

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

1. Please indicate whether the Convention on the Rights of the Child has been invoked or referred to directly in domestic courts, and if so, please provide examples of such cases.

The domestic courts of law often invoke in the undertaken decisions, the provisions of Law no 272/2004 regarding the protection and promotion of the child rights which directly refers to the Convention on the Rights of the Child

The Superior Council of the Magistrature does not have any information that permits to provide concrete examples.

2. Please provide brief information on the status of the project to amend the Civil Code to set at 18 years the age of legal marriage for both boys and girls.

On the 29th of October 2007, law no. 288/2007 was approved, aiming to modify and complete the Family Code. This document entered into force on the 8th of October 2007 and made equal the age of marriage for both boys and girls at 18 years old.

3. Please update the Committee on any news about the filling of the post of deputy Ombudsman who has the mandate, inter alia, to consider complaints for violation of child rights. Is there any progress with respect to the establishment of an Ombudsperson for children?

The Ombudsman is assisted by deputies who are specialized in the following areas of competence:

- human rights, equality between men and women, religious cults and national minorities;
- child, family, youth, retired persons, persons with disabilities;
- army, justice, police, prisons;
- property, labour, social protection, taxes and duties.

The Deputy Ombudsman for child protection is Mr. Mihail Stelian Profir Gondos, appointed in February 2007. The institution of Ombudsman solves complaints about violations of children's rights made by public authorities. Any person, including children, can address the Ombudsman. To support the citizens in general and children in particular, the Ombudsman has established regional offices in 15 counties below of the courts of appeal.

According to art. 49 of the Constitution of Romania, republished, children and youth enjoy a special protection and assistance in fulfilling their rights. In detailing these constitutional provisions, Law no. 272/2004 on the Protection and Promotion of the Rights of the Child was adopted, and it was published in the Official Gazette, Part I, nr.557 of 23 June 2004. Law no. 272/2004 contains some provisions on the rights of the child to benefit from respecting its individuality and personality, to enjoy the best health they can achieve, to receive education

meant to help their development on a non-discriminatory basis of its skills and personality, to be protected against all forms of violence, abuse, neglect or ill-treatment, to be protected against all forms of exploitation.

Law no. 272/2004 on the protection and promotion of children's rights established a new legal framework for respecting, promoting and guaranteeing the rights of the child. Implementation of this legislation has enabled the creation of a modern European system of protection of child rights in line with international treaties to which Romania is party, to the Convention of 20 November 1989 on the Rights of the Child, republished, and the Convention on Human Rights and Fundamental Freedoms.

In this context, the Ombudsman sought to respect and guarantee the rights of children to enjoy the respect of their personality and individuality, to enjoy the best health they can achieve, to receive education under non-discriminatory conditions, to be protected against all forms of violence, abuse, neglect or ill-treatment, to be protected against all forms of exploitation.

The activity of the institution aimed at the protection of children's rights and it clarified the complaints received from the complainant, notice of its investigation. Furthermore, continued efforts to strengthen inter-relationships for the achievement of efforts to fulfill the constitutional and legal powers of the Ombudsman Institution as protector of the rights of individuals in general and especially of those categories which face special problems such as children, youth, the disabled, pensioners have been done. Actions were also carried out in cooperation with the local offices, granting social welfare in the form of goods for personal use (clothing, footwear, sports), children toys and sweets.

Key aspects of the complainant before the Ombudsman institution have been referred to the refusal of the General Directorate of Social Assistance and Child Protection to approve the request to transfer children, complaints of one parent for the content of court orders that the child was entrusted to the other parent, the denial of protection to approve the sale of real property owned by a minor, payment of the allowance for children only through banks established by the general direction of social assistance and child protection, granting compensation to child raising, grant trousseau for newborns, child health care.

For example, a complainant has requested the Ombudsman's help to reallocate the funds needed to ensure the treatment of chronic disease pumps suffering son, aged 9.

The petitioner shows in the petition that his son has benefited from treatment with enzyme replacing the drug Myozyme Icap until September 2008, after which treatment was ensured by the National Program for Rare Disease, from the budget of the Fund of National Health Insurance, but only until February 2009.

Of those supported by the complainant, we note that in the absence of the reallocation of funds for 2009, the measure was to restrict the child access to health and adequate medical care.

Accordingly, we have addressed to the Ministry of Health and the National House of Health Insurance.

As a result of the steps taken, the Ministry of Health has approved allocation and funding. The Directorate of Public Health ensures the treatment of patients diagnosed with Pompe disease by the amount of 157 thousand lei.

However, we have identified some issues which, because of the negative effects that they produce on children, should be the starting point for initiating discussions with a view to find appropriate solutions.

Thus, we cannot remain indifferent to the financial problems faced by many families with children in Romania, which leads in many cases to the impossibility for parents to raise their children and, in this case, to abandon them.

In this context, that we should identify a solution to give a greater efficacy of art. 5 of Law no. 272/2004 on the protection and promotion of children's rights, under which responsibility for ensuring the growth and development of children bear first and foremost the parents; they have the obligation to exercise their rights and to meet their obligations to the child taking into account the priority of the best interest of the child. In subsidiary, responsibility lies with the local community which includes child and family. The local governments have an obligation to assist parents or, as appropriate, other legal representative of the child in carrying out their obligations regarding the child, developing and providing various services for this purpose, accessibility and quality, appropriate child needs. Intervention is complementary. The State ensures the child protection and guarantees the compliance with all of its rights by its specific work performed by state institutions and public authorities with powers in this field.

In identifying a solution stand the provisions of art. 119 of Law no. 272/2004 under which, for each child to which the placement was taken to grant a monthly allowance for investment is allocated, indexed by decision of the Government. The allowance is paid to the person or the family representative who took the child in placement. Investment allowance shall be borne by the state budget through the Ministry of Labor, Family and Social Protection.

As a consequence of permanent interest to the problems faced by children, The Ombudsman has issued, in 2008, a special report that criticized the obsolete nature of the Decree no. 545/1972 on the execution of the educational measure of internment of young offenders in a reeducation center.

Thus, according to art. 104 para. (1) of the Penal Code, the measure of educational internment in a reeducation center ensures the possibility to acquire the necessary teaching and training according to the child abilities.

Enforcement of the measure of educational internment in a reeducation center is made under the provisions of Decree no. 545/1972 and Decision No. 399 of 27 March 2007. There are currently 3 reeducation centers (Buzias, Găești, Targu-Ocna), subordinated to the National Administration of Penitentiaries. Regarding the Decree no. 545/1972, the Ombudsman considered that it is no longer offered adequate legal framework to ensure effective protection of child delinquents, to be consistent with the child's best interests and the special needs of its physical, psychological, medical, educational development.

Meanwhile, reeducation centers must turn into custodial institutions focused on the isolation of children in educational institutions based on their support in order to correct deficiencies in the educational and moral conduct of socio-educational programs based on supporting children with the aim of correcting deficiencies and moral education by carrying out socio-educational programs, along with treatment, cognitive and occupational programs,.

In accordance with the minimum rules of the United Nations on the administration of justice for minors (the Beijing Rules), Member States must take positive steps to ensure full involvement of all existing resources, especially family, the voluntary and other community

groups and institutions such as schools, to promote child welfare and, therefore, and to reduce the need for intervention by law, so that the person concerned should be dealt with effectively and fairly.

As a result, the Ombudsman made the following criticisms:

a) Decree no. 545/1972 emphasizes the internment punitive measure, to the detriment of its educational function, achieved through education and training.

Unlike disciplinary willing reeducation center for the child, Decree no. 545/1972 does not include provisions relating to the possibility of challenging and verifying their legality.

b) Decree no. 545/1972 does not include regulations relating to individual educational performance measure depending on the degree of social danger of the crime committed by the physical, intellectual and emotional of the minor, minor capacities, educational level, the causes and motivation for the crime.

c) Article 56 of Law no. 275/2006 on the execution of punishments and the measures ordered by the court during criminal proceedings, provides that the rights and obligations of persons in execution of punishment involving deprivation of liberty shall apply accordingly to persons interned in reeducation centers

d) Decree no. 545/1972 refers to compensation of child labor and marketing plans in the production centers of reeducation without specifically stating the legal age at which minors may work, whereas, for example, Law no. 275/2006 contains rules to that effect, but only for juveniles who have reached the age of 16, sentenced to punishments involving deprivation of liberty, and who can perform work only at their request.

Following the report submitted by the Special Ombudsman, the Ministry of Justice has informed the Ombudsman institution that in the legislation in the area have been taken into account suggestions made by the Ombudsman Special Report in 2003, submitted to the Parliament and that are known and recognized by all factors responsible for the administration of prisons criticisms made by the Ombudsman Special Report from 2008.

In this respect, the draft Law on the execution of punishments and the measures ordered by the court during the criminal proceedings, passed by the Parliament, includes a title covering education for children, so that the entry into force of this project will repeal Decree no. 545/1972. The draft law contains no longer sanction on the separation section with restrictive regime, provided the child the right to appeal against disciplinary sanctions imposed and the measures taken against him, there are individual measures of education, is determined by age at which minors may work.

Another important aspect of the activity of the institution of the Ombudsman is that on the Roma population and children in particular.

According to Art. 12 of the Government Ordinance no. 84 of 30 August 2001 on the establishment, organization and operation of community service records of individuals, the National Inspectorate for Persons records ensure the implementation in a unified concept of the legislation in the field of accounting data and programs of reform to modernize relations of the central public administration and the local government and citizens.

The Romanian Parliament irrevocably rejected, on the 4th of March 2009, the project of normative act regarding the creation of the Child Ombudsman institution, which was brought to the attention of the Parliament in September 2007.

Moreover, the Senate President, who presided the above mentioned meeting, explicitly recommended to be transmitted to the National Authority for the Protection of Children Rights, the specific requests for improving and optimizing the existent activities, in order to cover also the area which a Child Ombudsman should be responsible for.

This recommendation was made so that Romania could respond in an effective and correct manner to this sensitive point on the Romanian social agenda.

4. What is the State party's assessment on the ongoing decentralization process, including the setting-up of General Directorates of Social Assistance and Child Protection at local level? Are all the services (health, education, social services, child protection) subject to decentralization? How does the State party ensure that this decentralization does not result in disparity in the provision of the services among different counties?

