the child has finished school and professional training and wants only to suspend participation in cultural, sports and recreation activities, both in and out of the rehabilitation centre. A minor who has committed an offense shall be subject to a psychologist monitoring intervention.

**The Committee reiterates its request for information on pre-trial detention (before trial) of minors. In particular, it asks which the maximum duration of pre-trial detention is.**

Minors may be subject to preventive detention, the decision of placement in a rehabilitation centre or punishment by imprisonment. All these actions and decisions are issued **by the courts**.

In pre-trial phase and in accordance with art. 160g of the Criminal procedure Code, putting minors to the criminal prosecution body or the prosecutor disposal *"In a very exceptional case, the minor between 14 and 16, criminally responsible, may be withheld at the prosecutor or the criminal investigation body disposal, under the Prosecutor control and notice, for a term not exceeding 10 hours, if there are certain data that the juvenile has committed a crime punishable by law with imprisonment for life or imprisonment for 10 years or more. Detention may be extended only if necessary, for a good reason by the prosecutor, for a term not exceeding 10 hours"*.

Regarding the preventive arrest of the minor in the pre-trial phase, Art. 160h par.1 of the Criminal Procedure Code provides that *"minors between 14 and 16 years can not be taken into custody if the punishment provided for the offense of which he is charged is*

*imprisonment for life or imprisonment for 10 years or more and another preventive measure is not sufficient".*

*To be applicable **maximum duration prior to pre-trial detention of a minor**, art 160h par.2-4, of the Code of Criminal Procedure states "detention period of a juvenile offender aged 14 to 16 years is at most 15 days during prosecution and the verification and legality of preventive detention during preventive detention is carried out periodically, but not later than **30 days**. The extension of this measure during the prosecution or its maintaining during the trial can be ordered only in exceptional circumstances. The preventive arrest of the juvenile during prosecution may not exceed, in total, a reasonable time and not more than **60 days**, each extension can not exceed 15 days. Exceptionally, when the penalty prescribed by law is life imprisonment or imprisonment for 20 years or more the accused juvenile detention between 14 and 16 years during prosecution, can be **extended up to 180 days**.*

*Minor defendant more than 16 years may be taken into custody during the criminal prosecution for a period not exceeding 20 days. Duration of the preventive measure may be extended during the prosecution, every time by 20 days. Preventive custody of the minor defendant in the criminal prosecution may not exceed, in total, a reasonable time and not more **than 90 days**. Exceptionally, when the penalty prescribed by law is life imprisonment or imprisonment for 10 years or more the accused juvenile detention during the criminal investigation may be **extended up to 180 days**. Verification of legality and justification of preventive detention of the accused minor more than 16 years during the trial is carried out periodically, but not later than **40 days**. Detention duration of the accused minor is not more than 3 days ".*

## **Article 19 – The right of migrant workers and their families to protection and assistance**

### **Paragraph 7 – Equality in legal proceedings**

Regarding the provision of relevant information in this context, the following clarifications regarding the general legal framework are necessary:

- The Romanian Constitution, in art.18 (foreign citizens and stateless) and art. 21 (free access to justice) states: *foreign citizens and stateless persons living in Romania shall enjoy general protection of persons and property, as guaranteed by the Constitution and other laws and any person may appeal to courts for the protection of rights, freedoms and legitimate interests*. Also, the fundamental law states that *no law can restrict the right of access to justice, the parties having the right to a fair trial and to resolve cases within a reasonable time*.
- according to Government Emergency Ordinance no.194/2002 on aliens in Romania, republished with additions, foreigners legally living in Romania shall enjoy general protection of persons and property, as guaranteed by the Constitution and other laws and the rights stipulated in international treaties to which Romania is a party, may move freely and can take up residence or, where appropriate, residence anywhere in Romania

and benefit from state social protection measures, under the same conditions as Romanian citizens.

In this sense, art. 75 (equal treatment) of Ordinance no.194/2002 stipulates that the holders of a permanent right of residence, under the law, enjoy equal treatment as the Romanian citizens, as follows:

- a) access to employment, including the employment and working conditions, to independent economic activities and professional activities with proper application of GEO no.44/2008 on economic activities by authorized legal persons, individual businesses and family enterprises, provided that activity does not entail even occasionally, the exercise of public authority powers;
- b) access to all forms and levels of education and training, including study scholarships;
- c) the comparability of studies and diplomas, certificates, certificates of professional competence and qualifications in accordance with the regulations in force;
- d) social security, social assistance and protection;
- e) public medical assistance;
- f) global income tax deductions and tax exemptions;
- g) access to public goods and services including a house;
- h) freedom of association and affiliation and membership in a trade union or professional organization.