The National Authority for the Protection of Children Rights elaborated the Sectorial Strategy for decentralization in the field of child rights protection, which will be included as part of the Sectorial Strategy for decentralization in the labor and social protection field and that will be submitted for approval by government decision during 2009.

The main objectives in the child protection field aiming at continuing the services decentralization for 2009 -2012 are subordinated to the major objective in this field represented by reinforcing the family's capacity of assuming its parental responsibilities, as well as preventing the situations of child's separation from her/his parents and respecting of children rights. In order to emphasize these objectives, the following coordinates are to be mentioned:

- the continuing of the decentralization process from the county level at the local level (city, town, commune), by supporting both through financing from the state budget and external funds, the creation and developing of communitarian services, subordinated to the local councils, according to the law, by correlating the financial circuits and the new created institutional disposition. The expected result is to reinforce the local council capacity of assuming their responsibilities regarding the prevention of risk situation for children within their families and, by consequence, prevention of child separation from their parents and of institutionalization.

- to harmonize the child protection policies with the larger context of the social politics in Romania – family policies, educational, health, including here a correlation between the funds allocated and the financial circuits, according to the transformation existing in the field.

- development and diversification of the types of services aimed at the family and children by stimulating the activities of the local communities in what the prevention is concerned, by stimulating the involvement of the community and the stimulation of the public-private partnership.

The general objective of the Strategy is represented by the respect for the children rights in Romania and raise their life quality, sustaining and grant responsibilities to the communities and local authorities in order to support the families in assuming their obligations toward the children.

The specific objective of the Strategy is to transfer competences concerning the support for the family and prevent the separation of the child from his/her family, from the county authorities to the local ones, together with the granting of the necessary resources.

By the provisions of Law no. 272/2004, the local councils have gained an important role in the field of preventing a child's separation from his/her parents.

The public services for social assistance organized at the levels of cities, towns and communes, have the following responsibilities in the field of child protection:

- monitor and analyze the situation of the children located in their administrative - territorial range, as well as the enforcement of the rights of these children, by providing the centralization and synthesis of the relevant data and information;
- conduct the activity aimed at the prevention of the child's separation from his or her family;
- identify and evaluate the situations which call for services and / or assistance for the prevention of the child's separation from his or her family;
- draft the documentation which is necessary for providing services and / or assistance and grant these services and / or assistance, in accordance with the law;
- offer counseling and information for families who provide maintenance for children, on their rights and duties, on the rights of the child and on the services available at the local level;
- provide and monitor the enforcement of the prevention and eradication measures against alcohol and drug abuse, family violence, as well as delinquent behavior;
- pay regular visits to the residences of families and children who benefit from services and assistance;
- forward proposals to the mayor, in case it is necessary to undertake a special protection measure, in accordance with the law;
- monitor the evolution of the child's development, and the way in which the parents are exercising their rights and fulfilling their duties towards the child who benefited from a special child protection measure, and was re-integrated in his or her family;
- cooperate with the General Directorate for social assistance and child protection in the field of child protection, and provide it all requested information and data in this field.

Given the fact that at the end of December 2008 only 698 from the total number of approximately 3200 communes, towns and cities have created public services for social assistance, is necessary to reinforce their capacity and to continue the decentralization process from the county to the local level.

- **The assurance of equity and equal access to education to all children. The decentralization process includes :**
 - Ø two types of financing: per capita financing (costs/student ratio) and the compensatory financing intended to the financing of the programs developed to meet students' different educational needs (cultural, economic, social);
 - Ø the involvement of local authorities in the school board management so as they participate to the decision – making process

- Ø the increase of school autonomy in what concerns the selection and the employment of teachers so as to comply with the school and children's requirements.

This new approach provides and guarantees equal allowances to students sharing the same needs, regardless of the geographic area or the financial potential of the locality where they study.

- **Provision of a highly relevant offer of educational services to all categories of students and children so as to ensure a better relationship to students' individual needs and interests and to the local needs, a better approach to the various situations and problems that the communities deal with.** Thus, both equal access and equity will become visible through differentiated educational offers which can lead to the achievement of a higher school participation rate and prove more relevant to vulnerable groups of children: Roma students, students coming from socially and economically disadvantaged areas, students with special needs.

Working through the adjustment and improvement of:

- Ø the national curriculum – so as it should comply and meet the local needs and students' interests in the perspective of accomplishing the local requirements of qualified labor force, of valorizing the development potential of the area and consequently that of the school, of concluding efficient educational partnerships (school- business community – community) meant to facilitate students' real and efficient practice.

- Ø the financing – so as it should cover, besides the basic funds, also the compensatory ones intended for the national minority students' schooling, for students identified as being at risk of dropping out school, for the students with special needs or socially disadvantaged, for the highly talented students, for the students who attend alternative or experimental educational programs (Waldorf, Step by Step, etc.), this strategy strengthens and highlights the need of prioritizing child's rights in the educational policies and decisions.

Upon its implementation, students will:

- Ø enjoy a higher access to education, to the initial training in the fields required by the local labour market , by the development trends of the area/community;

- Ø get involved in the decision making process of School Based Curriculum, and of School Development Plan, etc.;

- Ø enjoy equity in getting the access to high quality education on the basis of the compensatory financing;

- Ø develop self - consciousness, self – esteem, civic behavior, sense of individuality within collectivity;

- Ø take over the responsibility for their own personal and professional development.

In this way, the strategy will smooth out and gradually remove the differences generated by the residence environment, the social status, the cultural environment, contributing to the promotion of the cultural values of all geographic zones.

5. Please indicate the processes and mechanisms that exist to ensure an efficient coordination of policy and strategy development with regard to programmes, services and laws for the implementation of the Convention.

For an efficient coordination of the policy mechanisms and the development strategies of the programs, services and regulations designed to implement the Convention, by GD 136/2007 for completing Government Decision No. 1432/2004 regarding the competences, the organization and functioning of the National Authority for Protection of Rights Child, in the field of protection and promotion of children's rights was established the Council for the Coordination.

This is a body without legal personality, with an advisory, which operates near to the State Secretary of the National Authority for Protection of Children's Rights.

The Council for the Coordination in the field of protection and promotion of children's rights has the following main tasks:

- § Ensures the cooperation between the institutions and organizations whose representatives make its content, to achieve national policy and the government plan in protecting and promoting children's rights;
- § It controls the application of the legislation in the field of protection and promotion of children's rights and the acquis communautaire in the field;
 - § To evaluate the effects of the measures on implementation of acquis communautaire in the field;
 - § To formulate proposals on improving the regulatory framework in protecting and promoting children's rights;
 - § To formulate proposals for improving and strengthening inter-relationships between public authorities involved in protecting and promoting children's rights.

The Council is composed of one representative from the following institutions and organizations:

- a) State Secretary of the National Authority for Protection of Children's Rights;
- b) Romanian Office for Adoptions;
- c) The National Union of the County Councils in Romania;
- d) The Ministry of Administration and Interior;
- e) The Ministry of Education, Research and Innovation;
- f) The Ministry of Health;
- g) The Ombudsman;
- h) The Federation of Nongovernmental Organizations for the Protection of Children's Rights in Romania

The State Secretary of the National Authority for Protection of Children's Rights chairs the Council.

At the Council meetings may participate, at the invitation of State Secretary of the National Authority for Protection of Children's Rights, representatives of other authorities or public institutions than those referred to specialists as well as representatives of civil society and of the media.

The last meeting of the Council was held on 11 March 2009, and the topics referred to the preparation of the periodic report and support for the approval of the Regulation of Organization and Functioning of the Coordinating Council.

The next Council meeting was scheduled for 27 April 2009.

Another mechanism meant to ensure an efficient coordination of policy and strategy development with regard to programmes, services and laws for the implementation of the Convention is represented by the National Director Committee (*The Committee*) for prevention and combating children exploitation through labour.

This Committee is the main body that coordinates all the programs developed in Romania on the subject of preventing and eliminating the worst forms of labour for children. The Committee is coordinated by the National Authority for the Protection of Children Rights and consists in three main parties (Govern, syndicates and patronages) having the following responsibilities:

- to revise and approve the operational and strategic plans of the International Program for the Elimination of Child's Labour, financed by the ILO-IPEC,
- to establish priorities for the political areas and the programs to be developed, including the corresponding areas and sectors where such programs should be developed.
- To obtain governmental support and resources for these action programs.

Once the ILO-IPEC program will end, the above mentioned Committee will overtake its responsibilities in what the elaboration and monitoring the programs and activities for the prevention and elimination of children labour are concerned, by granting consultancy to the implementing agencies, collaboration with the International Office for Labour in order to realize and disseminate statistics, researches and other information concerning the nature and dimensions of the children labour issues.

Beginning with 2008, the National Committee for Combating and Preventing children exploitation through labour has the following attributions:

- To identify and make proposals to obtain supplementary financial resources for its functioning and for that necessary for its meetings, for the functioning of the working sub-committees and the technical secretariat.
- Makes proposals to the institutions represented within the Committee for

the initiation and implementation of programs concerning the prevention and elimination of the worst forms of labour for children.

The President of the Committee is the Secretary of State of the National Authority for the protection of Children Rights. For the development of the institutional capacity, the Government Decision no. 76/2008 decides the setting up, within each institution, member of this Committee, of a specialized unit for the child's labour, or at least the designation of two persons which will have within their professional attributions responsibilities connected to the child exploitation through labour.

- Governmental Decision no. 860/2008 regarding the approval of the National strategy for the protection and promotion of children rights for 2008 – 2013 and the Operational Plan for the implementing of the National strategy for the protection and promotion of children rights 2008 – 2013.

The National Strategy for the protection and promotion of the child rights will be implemented in the period 2007-2013 due to the need to integrate the entire range of issues concerning the child's rights in the respective sectors dealing with child-related aspects of the Romanian society. This is the first time when an initiative of this type is implemented on

such a wide scale. Three phases have been considered for implementing the Strategy; the three phases shall result in an equal number of operational plans for the following intervals: 2007-2008, 2009-2011 and 2012-2013. The operational plans 2009-2011 and 2012-2013 will be elaborated following the evaluation of the previous implemented operational plan and shall be passed by governmental decision.

The present Strategy proposes specific solutions for the existing problems starting with identifying the necessary resources - materials, human and financial resources and ending through monitoring the implementation of these resources. On the other hand, the Strategy underlines the importance of all the institutions which, through their activity are connected with the child and, which have to become aware of the fact that they are also responsible for the protection of child rights. The responsibility of implementing child rights cannot be limited to only one institution; each of the involved institutions must consider the child as their priority in all their actions.

The present strategy addresses approximately 4.5 millions children of Romania and aims at the implementation of their rights as they are defined under the United Nations Convention on children rights and in other international documents, ratified by Romania, in all fields of interest for the children: social, family, educational, health. At the same time, this Strategy addresses the Romanian children from other territories or other states, refugee children and the children that are not Romanian citizens, but who are on the territory of Romania.

Through the implementation of this Strategy, the complete respect of all rights of children and awareness of the importance of this target group in all the actions of the society will be met. That is why the Strategy wants to regulate aspects concerning child's rights in general, as well as the equality of chances for the achievement of such rights by vulnerable groups of children and teenagers in need of special attention such as: children with the risk of being separated by their parents, children separated from their parents, children abandoned/left in sanitary units, young men beneficiaries of a protection measure, children abused, neglected or exploited, street children, delinquent children, children with HIV/AIDS, disabilities and severe chronic maladies, children manifesting disturbed behavior, children belonging to ethnic minorities.

This Strategy is addressed to parents as direct beneficiaries of social services and also as factors for awareness in the process of raising and educating their children. At the same time, this strategy addresses to the professionals interacting with children and to the local community.

In order to make possible the evaluation of the strategy's implementing results is necessary to underline its main fields of interest and their correspondent action lines. Also, in order to facilitate the strategy's implementation and monitoring, a main field of interest and a secondary area of interest were established, taking into account both the existent legislative framework and the constantly need expressed from the territory.

A. Main field of interest: protection and promotion of child rights

1. Making the family responsible for the child raise, care and upbringing
2. Promoting and respecting the civil rights and liberties of the children
3. Increasing access to medical services; adjusting the medical services and the services for health promotion to the child's needs
4. Ensuring the right to education for all children

5. Respecting the child's right to rest and promoting recreational and cultural activities
6. Monitoring child's rights
7. Respecting the child's right to protection, through multi-disciplinary and inter-institutional intervention, against abuse, neglect and exploitation
8. Promoting and supporting the professional training

B. Secondary field of interest: Preventing the separation of children from their parents and special protection for children separated from parents

9. Making the local communities responsible in the process of preventing the separation of the child from his parents and supporting the families in raising their children, their care and upbringing
10. Continuing the social services reform for child and family
11. Protecting certain categories of children and young people requiring special attention (street children, delinquent children, children with disabilities, HIV/AIDS and serious chronic/terminal diseases, teenagers who are about to leave the residential care).

The National Strategy in the field of protection and promotion of child rights assures a coherent framework for the intervention of the relevant institutions, and promotes the real and efficient partnerships between these institutions, the professionals and the beneficiaries. Moreover, it must be emphasized that 15 central institutions gave their approval over this strategy and the operational plan and, by consequence they assumed the activities proposed by the operational plan.

The National Authority for the Protection of Children Rights has implemented, with the financial support of UNICEF Romania, a Program during March-October 2008, whose purpose was to set up an Operational Plan for the implementation of the above mentioned strategy.

The Plan was created based on the analysis of the following area of interest: prevention and intervention, training of specialists who interact with children, legal framework, children participation and their right to an opinion. The coordination of activities for each area of interest was accomplished by well known specialists in this area. A number of focus-groups were set up, documentary films, questionnaires applied which made recommendations in the field.

The Plan's draft is under debate on the NAPCR's web site since November 2008.

The Governing Programme 2005 – 2008 underlined the following issues as priorities in education:

- allowance of 6% of GDP to education;
- restructuring of the school national network, the intensification of school rehabilitation and their equipment with the necessary school endowments;
- development of social support and protection programmes for students;
- reconstruction of rural area education;
- assurance of school autonomy and implementation of the decentralization process;
- harmonization of Romanian educational system with European educational systems (Bologna Process).

In the light of these priorities, the reform was oriented towards:

- the increase of pre-university education quality concurrent with the increase of citizens' access to education;
- the increase of the educational responsibility of the public authorities at central and local level;
- promotion and valorization of cultural diversity in education;
- the reform of early childhood development(0-6/7 y.o.)

All these objectives were put into practice through legal and normative documents meant for the achievement of the goals set.

Thus, regarding **the assurance of equal access to education for all children, the MoERI:**

- invested more than 434 million lei in building schools, kindergartens, school campuses (in 2008);
- offered in-service training for 116.203 teachers,
- endowed primary schools, secondary schools, high- schools, special schools, kindergartens, sports clubs, national excellence centers, teachers' training institutions with educational didactic materials, books, sports outfit;
- promoted and developed social support and protection programmes: free transportation, or the reimbursement of the travel costs for distances longer than 50km from home to school, free school supplies (for children coming from economically disadvantaged families), *200 EURO Programme, Money for High-school Programme;*
- developed " The Second Chance" Programme at primary and lower secondary school level in as many counties as possible. By means of this programme, the MoERI aims to bring back to school all the young people who have dropped out school before finalizing the compulsory education. Besides the elaboration of 72 methodological guidelines for teachers, 650 teachers were trained within the PHARE Programme called "Access to Education for Disadvantaged Groups",
- improved the educational conditions in 1400 schools with the view of ensuring the safety of schools, safe hygienic and educational comfort conditions in these institutions of education.

Such measures were legally endorsed by Government Decisions whereas their implementation was regulated by ministers' orders. For example:

- 200 EURO Programme grounded on Law no. 269/2004 regarding the provision of financial support to stimulate the acquirement of PCs and on Government Decision no. 1294/ 2004 for the approval of the methodological regulations of Law no. 269/2004 Law implementation (further modified and completed by Government Decisions no. 1990/2004, 385/2005, nr.770/2005, 615/2007, 123/6.02.2008). By means of this programme, those students who come from economically disadvantaged families receive a voucher of 200 Euros to buy a PC.

- *Money for High-school Programme* was implemented on the basis of Government Decision no. 1488/9.09.2004 regarding the approval of the criteria and the quantum of the financial support offered to students against this programme (further modified by Government Decision no. 1005/3.09.2008). The methodological guidelines required by its implementation were approved by Minister's Order no 4839/2004. It consists of providing the students who come from economically disadvantaged families with a

monthly allowance of 180 lei (aprox. 50 EURO) throughout the school year so as they can cover the costs of full boarding at the boarding schools.

6. Please indicate whether human rights education, including child rights, is integrated in school curricula. Furthermore, is training on child rights systematically provided to teachers, law-enforcement officials, judges, social workers and other professionals working with and for children?

In Romania, human rights education is fostered both in formal and non-formal education areas. As far as formal education comes into question, human rights education is part of the national curriculum, being included in the curricular area generically called “Man and Society”.

- Ø In primary school, students study Child’s Rights as a distinct thematic cluster integrated in *Civic Education*, a subject which is compulsory in the 3rd and 4th grades (1 -2 classes/week). Children benefit of free alternative textbooks.
- Ø In lower secondary school, *Human Rights Education* is included in subject called *Civic Culture* that is studied compulsorily in the 7th and 8th grades (1 -2 classes/week). Students benefit of free alternative textbooks as well.
- Ø In upper secondary education, clusters of themes on human rights education can be found in various social studies, such as: Sociology, Philosophy, Social Studies which enjoy the same regime of free alternative textbooks.

In parallel, human rights education and child’s rights education are studied as optional subjects, part of School Based Curriculum, ranging from the 1st to 12th grades. In this respect, it is worth mentioning the following optional subjects whose syllabi were approved by the MoERI:

- at primary school level - *European Education*;
- at lower secondary school level- *Civic Culture* and *Intercultural Education*;
- at higher secondary level – *Civic Education* -.

Grounded in formal educational system, human rights education and child’s rights education are enhanced through non- formal educational programmes, adapted to each studying cycle. In this respect the Ministry of Education, Research and Innovation:

Ø has involved schools, teachers and students in European projects specialized in human rights education/child’s rights education/ civic education, such as: *Global Education*, *Global Teenager*, *Europe at school*;

Ø has initiated national programmes, such as : *The National Programme of*

Education for Democratic Citizenship, Media and a high quality human rights education, Democracy and Tolerance – that aim to develop students’ social and civic democratic skills necessary to youth's active participation to social life, to make students acknowledge and respect human rights, to develop a tolerant conduct stimulating mutual respect, understanding and cooperation, to accomplish social integration, to enable and support children’s and youth’ access to community actions and decisions with the view of promoting their rights, the democratic state laws and institutions, to make students undertake civic roles and responsibilities. Due to their impact on students’ considerable involvement and disposing of substantial didactic support (methodological guidelines and manuals), these programmes have been undertaken as facultative studies that were further integrated in the offer of School Based Curriculum.

Ø has concluded partnership with NGOs, Council of Europe structures in Romania, UN Agencies in Romania and implemented programmes based on human rights education and child's rights education, such as: *Students' Ombudsman*, *3rd Millennium Leaders*, *Learn How to Change the World*, *Building Europe with and for Children*, *National Contest of Creativity in Producing Didactic Materials To Support Human Rights Education*, *Democracy*, *Peace Culture in Pre-university Education* (organized in partnership with Romanian Institute for Human Rights).

Ø has stimulated the development of such programmes at county and school level. Regarding teachers' training on human rights education and child's rights education it is developed extensively through:

- **in - service training , both:**

Ü by means of the training offers proposed by Teacher training Houses (institutions specialized in training delivery and responsible with teachers' in- service training). Courses on human rights education and child's rights education can be found under various titles, such as: *Human and Child's Rights Education*, *Civic Education for Democratic Citizenship*, *Modern Approaches and New Trends in Child's Comprehension*, *Human Rights Education*, *Education for Democratic Citizenship*, *Human Rights Education – teaching and learning human rights in pre-university education*, *Human and Child's Rights Education*, *Human Rights and European Citizenship*, *Education for Democratic Citizenship*, *Child's Rights Education*, *Child's Rights Protection and Promotion* etc.

and

Ü by means of human rights education and child's rights education extracurricular programmes that include training sessions on human rights education and child's rights education intended for teachers prior to their stage of implementation. For example:

- against the background of *EDC National Programme*, 600 teachers were trained in 2 phases: 120 before the pilot stage of the programme and 380 – before the implementation of the programme at national level.