Also, art. 79 of the same law contain provisions related to assistance for the integration of foreigners. Thus, the Romanian state ensure conditions for the integration of foreigners who were granted a residence permit in Romania, in the economic, social and cultural life of the country. In order to integrate foreigners can be organized and conducted the following activities:

- a) Romanian language courses;
- b) courses and other professional training and developing activities;
- c) providing information on rights and obligations of aliens, and the opportunities for their integration into Romanian society;
- d) courses of history, culture, civilization and knowledge of the legal system in Romania;
- e) meetings occasioned by different events, involving Romanian citizens, to promote knowledge and mutual understanding.

Given the legal framework put forward we consider that equality in treatment on the application of laws extends to all cases mentioned in art. 19 of CSER.

During the civil trial, free legal assistance to "people who are unable to cover the costs of a trial, without undermining their support or that of their family", was repealed from the Code of Civil Procedure (74-81) by EOG no.51/2008.

As regards criminal proceedings, in accordance with Law no.281/2003 amending the Criminal Procedure Code, the judiciary bodies must take the necessary measures to provide legal assistance in case the accused has no lawyer. Similarly, the accused statement will indicate when starting and finishing the examination. A written statement must be read to the defendant or, upon request, should be handed to the accused to read. Accused person consents by signing the declaration at the end of each page.

Thus, to ensure the right of defence, the above the law requires the prosecution to inform the accused of the right to hire a lawyer or the right to refuse a declaration, given that everything he or she declares may be used against him during trial.

Chapter 2 of the Law on equal opportunities and treatment between women and men (202/2002) regulates equal opportunities between women and men in employment and relates to non-discriminative access and free choice to exercise a profession or activity, to get employment in any position or vacancy, and at all hierarchical levels in order to receive equal pay for work of equal value, counselling and information, career advancement, to receive equal pay for work of equal value, counselling and information, career advancement, working conditions that comply with health and safety norms, benefits, unions and social security.

Employers are required to ensure equality of opportunity and treatment between employees and inform them about their rights on the employment relationship systematically.

In addition, the Government Ordinance no.137/2000 on preventing and sanctioning all forms of discrimination (approved by Law No.48/16.01.2002, as amended) states as offense, any act or acts of discrimination based, inter alia, on social position, education or access to public facilities, in terms of employment. It may be noted that all persons are equal in terms of housing, pay, etc.. It should be noted that the Government Ordinance no.137/2000 on preventing and sanctioning all forms of discrimination is the general legal framework to prevent and combat discrimination.

This equal treatment is stipulated by Law no.275/2006 on penalties and enforcement measures ordered by the court in criminal proceedings, as well. Thus, the Implementing Regulations of Law no. 275/2006 and the Regulation on organization and operation of detention and arrest centre contain guidelines on the treatment of persons deprived of their liberty and their rights<sup>6</sup> (eg **right to petition, access to a lawyer**, etc.).

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<sup>6</sup> GD no.1897/21 December 2006 approved the Regulation for applying Law nr.275/2006, which came into force on 01.17.2007. In the law draft were considered European rules in this area. Implementation of the Law no.275/2006 provides a radical enforcement of sentences and measures taken by the court during the trial.

## **Paragraph 8 – Guarantees concerning deportation**

Regarding the provision of statistical data on the number of migrant workers, citizens of other States subject to a **removal order**, we mention that the Romanian Immigration Office, a specialized body of central government exercises its powers are given by law to implement Romania's policies on migration, asylum, integration of foreigners and the relevant legislation in these areas, it was identified the possibility of providing data on the number of expulsions carried out, with no statistical evidence of aliens expelled, based on their purpose of stay in Romania, or if they had a right to work in the country. **Thus, in the existing records, it appears that during 2009 there were 16 measures of enforced expulsion and during 2010, eight measures of expulsion.**

The elements taken into account when an appropriate court decides an expulsion.

EGO No. 194/2002 on foreigner's status in Romania, republished, with subsequent amendments, provides in Article 3, that foreigners legally living in Romania shall enjoy general protection and welfare of persons, as guaranteed by the Constitution and other laws and also the rights stipulated in international treaties to which Romania is party.

Article 19 of the **Constitution of Romania**, as revised, ensures the legality of the expulsion and extradition procedures. No Romanian citizen may be extradited or expelled from Romania. Foreign citizens and stateless persons may be extradited only on the basis of an international convention or under conditions of reciprocity. Expulsion or extradition shall be determined by the court.

According to the Criminal Code, the expulsion is a security measure and can be taken if an alien has committed a crime in Romania (art.112 a). The purpose of this security measures is to prevent a repeated offense or commit other crimes (art. 111).

Article 117 of the Criminal Code provides that an alien / stateless and homeless person who has committed a crime in Romania can be subject to a ban to remain in the country. If the measure of expulsion is accompanied by a sentence of imprisonment, expulsion will be executed after the term of imprisonment exceeded. In the last paragraph of art. 117 is stipulated an important rule. It aims to protect the alien / stateless, homeless in Romania against torture. Thus, alien / stateless person shall be subjected to expulsion measure where there is strong belief that the person would be exposed to torture in the State chosen for expulsion.