- within the *Students' Ombudsman* project (developed by 21st Agenda Association in partnership with MoERI and UNICEF Romania), 42 educational inspectors were trained as trainers in the field of child's rights education with the view of offering assistance to the development of the project at county level.

- within *Human and Refugees' Rights* project (developed by UNHRC and MoERI) 42 teachers were trained as trainers in the field of human rights education with the view of developing the project at county level.

Regarding the same subject, within the campaign "Children Rights are Law!", financed by the European Union through the Phare Program 2003, implemented by the National Authority for the Protection of Children Rights, a handbook concerning the role of the magistrates and the prosecutors in child's rights protection and promotion was elaborated. This material is now being used by the magistrates and professional in the field during these current activities concerning children.

In the same respect, a number of well known universities from Romania, such as the "West University" from Timisoara and "Al.I. Cuza" from Iasi have introduced within their curricula, child protection area.

7. Please inform the Committee on measures taken to reduce disparities in children's access to educational and school attendance between urban and rural areas. Also with respect to education, please update the Committee on measures taken to address the prejudices and stigmatization against the Roma community and the segregation of Roma children in schools. Do programs exist in schools to foster among children a culture of tolerance, non-violent communication and acceptance of the other?

The Ministry of Education, Research and Innovation took action to reduce disparities in children's access to education and school attendance between urban and rural areas, along several directions:

- investments in didactic materials, in school libraries, in the rehabilitation of rural schools;
- restructuring of school national network with the view of employing only qualified teachers in all schools;
- enhancing students' schooling participation rate by means of the social and protection support programmes, such as:
 - *Free school transport* (by mini buses provided by the MoERI for

each County School Inspectorate according to the number of students who do not study in the residence area),

- reimbursement of the transportation costs for those students who

attend schools farther than 50 km from their residence area, (in 2007 – 115.000 beneficiaries; in 2008 – 215.933 beneficiaries);

- delivery of free school supplies to students coming from poor

families (in 2006 - 829.298 beneficiaries ; in 2007 - 775.446 beneficiaries; in 2008 – 710.594 beneficiaries);

- *200 EURO Programme* – to support students coming from

disadvantaged families to purchase a PC (in 2006 – 28.703 beneficiaries; in 2007 – 38.499 beneficiaries; in 2008 - 35. 128 beneficiaries);

- *Money for High – School Programme* – is intended to high-school

students coming from disadvantaged families so as to go on with high-school studies. - (in 2006 – 105.046 beneficiaries; in 2007 – 119.295 beneficiaries; in 2008- 141.254 beneficiaries);

- Expansion of *Milk and Crescent* programme to students in lower secondary level , according to the Government Decree no. 95/2008.

- Development of *Social Partnership Programme* especially designed for schools in rural areas with the view of improving the access of students from rural schools to high quality education upon the development of school –local community partnership projects. The MoERI financed 761 projects in 2006 and 776 projects in 2007. The programme offered assistance to:

- 3076 Local Councils in the field of educational development strategies;
- 6964 schools in the field of project management.

Regarding the disadvantaged groups, the Ministry of Education, Research and Innovation has always applied the principle of “equal chances in education” since education has been regarded as a key instrument in preventing social exclusion. The category of “vulnerable groups” basically includes socially, geographically, culturally disadvantaged groups and persons with special needs.

Roma children’s education was supported by PHARE Programmes “*Access to Education for Disadvantaged Groups*” (2001, 2003, 2004, 2005, 2006).

The main aim of these projects was to block out social exclusion, marginalization, to promote and expand the mechanism of improving the disadvantaged communities’ access to high quality education and to enhance the respect of human rights.

The access to their Life Long Learning process has been enabled by the sustainability component of the programme: the delivery of training courses for all the actors involved in the educational process: headmasters, inspectors, trainers, teachers, school mediators, Roma youth.

Among the most important results acquired upon the implementation of the above mentioned PHARE programs, it is relevant to mention:

- the delivery of training for 850 trainers from 42 counties who attended training sessions on inclusive education, teaching –learning active methods, development and implementation of School Based Curriculum, remedy education and *The Second Chance* programmes. These sessions were held at county level with the support of Teacher Training Houses.
- the elaboration of a new curriculum required by *The Second Chance* programmes that includes subjects related to the Roma community culture and traditions,
- 381 school mediators from 36 counties attended specialized courses and now they are already employed in the provenance communities.
- the establishment of 36 centers of resources for the inclusive education in 36 counties participating to the programme;
- the finalization of the acquisition/rehabilitation procedures for 300 schools from the disadvantaged communities in the first 25 counties which were subject to the programme;
- the creation of school inspector position responsible with Roma students’ education.

Regarding the educational programs meant to foster tolerance, assertive communication, acceptance among children, the Ministry of Education, Research and Innovation has acted along two pathways:

- on the one hand, it regulated this problem by the Minister’s Orders no. nr.1540/19.07.2007 regarding the prohibition of Roma children’s school segregation and the approval of Methodological norms for preventing and eliminating Roma children’s segregation and the Minister’s Order no. 1529/18.07.2007 regarding the development of diversity throughout the national curriculum;
- on the other hand, it has always encouraged the development of such activities and annually finances a number of 20 national and international projects on multiculturalism, tolerance and respect for cultural diversity (e.g.

Golden Fish, Romanasul, Roma traditions Festival, Carpatica, Maratoni Meseolvasas etc), crossborders and European projects(e.g. *Next Generation, Europe at School, Global Education, Global Teenager*). Moreover, each county school inspectorate stimulates schools to organize educationally cultural events and to involve students in European cooperation projects (aprox.800 projects/year at national level) so as to enable social inclusion, valorization of cultural differences, tolerance, acceptance and mutual respect.

8. Is there mechanism available to children, in particular those deprived of their liberty and those confined in psychiatric institutions, where they can file a complaint related to their deprivation of liberty, condition of detention /internment and treatment?

Regarding the existence of a mechanism through which children deprived of liberty can submit complaints regarding the conditions of detention, the right to petition and right of mail - guaranteed to persons deprived of the liberty, according to art. 44 and 45 of Law no. 275 / 2006 on the execution of prison sentences and the measures ordered by the court in criminal proceedings – is applied also to the persons placed in reeducation centers or institutes, according to art. 56 of the law mentioned.

The correspondence written or received by the minors placed in detention is confidential, the envelopes are placed in special mailboxes existing in all the units and the answers are delivered directly to the recipient. Also, the addresses of the international organizations safeguarding human and children's rights are listed in informative materials distributed also in every room.

9. Please explain how the right of all children to rest, leisure and engage in play and age appropriate recreational activities is enshrined in legislation and ensured in practice.

Although regulated by the provision of Law 272/2004 for the protection and promotion of children rights we consider that for a proper application of this issue supplementary provisions are needed.

The promotion of all activities meant to provide the respect of the child's right to rest and leisure activities is one of the operational objectives of the Operational Plan concerning the National Strategy within the child protection field for 2008-2013, approved in September 2008.

The activities which Romania has committed to accomplish in order to achieve this objective are the following:

- the analysis of the child's right to rest from the perspective of the legislation in place and the respect of this right by all institutions meant to provide protection, care, education and reeducation of the child;
- modification and completion of the actual legal framework regarding the child's right to rest, according to the recommendation of the final report concerning the analysis of the right to rest;
- identification of good practices concerning the organization and spending spare time and their promotion by the staff hired within the school units, as well as the special protection ones.;

-training specialized professionals for helping children spent their free time, including the involvement of the youngsters in this kind of activities, volunteers and peer to peer activities.;

-supporting initiatives meant to support granting scholarships, awards and distinctions for a better promotion of the initiatives aimed at children with artistic/sport skills by promoting corporative social responsibilities.

So therefore by analyzing these activities, we consider that these results can be achieved, namely diversifying and adapting the modalities of spending spare time for children and direction the education, especially the early one, toward the development at a maximum level of the child's personality, talents, abilities at both physical and psychological level

The child's right to rest, leisure and full participation to recreational activities is stipulated in the *Law of Education no. 84/ 1997* republished with further modifications and completions, Chapter 3, in *Regulations of School Organization and Functioning* (approved by Minister's Order no.4925/ 2005) art. 106 and *Regulations of Children Palaces and Clubs Organization and Functioning* (approved by Minister's Order no. 4100/2006)

According to the documents mentioned above, all Romanian children and youth enjoy full and free participation to recreational and extracurricular activities organized in schools, children's palaces and clubs (these educational institutions are specialized in non-formal education), sports clubs, school camps and benefit of discounts for entrance tickets to shows, museums, cultural events and mass transport, according to provisions of art. 100 in *Regulations of School Organization and Functioning*.

The MoERI valorized this right out of its impact on children's education. By the development of non-formal education – associated to child's right to recreational activities, the MoERI aims to fully harmonize children's formal and informal learning experiences, to value their social and intellectual potential so as to create the framework for the development of the 21st century abilities.

Thus, the MoERI supported:

- the development of extracurricular activities at school level by launching *School Development Grants* Programme. In 2007, the MoERI financed 500 projects at national level whose budgets varied from 500 – 15000 EUR (according to these application requests).
- children's participation to international projects (*Model European Parliament, Europe at School, European School* etc), to international competitions, festivals, to multidisciplinary projects,
- the development of extracurricular activities at the level of Children's Palaces and Clubs. Throughout Romania there are 41 palaces (one/ each county, except for Ilfov County) and 172 clubs. In 2007, the MoERI financed almost 100 cultural, artistic, civic, sports, touristic and scientific projects, festivals and competitions (approx. 600.000 beneficiaries) organized by these educational institutions, and in 2008 the number of such events got double.
- the updating and diversification of the cultural, scientific and sport workshops held in children's palaces and clubs upon the investments in the didactic endowments.

At the same time, the MoERI encouraged the transfer of expertise from non-formal to formal area of education in what concerns the initiation of facultative studies inspired by extracurricular programmes so as to satisfy students' scientific interests, the need for updated

information, knowledge, active methods (e.g. *Create Your Own Environment, Media- a Better Education for Children, Education for Democratic Citizenship, Health Education* etc.)

Important to mention also that the importance of leisure and play engaging activities will represent an important part, within the day care services that will be set up by the new legal draft concerning the regime of the daycare and education services during the day. This document was elaborated by the National Authority for the Protection of Children Rights.

In the actual context of decentralization, the representatives of the Ministry of Youth and Sport have also declared that if the possession of these youth camps will be transferred to the local public authorities, this cessation will be accompanied by a strict condition that their destination should not be changed under any circumstances. Keeping the destination intact is very important for the “social camps”, because on their premises thematic camps are organized (culture, art, foreign languages) as well as other activities for children with disabilities.

10. Please inform the Committee on the measures taken to protect the rights of children affected by migration, especially those left behind by their parents.

At local level, the responsibility to identify and support those seeking social cases of children whose parents are going to work abroad is under the jurisdiction of the Public Services for Social Assistance, which according to Art. 33 of Law 47/2006 are those who identify social needs of the community and solved according to the law.

The National Authority for Protection of Children’s Rights has taken a series of measures aimed to enable a better monitoring and implementation of the measures to limit or diminish the negative effects generated by that lack of one or both parents in the life of a child.

Order no. 219/2006 concerning the identification, intervention and monitoring of children who are deprived of parental care while they are at work abroad has been developed and approved by the State Secretary of the National Authority for Protection of Children’s Rights the.

The purpose for the adoption of such legislation was to make more aware the institutions with responsibilities in protecting children's rights and involve them more actively in identifying children whose parents are going to work abroad and provide support services for them within the Public Services of Social Assistance from each administrative / territorial and Directorate General of Social Assistance and Child Protection in each county / area.

In line with the continuing effort meant to adoption measures to identify the needs of children whose parents are going to work abroad, NAPCR decided to extend the monitoring of these children, including this category in one of the monitoring tools - Sheet Quarterly monitoring - a separate chapter for this category. The statistics centralized are more detailed, Public Services for Social Assistance reporting separately the number of children having both parents to work abroad or a single supporter parent.

However in 2008 NAPCR considered necessary to develop a new legislation, meant to regulate concrete measures that would ensure identification, evaluation and monitoring the situation this group of children on the one hand, and on the other hand ensuring the representation of their legal rights not covered by existing legislation in protecting and promoting children's rights.

Thus, a working group composed of representatives of NAPCR, the Ministry of Education Research and Innovation, the Ministry of Administration and Interior was established, and developed a first draft of the legislation governing the identification, evaluation and monitoring of children whose parents are working abroad.

Further on, this project was sent for analysis to the ministries mentioned above, that have sent their opinions related to this legislation and the opportunity of its approval through a government decision.

Our institution plans to promote the document that will result from consultations between experts of the main authorities responsible in this area, through a government decision that will confer more authority to the measures that are expected to be undertaken.

Since the phenomenon of “children left home” upon their parents’ migration abroad in search for a better paid job did not occur in all counties, the MoERI recommended that each county school inspectorate should assess this situation at county level and act accordingly.

Thus, the phenomenon was recorded in 14 counties (Arad, Arges, Bacau, Bistrita Nasaud, Botosani, Brasov, Constanta, Gorj, Harghita, Maramures, Mehedinti, Salaj, Sibiu, Suceava, Valcea) and this category of students underwent to special programmes meant to support their school participation and prevent the school drop-out.

In partnership with both governmental and non-governmental organizations, with the church, and companies, there were developed projects of:

- psychological and educational counseling – delivered by psychologists especially through the psychological and pedagogical offices existing in schools. Such measure addresses students, parents or children’s legal tutors (Constanta, Harghita, Gorj, Salaj);
- peer education (partnership projects between counties – e.g. Arges – Valcea , Mehedinti, Constanta);
- developing life skills (Botosani, Maramures, Constanta);
- valorizing and organizing children’s spare time (Bistrita, Mehedinti, Constanta, Bacau);
- mass media campaigns at county level (Maramures);
- establishing *Day centers* at school (Harghita, Bistrita, Bacau);
- teachers’ training on “Methods and techniques of social and school inclusion used for the children left home by their parents gone away in search for a better paid job abroad”.

In parallel, the MoERI developed :

- § programmes intended for parents so as to raise their awareness on the role they play in their own children’s education: “*Parents’ Education*” (that reshaped the well-known monthly parents’ meetings into workshops with parents - www.edu-media.ro), “*Parents’ Education towards Their Children’s Benefit*” (intended for 3 -9 y.o aged children’s parents), “*Future Parents’ Education*”;
- programmes of social and protection support mentioned before.

11. Please inform the Committee on:

a) whether the State party has established a comprehensive system on juvenile justice in accordance with article 40 (3) of the Convention;

b) whether all persons below 18 are dealt with by juvenile courts composed of specialized judges;

c) what is the treatment of children below the age of criminal responsibility who are allegedly in conflict with law.

a) According to the Criminal Code (art.99 of the Criminal Code), children under 14 years have not criminal liability are not criminal charged, minors aged between 14 and 16 years are criminally charged only if it proves that they have committed the act with discernment, and children aged over 16 years are criminal charged. Otherwise, the criminal law establishes the presumption of absolute lack of discernment for minors under 14 years, for minors between 14 and 16 years it is presumed the relative lack of discernment, its existence must be proof in order to hold responsibility for the minor while minors over 16 years the presumption of relative discernment is working, it can be shattered almost immediately by contrary proof.

b) A punishment or an educational measure can be applied to minors who are criminally charged. Regarding the way of applying these measures, since we are talking acts are stipulated by the criminal law and minors criminally responsible they are established in the court proceeding, but with different rules than those for adults with criminal responsibility.

B. Referring children aged up to 18 years old to specialized Courts.

According to Law no. 304/2004 on judicial organization, in each instance there is a specific panel of judges for children and family.

The relevant provisions of the Law no. 304/2004 on judicial organization:

Art.35 1. The courts of appeal are courts with legal personality, under whose jurisdiction operates several specialized courts and tribunals, according to Annex No. 1 which is an integral part of this law.³⁵

2. In the courts of appeal are operating **divisions or as appropriate, a panel of judges specialized** in civil cases, criminal cause, cause of trade, juvenile cases and family cases of administrative and tax cases, on labor conflicts and social security, and in relation to the nature and the number of cases, maritime and river sections or other matters.

Art. 36 1. **The courts are legally organized in each county and also in Bucharest, and are usually located in the municipality residence of the county.**

2. In the jurisdiction of each court are included all the county courts or, the courts from Bucharest.

3. In the courts of appeal are operating **divisions, as appropriate, a panel of judges specialized** in civil cases, criminal cause, cause of trade, juvenile cases and family cases of administrative and tax cases, on labor conflicts and social security, and in relation to the nature and the number of cases, maritime and river sections or other matters.

Art. 39 1. In relation to the nature and the number of cases specialized sections or panels of judges may be set up in the courts.

2. Within the courts special sections and panels of judges for children and family will be organized"

Under the same law, for cases involving children and families may be set up specialized courts.

Also, the prosecutors of the courts and tribunals have a section structure for children and family.

There are rules on jurisdiction in cases with juvenile offenders within the Criminal Procedure Code. Thus, under the Code of Criminal Procedure, cases in which the defendant is a minor shall be judged according to the rules of territorial and material jurisdiction, but by judges appointed under the special circumstances. They are, in the context of current legislation, the judges of the courts or for children and family.

This court remains the same during the whole procedure even if in the meantime the defendant has reached the age of 18 years.

C. What is the treatment applied to the children alleged to be in conflict with the law, under the age of 18 years in terms of criminal liability?

Children enjoy special rules in relation to their criminal liability and as well as regarding procedural rules. Minor under 14 years old doesn't respond under the criminal law, the child aged between 14 and 16 years old only if criminal judged there is proof to have committed the crime with discernment and the child over the age of 16 years is criminally responsible.

As regards **the criminal liability**:

An educative measure can be applied for the minor criminally charged. In selecting the punitive sanction the social danger of the crime committed, the physical, the intellectual and moral development of his behavior, the conditions under which it was raised and where he lived and any other items likely to characterize the individual child will be considered. The vindicatory sanction is applied only if it is considerate that taking educational measures are not sufficient in order to stand erect the child.

The vindicatory sanctions that may be applied to children are fines or imprisonment provided by law for the crime committed. The limits for sentences may be reduced to a half but their minimum cannot exceed 5 years.

Complementary punishments cannot be applied for the minor.

Also pronounced convictions for acts committed during minority or incapacity **does not entail revocation**.

Children, also enjoy **special terms**, reduced compared to other categories of offenders in terms of conditional suspension of execution of sentence, suspension of sentence under supervision, and time limitation for criminal liability or punishment of execution is reduced by half.

As regards educative sanctions for minor we will detail the following application:

The **educational sanction** runs immediately, during the Court hearing and consists in reproof of the child, in showing the danger of social crime committed, in advising the child to behave in a way to show atonement in order to be aware that if he commits again a crime, it will be a more severe sanction or it will impose a punishment.

The measure of freedom under supervision consists in leaving the child free for one year under special surveillance. Supervision may be assigned, if necessary to the minor's parents, those who have adopted the child or the guardian. If they can't ensure the satisfactory supervision, the courts can refer the child to a reliable person, preferably a close relative, upon request, or an institution legally responsible for the supervision of minors.

The court may impose minor the respect of one or more of the following obligations:

- Not to attend certain places;
- Not to meet with different people
- To provide an unpaid work in a public institution set by the court, with a duration between 50 and 200 hours, no more than 3 hours per day after the school, in non-working days and holidays.