**Government Emergency Ordinance no.194/2002** on foreigners status in Romania states in Chapter V - Section IV the general conditions on the expulsion of foreigners from national territory. One of the expulsion measures is governed by Article 94 of the Ordinance. Thus, an alien who has committed a crime on the Romanian territory may be expelled in accordance with relevant provisions of the Criminal Code and Criminal Procedure.

Alien's right to remain in Romania.

According to the Statistics of Romanian Office for Immigration, in 2006 - February 2009, 76 foreigners have been expelled from the territory of Romania, based on judgments by the courts as a result of committing the crimes of murder, including attempted murder and drug trafficking.

Regarding the prohibition of expulsion, the same Ordinance, in Article 95 provides that an alien can not be expelled in a state where it is feared that his or her life would be threatened or that he / she will be subjected to torture, inhuman or degrading treatment. The court has jurisdiction to determine such cases based on the information sent by the Romanian Immigration Office.

Under Article 117 of the Criminal Code, an alien who has committed a crime can not be expelled if there is reasonable cause to believe that he / she is in danger of being tortured in the State to be expelled.

*De lege ferenda* the new Penal Code incriminates indirect expulsion in: art. 65 c), art. 66 paragraph 1 letter e) and par. 4, Chapter II - Crimes on the battlefield (art.440 - art.444).

Then law no.302/2004 on international judicial cooperation in criminal matters states in Article 241 that a valid reason for refusing the extradition of a foreigner is the fact that it was not observed his right to a fair trial under the European Convention on Human Rights and Fundamental Freedoms (Rome, 1950) or any other relevant international instruments to which Romania is party.

Then according to Law no.302/2004 **expulsion can not be ordered**, and if it has already been decided, it can not be executed if the alien has been convicted in a criminal case and the magistrate issued a prohibition order to leave a certain locality or country or if the alien has been convicted by a final court decision and must execute a custodial sentence. The expulsion ban lasts until the expulsion reasons for its application have disappeared.

Execution of the expulsion measure is carried out by specialized personnel of the Romanian Office for Immigration under a specific procedure.

In this regard, according to Article 53 of the Constitution, restrictions on freedom of movement and freedom to leave the country can only be established by law and only if deemed necessary in a democratic society, and if it becomes necessary to defend national security, public order, public health or morals, citizens rights and freedoms, performance of a criminal investigation and also prevention of the consequences of a national calamity, disaster or a serious catastrophe. The extent of restriction must be proportionate to the situation that caused it, must be applied without discrimination and without affecting the existence of that right.

**Limitations** to exercise the right of free movement of Romanian citizens abroad can be applied only temporarily, in the cases and under this legislation provisions and **is a suspension or restriction of this right, as appropriate.**

## **VI. Art. 27 - The right of workers with family responsibilities to equal opportunities and treatment**

### **Paragraph 2**

For the reference period, the legal framework concerning the granting of **parental leave** is the Government Emergency Ordinance no.148/2005 on family support for child raising, later approved with its amendments and additions by Law no.7/2007, as amended and supplemented, and the Norms for the application of *Government Emergency Ordinance no.148/2005* on family support for child raising, approved by Government nro1025/2006, with applicable amendments and completions, including **categories of staff working in the ministries and institutions in the defence sector, public order and national security.**

Under these laws, everyone benefits from **parental leave or in case of leave without pay of child allowance**, each child's natural parents and the person entrusted with the child for adoption, the person who adopted the child, who has child in foster placement or emergency placement and also the person who was appointed guardian, hereafter referred to as persons entitled, if they meet all the following conditions:

- a. are Romanian citizens or, where applicable, foreign citizens or stateless persons,
- b. are domiciled or resident in Romania, according to law,
- c. live with the child / children for which they claim rights and are dealing with their growth and care.

Parental leave is granted to persons entitled, if they have done a business income subject to income tax, according to Law 571/2003 on Fiscal Code, with amendments and completions, for 12 months last year before child's birth or where appropriate, the date on which custody for adoption was approved, placement, adoption or guardianship was approved.

This right refers to parental leave for children under **the age of 2 years, or a disabled child up to three years** and granting a monthly allowance amounting to 600 lei, or optionally, the amount of 85% of average income made in the last 12 months but not more than 4,000 lei.

In considering the issues presented, we mention that the law applies without distinction on grounds of sex, the beneficiaries of these rights can be equally, women and men, regardless the occupational category they belong.

Also, by law no.210/1999 on paternity leave was granted the right to paternity leave of 5 working days in order to ensure effective participation of the father in taking care for the newborn.

Under Law no.210/1999 and *Norms for the application of Law no.210/1999 on paternity leave*, approved by Government Decision no.244/2000, the father of the newborn child is entitled, on request, within 8 weeks since the birth of the child, to paternity leave of **5 working days**. If the newborn child's father obtained the graduation certificate of childcare, **parental leave shall be increased by 10 working days**.