If the child does not complete the demands in paragraph 1 and the child is exempted from the supervision exercised or he has a bad behavior, or commits an act provided for criminal law, the court revokes the supervised sanction and applies the internment in a reeducation center. If the deed provided by law constitutes criminal offense, the court shall apply the internment or the punishment.

When the court had applied the supervised freedom sanction, this is put into execution in the same meeting, if the minor and the person or representative institution or a special unit, which has been entrusted with the supervision, are present.

When the execution can't be done in the same session, a deadline will be set when they may bring the child and call for the persons referred to in the preceding paragraph.

The educational sanction of internment in a reeducation center is given to provide the child with education that ensures the opportunity to acquire necessary teaching and training according to his abilities.

This measure is taken when the other educational sanctions are insufficient.

If the educational sanction of internment in a reeducation center was taken, the court may decide, to apply the sanction immediately, the enforcement is done by sending a copy of the decision to the police from the domicile of the child while the police takes the child for internment.

The internment sanction in a medical-educational institute is for the child that needs a medical treatment and special education because of his physical or mental conditions.

Unfortunately, this cannot be applied because currently there are no specialized institutions.

Regarding the execution of the sentence, the minors receive the following special sanctions:

Minors sentenced to prison will execute the punishment separate from adults in social detention places, giving them the opportunity to continue general education and to acquire a training matching their skills. (Art.57 of the Criminal Code)

Regardless of the deed committed, the children **do not execute sentences under maximum security.**

Also, children and young people carrying a penalty involving deprivation of liberty are included during the execution of punishment in special counseling and assistance programs,

depending on the age and personality of each child, while during the execution of the prison sentences, the penalties applicable disciplinary can be reduced to half.

Minors sentenced to punishments involving deprivation of liberty shall ensure conditions for participation in educational, cultural, therapeutic, psychological therapy and social support needs appropriate to their personality, and to conduct studies and acquire a professional qualification, depending on their options and abilities.

The professional training and retraining courses for minors sentenced to deprivation of liberty punishments are set by prison administration with the National Agency for Employment or its territorial structures.

Regarding the **conditions for granting liberty on paroll**, persons sentenced in the period of minority, when they reach the age of 18 years they may be released after accomplishing a third of the prison sentence not exceeding 10 years and a half in prison if higher than 10 years, if they meet other requirements by the law. In this way a reduction of punishment to be accomplished is operating in order to be granted the conditional liberation for the minors convicted. (Art.60 of the Criminal Code).

As regards the provisions concerning the execution of punishment in the workplace during the execution of punishment in such person shall retain, as a general rule, part of the income due to the work performed, calculated according to the revenues of the convict and the maintenance obligations that he has. In the case of minors, these limits are reduced by half. (Art.868 of the Criminal Code)

Regarding the criminal conduct, the child has also the right to special rules of procedure designed to ensure its protection.

Therefore, for the defendant or the accused at minor age legal assistance is mandatory. Regarding preventive, measures, minors are benefiting also of special procedures. Minors detained or found in provisory arrest have rights and a special detention regime, corresponding to its age so that the detention cannot interfere with their adequate development from a physical, psychological or moral development.

Regarding the preventive measures the minors benefit of a detailed legal framework.

Therefore, in what a possible detention of the minor is concerned, it should be shown, that under special circumstances a minor of 14-16 years old may be detained for no more than 10 hours, if there is specific information that the minor in question has committed a fact punished by the law with prison for life, or 10 years in prison or more. The supplementary detention of the minor may be ordered for another 10 hours if necessary.

Referring to the preventive arrest we should say that the minor of 14-16 years old cannot be arrested for prevention unless the act he committed is due to be punished withy prison for life, prison for 10 years or more and another preventive measure is not enough.

The arrest of a minor charged with a fact cannot be longer than 3 days.

The arrest of the minor accused of committing a criminal act with an age between 14-16 years old during the investigation proceedings cannot be longer that 15 days and an extent of this period cannot be done unless exceptionally needed.

Preventive arrest of the minor during the criminal proceedings cannot be more than 60 days, any extent not being longer than 15 days. Exceptionally, when the punishment is life

imprisonment or prison for 20 years or longer, the preventive arrest for a minor between 14-16 years old can be of 180 days.

The accused older than 16 years old may be arrested during the criminal investigation procedures for no more than 20 days. Preventive arrest for the minor cannot overcome a reasonable time period but no more than 90 days. Exceptionally when the punishment is life imprisonment, or prison for 10 years or more preventive arrest of the minor can be extended until 180 days.

In all cases regarding minors, evaluation referrals should be drawn up by the probation office, whose role is to give the court information on the minor and its perspectives for a further social reintegration. The Court will use this document when deciding to apply a certain punishment or educational measure.

In the same case, when hearing a defendant the prosecutor's office can ask for the presence of a probation counselor or for the parents of the child or its legal representative.

The hearing of the minor is done in separate rooms and when the accused is under 16 years of age the Court, after hearing the minor, can ask for its removal from the room if it appreciates that the debates might affect the minor in a bad manner.

For the minor who is not criminally responsible and has committed a fact stated by the penal law, certain measures of protection can be taken having in mind especially the education of the minor.

The special protection measures are according to the provisions of law no. 272/2004 for the promotion and protection of child rights, the placement and specialized supervision.

The placement as a special protection of the child who has committed an act provided by the criminal law has temporary character and can be made to a person or family, a foster family or a residential service licensed according to the law.

Specialized supervision might be ordered by the Child Protection Commission who works under the subordination of the County Council or local councils, when there is granted the approval of the child's parents, or if not the case, the Court might decide such a measure.

12. Please indicate the issues affecting children that the State party considers to be priorities, requiring the most urgent attention with regard to the implementation of the Convention.

- § Developing and strengthening the administrative capacity of the NAPCR in order to ensure the respect within the national territory for the rights of the children, by intervening in the administrative or judicial procedures concerning the respect for the children rights in all the decision made by local or central public authorities.
- § Strengthening the capacity of the local authorities in order to help it exercise its function of preventing child's separation from its parents and monitoring the respect for the children rights.
- § Making available a financing mechanism for the DGASPCs and the services provided by them at the level of municipalities, towns and or other administrative areas which should be based on minimum costs for each type of service.

§ Making more effective the DGASPC's activities..

§ Setting up Child Courts.

The most important objectives that the MoERI has identified as being acute in children's education nowadays have already been integrated in the Governing Programme 2008 - 2012. They address several issues of high relevance to the assurance of equal chances to all children towards their achievement of personal and social success which have shown up upon the analysis of the development trends of European society against the challenges of the actual social, economic, and cultural context in Romania:

- restructuring of national curriculum so as it should become flexible and centered on building an effective set of competences including adaptation to new situations, creativity and innovation, compatibility with the labour market.
- prevention and gradual elimination of school drop out throughout compulsory education system;
- generalization of the IT learning,
- assurance of equal chances to education:
 - Ø for children with special need and those ones coming from disadvantaged groups by schooling them in special educational schools and mainstream schools;
 - Ø for gifted students by supporting them through adequate programmes;
 - Ø to all children by implementing and gradually generalizing *School after School* Programme;
- development of education in rural area,
- fully development of non-formal education.

PART II

Under this section, the State party is invited to briefly update the information provided in its report with regard to:

- **new bill or enacted legislation;**
- **new institution;**
- **newly implemented policies; and**
- **newly implemented programmes and projects, and their scope.**

Approved normative acts

- By Law 361/ December 2007, Romania ratified the Convention regarding the competence, the applicable law, recognition, execution and cooperation in the field of parental responsibility and child protection measures, Convention adopted at Haga, the 19th October 1996. The National Authority for the Protection of Children Rights is designed as the central authority meant to accomplish the obligations established by the mentioned Convention.

- November 2007 -The Family Code was modified and completed through the provisions of Law no 288. The changes aimed at establishing the same age of marriage both for women and men at 18 years and also to introduce new provisions regarding the paternity's denial.
By consequence, while the prior variant of this normative act was providing that the denial of paternity could be initiated only by the husband, the new proposal provides that this action can be initiated both by husband or wife and child and pursued by the heirs. The paternity denial action is to be prescribed within a 3 years period of time, starting from the child's date of birth, while the prior variant provided a 6 months period of time for this action. A new provision was introduced referring to the fact that the paternity establishing action for a prior marriage initiated by the child cannot be prescribed during his life.
- Government Decision no. 859 regarding the approval of the Agreement between Romanian Government and the Italian Republic Government on the cooperation in the field of unaccompanied or in difficulty Romanian children found on the Italian Republic territory. The Agreement was signed the 9th June 2008 in Rome.
- Order no. 253/ 2008 for the approval of the Methodology regarding the children which are benefiting from a special protection measure for medical treatment abroad.

Projects of normative acts

- By the Government Decision no. 1527/2007, the preliminary theses of the Civil Code project were approved. The Civil Code project is now under debate at the Parliament. The main objective of this project refers to the promotion of a monistic approach of the private law in a single document –the Civil Code. Therefore, the project comprises all regulations regarding persons, family and commercial relationships.

The second Book of the Civil Code project, "Family", is aiming primarily to offer a new approach for the field of family regulations, by leaving behind the concept of a distinct code that provides regulations for this field –as is the case now- and is also proposing a unitary regulating framework of civil right aspects, including those aspects related to the family.

Apart from the change of the regulating approach, the present Code is proposing the Romanian society with an approach adapted to the social realities, by introducing a series of new measures aiming at modifying the actual solutions (such as the matrimonial regime) or at the legislative recognition of a factual situation, which is inexistent from the juridical point of view (such as the engagement).

It is also to be mentioned that in elaborating the provisions of the second Book, both the international conventions which Romania is part of, and the European standards in this field were taken into account.

Among the most important new concepts considered, it is to be mentioned:

- Ø Reinforcing the state's duty to support both the marriage settlement and the developing of the family, by social and economical measures;
- Ø Consecrating the superior interest of the child, as steted by the U.N. Convention regarding the children rights and by the Law no. 272/2004 regarding the protection and promotion of children rights;
- Ø Establishing competences for the tutelary authority regarding the implementing of the provisions in the family field.

In the alliance field, the elements of novelty are:

- Ø Extending the sphere of the subjects that are able to initiate the paternity denial action, respectively the mother's husband, the mother and the child
- Ø Regulating the human reproduction which is medically assisted, and that implies a third donor
- Ø Regulating the adoption's basic terms, its effects and cessation.

The IVth Title is introducing a new concept –“Parental authority”, which is inspired by the French code and that of Quebec and constitutes the general framework regarding the parental rights and duties on the child's person and belongings, the exercise of the parental authority and the withdrawal of parental rights. According to this project, the parents have both the right and the duty of raising the child, by ensuring its physical, mental, spiritual, moral and social development. The parental authority is to be exercised by both parents, even if they are divorced. Also, other aspects are regulated, such as “child's domicile” and “child's belongings administration”.

At the beginning of March 2009, National Authority for the Protection of Children Rights made some critical remarks and proposals regarding the Civil Code draft.

- Draft of a normative act regarding the day care and education services for children

This draft normative act is aiming at regulating the setting up, organization and functioning of the day care and education services for children in order to increase the support of the family. The services that will be created through the implementation of this normative act will be functioning as structures at the local level, organized either as crèches or day-care centers, either at the domicile. The novelty element is represented of the regulations regarding the baby-sitter occupation and the baby-sitting agencies activity.

This normative act project is completed and will be submitted for public debate starting with April 2009.

- Project of a normative act regarding the family-type services

Protection of children which are temporarily or definitively separated by their parents ensured either at the domicile of a person/ family or a foster carer, is now confronted with a series of problems which imply initiating some emergency measures. Among these problems is to be mentioned the oversized foster care network, which determined a decrease in the capacity of the general directions of social assistance and child protection of achieving their responsibilities in this field –evaluating and training of foster care professionals, monitoring their activity and the children fostered by them.

The normative act project is regulating the family-type services for children which are temporarily or definitively separated by their parents, respectively: placement in the extended family, placement at a person or a family from the child's social network, placement at a person or a family and placement in foster care.

A prioritization of these measures is being accomplished, so that the placement measure is decided within the extended family and, when not possible, within a person or a family from

the child's social network or within a care family or person, certified under the conditions of the present normative act.

It is provided that the foster care placement to be taken into account only if it is certain that all the options regarding the establishing of a placement measure within a care family/person were explored.

There some new concepts introduced by this normative act, such as person or family from the child's social network or care family/ person, which represents a detailing of the "other families/persons" mentioned by Law no. 272/2004.

By Emergency Government Ordinance no. 20/2009 for the modification of art. 13 paragraphs (2), (3) of the Emergency Government Ordinance no. 30/2007 regarding the organization and functioning of the Ministry of Administration and Interior and for the reorganization of some units subordinated to the Ministry of Administration and Interior, the Antidrug National Agency and the National Agency against Human Trafficking were reorganized as functional structures within the General Inspectorate of the Romanian Police. The functioning attributions were undertaken by the General Inspectorate of the Romanian Police

Projects developed by the National Authority for the Protection of Children Rights during 2008:

I. National interest programs (based on Decision Government no. 617/2008):

1. *"Closing up the classic type institutions with more than 100 beneficiaries and creating family-type residential services –apartments and cottages"*
2. *"Developing of the communitarian social services for the children and their families"*
3. *"Specialized services for the child in conflict with the law"*
4. *"Training for the staff working within the child protection services"*

In 2008, 9 projects were selected for financing, the allocated sum for their developing being of 7.766.062 lei, which represents 13% from the total allocated budget for the 2008-2009 period of time.

II. The Twinning Light Project "Evaluation and regulation of the child day-care services"

This institutional union project (Twinning Light) was developed by the National Authority for the Protection of Children Rights in collaboration with the Research and Developing Center for Health and Welfare (STAKES) from Finland for a 6 months period (June – November 2007).

The project's result was elaborating a normative act project regarding the child day-care services, which was permanently improved during 2008, following the discussions carried on with the main ministries involved (Ministry of Labor, Family and Social Protection, Ministry of Education, Research and Innovation, Ministry of Public Finances).

III. The Twinning Light Project "Creating of a training system for the foster care professionals"

This institutional union project (Twinning Light) was developed by the National Authority for the Protection of Children Rights in collaboration with the Ministry of Health, Welfare and Sports from Holland for a 9 months period of time (September 2008 –June 2009), having a total budget amount of 170.600 Euro.

IV. The Twinning Light Project “Increasing the services quality, which beneficiaries are children in conflict with the law, respectively children that committed an illegal act and cannot be prosecuted”

This institutional union project was developed by the National Authority for the Protection of Children Rights in collaboration with the Federal Ministry of Family Affairs, Aged People, Women and Youths from Germany for a 9 months period of time (November 2008 – August 2009), having a total budget amount of 206.600 Euro.

The project’s purpose is to contribute in increasing the quality of services for the protection of children that committed an illegal act and cannot be prosecuted, by elaborating work methodologies for these services organizing and functioning and by offering training for the staff working with this category of beneficiaries (within the services or the general directorates for social assistance and child protection).

V. The project “Street children initiative”

Following the series of activities aiming at implementing the national strategy in the field of protection and promotion of children rights, NAPCR launched in February 2008 the project “**Street children initiative**”, financed in accordance with the Agreement contract between the Romanian Government and the Developing Bank of the Council of Europe, ratified by Law no. 388/2006.

The project’s objectives

First objective: To create 20 day and night shelters and emergency placement centers for street children.

Second objective: To provide permanent professional training for approximately 150 professionals at the same time as creating the centers, in the domain of drug use prevention, assistance and psychological counseling for exceeding the drug addiction and specific intervention methods in providing social services for street children.

VI. The project “Communitarian services aiming at preventing child separation from his/her family and the training provided for the staff working with them

Initiated by the Government Decision no. 928/2007 for the ratifying of the Frame Borrowing Agreement between Romania and the Developing Bank of the Council of Europe, this project represents one of the NAPCR’s interventions for decentralizing the child protection social services at the local level.

The project’s objectives

First objective: To create approximately 200 communitarian services for preventing child separation from his/her family, of small dimension (8-15 children) at the level of cities, towns or communes.

The project is offering to the applicants a total budget amount of 12.020.000 Euro for the feasibility studies, the designing, building/ rehabilitation and supplying of the buildings where the communitarian services will be functioning.

The second objective: Training for approximately 4300 professionals (from the new-created services and the public services for social assistance) in the creating and providing services field in order to make possible surpassing the situations that could determine child's separation from his/her parents.

The newest measure implemented by the MoERI to raise and support children's school participation rate, is "*The Government Scholarship*" designed for gifted, but socially disadvantaged children coming from rural areas who graduated the 4th grade. Such a measure supports them to attend elite school in urban area according to their field of performance. The scholarship covers the cost of full boarding and school supplies. It began in September 2008 and till now 165 students have taken benefit of this program.

VII The project aiming to determine standardised costs per services financed by UNICEF

To support and facilitate the ongoing process of reform in Romania, UNICEF and the NAPCR agreed on a joint initiative aiming – at an initial phase – to determine standardised costs per services and design instruments for resource allocation and budget monitoring at national and local level. This analysis and consecutive recommendations will be of major implications on change of policies regarding budget allocation and expenditures within the child protection and social protection system and is expected to contribute in a following step to the shift from extensive reliance on state institutions towards community based care, services and prevention.

PART III **STATISTICAL DATA**

- 1. In the light of article 4 of the Convention, please provide updated data for 2006, 2007 and 2008, on budget allocations (including trends analysis) regarding the implementation of the Convention throughout the country, notably in the areas of education and health.**

A) HEALTH FIELD

National Programme for Women's and Children's Health

Since 2001, Romania has stepped up its efforts to improve the health of women and children.

With that end in view, the Ministry of Health has consistently taken a series of measures including health policy, providing curative and preventive services for children and women, training medical and sanitary staff and not least the establishment of a strong partnerships with the institutions or government bodies and nongovernmental, national and international.

In this respect, since 2001, a national health program for this category of beneficiaries has been implemented and continue to develop, with annual funding from the state budget.

According to the order of the Ministry of Public Health and the President NHIH no. 570/116 of 29 March 2007 approving the technical implementation, evaluation and financing of national health responsibilities in monitoring and control, detailing the activities, specific sub-indicators and sanitary units through which they are carried out in 2007, the established budget allocation for the development of the activities to fulfill specific objectives contained in the program, was 35,619 thousand lei and for 2008 the amount allocated was 32 945 thousand lei, according to the order of *the minister of public health and the president of the National House of Health Insurance No. 574/269/2008 approving technical rules to implement the national health programs in 2008.*

In conclusion, following the activities of the National Program for Women's and Children the Ministry of Public Health in collaboration with international agencies / NGOs, made a constant improvement of women and children health which is reflected mainly in lower values indicators for the infant and maternal mortality.

The infant mortality since 2006 amounts to the same demographic indicators of positive development trend, the decrease becomes evident and the gauge falls to 15% 0 of live births and in 2006 to 13.9%. In 2007, the percentage attains 12.0% . Even if we can notice this trend of recovery of this indicator in the recent years, the infant mortality continues to maintain a high level compared with the rest of Europe countries. The evolution of the infant mortality during 2002 - 2007 is shown in the table:

Infant mortality in Romania during 2002-2007						
Indicator	2002	2003	2004	2005	2006	2007
to 1000 live births	17,3	16,7	16,8	15,0	13,9	12,0

There is a correlation between infant mortality and the education of mothers, as well as its occupation

It was proven that most of the deaths are recorded in the live newborns whose mothers have no education or they have elementary education and are households, this situation proves that not the lack of time, but rather the lack of training and education influence the infant deaths . This priority issue, can not be resolved only on the medical area, it is required an involvement in all determinant factors (medical, social, economic, educational) and an adequate financial support.

The evolution of maternal mortality during 2002-2007

Maternal mortality in Romania during 2002-2007						
Indicator	2002	2003	2004	2005	2006	2007

to 1000 live births	0,22	0,30	0,24	0,17	0,15	0,15
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The positive evolution of this phenomenon is, on the one hand, due to the increase of concerns for the part of Ministry of Health for the family planning work, who knows a great step in the recent years and, on the other hand, the intensification of efforts in making records of pregnant women and monitoring the evolution pregnancy. The index of maternal mortality decreases slightly and in 2007 from 0.1549%(for 2006) to 0.1537% for 2007.

The prevention of contagious diseases is an important objective in the national health programs, one of the activities being represented by the national observance of the vaccination schedule and a high vaccine coverage.

During 2007, the total budget allocated to cover the vaccination at different categories of population, was 49. 985 thousand lei, according to the order of the Minister of Public Health and the president NHIH no. 570/116 of 29 March 2007 approving the technical implementation, evaluation and financing of national health programs, the responsibilities in monitoring and control, detailing the activities and sub-indicators specific and sanitary units through which they are carried out in 2007 , estimating to purchase a number of doses of vaccine purchased centrally by 8.5 million / year for achieving the vaccination of 96%.

During 2008, according to the order no. 574/269 of 31 March 2008 approving the technical development of national health in 2008, for the national immunization programs of the population a budget of 18280 thousand lei has been allocated, in order to protect the human health against major diseases preventable by vaccination , a number of 2.5 million doses per year to achieve a vaccination coverage of 96% has been collected.

At school community level, through medical and dental offices preventive and curative care is provided, which has the specific objective of assessing and monitoring the health status of children and young people in community related to environment conditions.

The activities of health promotion and the methods of primary prevention developed, also the insurance of medicines, instruments, sanitary materials, and specific equipment for school cabinets were included in the national public health subprograms and had an allocation budget for the year 2006 of 2950 thousand lei and for 2007 to 10692 thousand lei.

During 2008, according to the common order of the minister of public health and the president of the National House of Health Insurance No. 574/269/2008 for the approval of the technical rules of achieving the national health programs in 2008, the medical component of the scholastic communities was included within the National Plan of Monitoring the Determinant factors from the life and work environment, with a total allocated budget of 6.532 thousand Lei.

B) EDUCATION FIELD

Budget for pre - university	2006 (million lei)	2007 (million lei)	2008 (million lei)
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education		% of NGI		% of NGI		% of NGI
MoERI	9.047,90	3.10	10.132,3	2,5	13.507,2	2,67

- 2. Please inform the Committee on the number of children in psychiatric hospitals for the years 2006, 2007 and 2008 and on the reason for their internment. Please also inform the Committee on the number of reported cases of abuse of children in these institutions and the type of follow up given of these cases.**

In psychiatric hospitals belonging to the Ministry of Health network, medical services for diagnosis and treatment of acute and chronic diseases are provided, with a duration of the treatment between 14 days (acute) and 50 days (chronic diseases) .

During 2006, 10,514 discharges from psychiatric sections in hospitals or clinical emergency for children with ages between 0-14 years and in 2007 were recorded 11. 606 discharges. These statistic data do not represent the total number of children treated in psychiatric hospitals, but the volume of hospitalizations because a child may register for one or more discharge during a calendar year

There were no reported abuses on these patients during hospitalization.

The most common diseases registered in 2006, are as follows (source: CNOASIIDS)

1	Conduct disorders
2.	Slight mental delay
3.	Mental average delay
4.	Serious mental delay
5.	Other disorders of psychological development with no indication
6.	Other behavioral disorders, emotional disorders, in childhood
7.	Schizophrenia
8.	Acute psychotic disorders and transitory
9.	hyperkinetic Disorders
10.	Anxious disorders

Other data are not available at this time.

- 3. Please provide data covering the last three years on the number of children below the age of 2 years who are institutionalized for health reasons. In this respect, please also clarify which authority is in charge of taking the decision on institutionalization and indicate the frequency of the review of their placement.**

Children aged less than 2 years old, dependent on specialized care within residential-type services, which were institutionalized during last 3 years.

YEAR	number of cases that entered the	number of cases that	active cases at the end of the year
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	system		
2006	284	284	241
2007	258	258	210
2008	233	233	200

The authorities responsible with establishing the placement measure are the Child Protection Commission and the court of law.

The Child Protection Commission is establishing the placement measure when the child cannot be left into the care of its parents due to causes non-imputable to them and only if they gave their approval on the institution of the placement measure.

The court of law is establishing the placement measure following the request of the General Direction of Social Assistance and Child Protection for the child which parents are deceased, unknown, deprived of the exercise of parental rights or were enforced the penalty of denial of parental rights, placed under interdiction, declared dead or missing by a court of law, when the legal guardianship cannot be established, for the abused or neglected child and for the child abandoned by her mother in the maternity.

The frequency of special protection measures revision varies from 3 months (20 of the general directions of social assistance and child protection) to 12 months (7 of the general directions of social assistance and child protection).

4. Please provide data covering the last three years on the number of dropouts at primary and secondary level disaggregated by sex, social and ethnic background and geographic location.

<i>School year</i>	<i>Total primary level</i>	<i>Primary level</i>		<i>Primary level</i>		<i>Total Secondary level</i>	<i>Secondary level</i>		<i>Secondary level</i>	
		<i>Rural</i>	<i>Urban</i>	<i>Male</i>	<i>Female</i>		<i>Rural</i>	<i>Urban</i>	<i>Male</i>	<i>Female</i>
<i>2005-2006</i>	<i>1,5</i>	<i>1,6</i>	<i>1,4</i>	<i>1,7</i>	<i>1,3</i>	<i>2,1</i>	<i>2,2</i>	<i>2,0</i>	<i>2,3</i>	<i>1,8</i>
<i>2006-2007</i>	<i>1,7</i>	<i>1,4</i>	<i>2,0</i>	<i>1,9</i>	<i>1,5</i>	<i>2,3</i>	<i>2,3</i>	<i>2,3</i>	<i>2,5</i>	<i>2,1</i>
<i>2007-2008</i>	The National Institute of Statistics, as the official source of data at national level, has not finalized the report on educational issues yet.									

These data were provided by the National Institute of Statistics.

Neither the National Institute of Statistics nor the MoERI collects data disaggregated by geographic location and social and ethnic background.

5. Please provide data covering the last three years on the number of:

- a) persons below 18 who have been tried as adults;
- b) persons below 18 detained in adult penitentiaries;
- c) the number of children below the age of criminal responsibility who enter in conflict with the law

d) reported cases of abuse or ill-treatment of children occurred during the arrest and/or detention of children in conflict with the law as well as the type of follow-up given to these cases.

The National Administration of Penitentiaries has in custody minors sanctioned with an educational measure of internment in a center of reeducation, but also minors to which the courts have pronounced prison terms.

Regarding the number in the past three years in penitentiaries for adults of minors less than 18 years, the situation is the following:

- 31.12.2006 - 540 persons
- 31.12.2007 - 326 persons
- 31.12.2008 - 268 persons
- 28.02.2009 – 264 persons

6. Please provide data covering the last three years on the number of trafficked Children as well as of those involved in sexual exploitation, including prostitution and pornography. In this respect, please provide further information on the type of services specifically available for the recovery and reintegration of victims as well as on the number of children provided with access to these services. Are child victims of exploitation, including those trafficked and used in prostitution, always considered as victims in the criminal justice process?

2006

316 minors, 42 boys and 274 girls (accordingly to the data provided by the General Institute of the Romanian Police). For this year, there is no data regarding the number of the minors, victims of the trafficking for the sexual exploitation.

2007

292 minors, 37 boys and 255 girls (accordingly to the national data-base of the National Agency against Human Trafficking)

222 minors were victims of different forms of sexual exploitation. The main form of children exploitation was the **sexual exploitation, 75%** of the victims aged under 18 being trafficked in this purpose. Also, **35** minors (12%) were forced to practice *begging*, 21 (7%) were *exploited through work*, 5 were *forced to commit stealing*, 6 of them were victims of the exploitation for *pornographic* purposes (2 of them by using the internet). There were also 5 cases in which the exploitation remained in the phase of an attempt.

2008

186 minors, 23 boys and 163 girls (accordingly to the national data-base of the National Agency against Human Trafficking)

140 minors were victims of the sexual exploitation

The protection and assistance for the children that are victims of the human trafficking is being granted by the specialized services within the child protection system, accordingly both to the Law no. 272/2004 regarding the protection and the promotion of children rights, with amendments and the Governmental Decision no. 1295/2004 regarding the National action plan for the prevention and fighting against child trafficking.

The children that are victims of human trafficking are hosted within the Transit Centers administered by the General Directorates of Social Assistance and Child Protection (GDSACP). These centers were created during 2004-2005. Following an analysis made in 2007 by the National Authority for the Protection of Children Rights, regarding the centers functioning efficiency, it was found that 10 of the 12 existent centers are functioning in according to their original purpose.

The children that are victims of the human trafficking are hosted/ assisted/ protected also in emergency placement centers for children that are victims of different abuse types. There is at least one such centre within each GDSACP from the 41 counties of the country, respectively the 6 districts from Bucharest.

When the children cannot be entrusted to their natural family, they are transferred either in placement centers within the GDSACP, or in centers that are managed by nongovernmental organizations, specialized in the child protection domain. There is also the alternative of being placed at a maternal assistant.

The emergency placement centre and the transit centers are financed from the budgets of the county/ local council of the different districts from Bucharest.

The nongovernmental organization "Save the children" is offering assistance to the children that are victims of the abuse, exploitation and trafficking and to their families through the 5 Counseling Centers for the abused, neglected, victims of the human trafficking from Bucarest, Timisoara, Iasi, Suceava and Targu Mures. The budget necessary for the functioning of these centers is entirely supported by "Save the children".

The victims' rights are stipulated and guaranteed according to the Law no. 211/2004 regarding the rights of the victims of the offences and the Law no. 678/2001 for the preventing and combating human trafficking.

The provisions of these laws include the fact that the victims cannot be treated as offenders, cannot be arrested or forced to pay fines. The person being a victim of trafficking, that committed the offence of prostitution or begging as a result of his/her exploitation, cannot be punished for these offences (according to the article 20 from the Law 678/2001).

According to article 70, paragraph 1 from the Governmental Emergency Ordinance no. 105/2001, entering or leaving the country by illegally passing the frontier constitutes an offence and is punished with imprisonment from 3 months to 2 years, but within the same article, paragraph 4 stipulates that when the offence mentioned by the first paragraph is committed by a victim of human trafficking, it is not punished.