



Universal Periodic Review – CSO submission to the 43rd session – Romania

Recommendation to Romania Third cycle of the UPR

The following are the recommendations from the third cycle of the UPR on Romania (A/HRC/38/6 2018), that focus specifically on inclusive education, deinstitutionalisation, and child protection system reform. Each of the recommendations were supported by the State Under Review.

114.138 Take all necessary measures to ensure accessible, inclusive, high-quality education for all children without discrimination of any kind, including for minorities such as Roma and those in a vulnerable position (Finland). **Supported**

114.158 Improve effective implementation of the Deinstitutionalization Plan for Children in Residential Care and Ensuring their Transition to Community-based Care, with particular focus on prevention of institutionalization of children under the age of 3 (Montenegro). **Supported**

114.159 Implement the Deinstitutionalization Plan for Children in Residential Care and Ensuring their Transition to Community-based Care and put in place a strong monitoring system (Albania). **Supported**

114.160 Take further steps for the implementation of the 2016 Deinstitutionalization Plan for Children in Residential Care and Ensuring their Transition to Community-Based Care and expedite measures to broaden inclusive education for children with disabilities (Bulgaria). **Supported**

114.168 Adopt specific measures to reduce the exposure of children to the risk of poverty (Portugal). **Supported**

114.169 Take the necessary measures to fight the poverty and social exclusion of children (Algeria). **Supported**

UNCRC concluding observations

The following concluding observations relating to child protection system reform, alternative care and inclusive education were raised by the UN Committee on the Rights of the Child (CRC/C/ROU/CO/5, 2017), during its most recent session on Romania.

29 (a) Establish a system of individual assessments and look for solutions that are in the best interests of the individual child.

(b) Implement the Deinstitutionalization Plan for Children in Residential Care and Ensuring their Transition to Community-Based Care (2016) and put a strong monitoring system in place, and expedite placement in family-based care.

(c) Ensure adequate safeguards and clear criteria, particularly for Roma children and children with disabilities, based on the needs and best interests of the child, for determining whether a child should be placed in alternative care.

(d) Ensure periodic review of the placement of children in residential care and institutions and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children.

(e) Ensure that adequate human, technical and financial resources are allocated to residential care centres and relevant child protection services to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible.

(f) Increase coordination of all interventions at the local level to develop prevention, early identification and intervention.

(g) Support and monitor regular and appropriate contact between the child and his or her family, provided that this is consistent with the child's best interests.

(h) Strengthen support to children leaving care, including those with disabilities, to enable them to reintegrate into society by providing access to adequate housing, legal, health and social services as well as educational and vocational training opportunities.

32 (d) Set up comprehensive measures to develop inclusive education and ensure that children with disabilities are not placed in specialized institutions and classes.

This CSO submission deals the following issues:

Rights of the Child,

B31 Equality & non-discrimination,

B32 Racial discrimination,

F4 Persons with disabilities,

F31 Children: definition; general principles; protection,

F32 Children: family environment and alternative care,

G1 Members of minorities,

S01 SDG 1 – poverty,

S10 SDG 10 - inequality.

Introduction

Up to 1990, the child protection system in Romania was based solely on institutions with no alternative services available and no prevention programmes for family breakdown. It is estimated that at the beginning of 1990 there were over 600 institutions in Romania, with around 100,000 children in them.¹ **There are still more than 3,000 children left in around 130 institutions, with around 2,300 of them with some form of disability.**

Domestic legal framework

- The law regulating child protection and the childcare system is Law 272/2004, with subsequent modifications and re-publications (last revision 2020).
- National Strategy for the Promotion and protection of Children's Rights (2014-2020)².
- Laws 273/2004 – regarding adoptions (revised and updated in 2019 and then in 2020, with the latest additions being enforced starting with March 2021)
- Law 95/2014 regarding the cooperation between the Child Protection Directorates and the local child protection agencies.
- Law 217/2003 for preventing and combating domestic violence, with subsequent modifications and additions, Government's Decision 49 from January 19, 2001, regarding the approval of the methodology for the prevention and multidisciplinary intervention in situations of domestic violence and violence on children and of the multidisciplinary and inter-institutional intervention regarding children.

Current provision of alternative care

- There are currently 130 institutions in Romania, with 3,477 children³
- 71 institutions, of which house 2354 children with disabilities.
- In residential family-type care there are 12,890 children⁴.
- The foster network includes 17,187 children, this accounting for around 37.7% of the total number of children in state care.⁵
- While another 16786 in are kinship care.

National deinstitutionalisation plans

During the past seven years, the Romanian Government has made deinstitutionalisation a priority. The Government issued a decision that stipulates that by the end of 2020, all 'old-type' institutions need to be closed or need to have a

¹ M. Stanescu, V. Grigoras, E. Tesliuc, P. Voichita, Romania – copiii din sistemul de protective a copilului – 2014, Bucuresti: Alpha MDN, 2016, accessed online at <https://www.unicef.org/romania/media/1981/file/Copiii%20din%20sistemul%20de%20protectie%20a%20copilului%20-%202014.pdf>

² A new strategy which is currently being discussed and produced by the Romanian Government and its second draft will be made available by the end of 2021

³ Data available at: http://www.mmuncii.ro/j33/images/buletin_statistic/copil_2021.pdf and available by the end of Q4 2021

⁴ Ibidem

⁵ Ibidem

closure programme⁶. While all these are positive developments, the actual closure of institutions is still slow, since there are no/insufficient county budgets allocated in this respect. A compounding factor is that it is more difficult for the authorities to close institutions for children with disabilities.

From January 1, 2021, Romanian domestic law forbids the institutionalisation of children under the age of three, without exception. Also, for children aged 3-7, apart from children with disabilities and those requiring recuperation services not provided by other types of services.⁷ At the same time, we must note that over the past seven years, the institutions for children under the age of three were closed down and that there is no such institution remaining in Romania. Experience shows that there are still children aged 3-7 placed in institutions based on disability and in many cases, this can be avoided, with adequate community-based support.

Inclusive education

The Law on Education stipulates that there are three types of education for children with disabilities: special schools, special classes in mainstream schools and *'children with special needs integrated in mainstream classes'*, with support teachers. The latter is very difficult to translate into practice due to the lack of support teachers but also due the fact that teachers (and sometimes parents of children) do not accept children with disabilities in their class. In most instances, children with disabilities are still attending *'special schools'* (which operate alongside institutions), and the school results of these children are extremely poor. Most often, they stop after high school, but even at this level, their academic performance is very low.

Roma

According to data cited by the European Commission, approximately 1.85 million Roma live in Romania (8.32% of the population).⁸ The Government of Romania do not keep data disaggregated by ethnicity on children in alternative care. According to research by the European Roma Rights Centre in 2021, *"From those institutions that actually acknowledge that they hold statistics based on ethnic criteria, the average of children officially registered as Roma came to 30%. At the other end of the scale, social workers, families, and NGOs estimated that as much as 75% of all children in care were of Romani origin"*.⁹ Poverty is cited as the main factor for removals of Romani children according to the same report.

Current provision of preventative services

The number of prevention services has slightly, but constantly, increased over the past seven years, but the number of children who benefitted from these services remained approximately the same (around 55,000 to 65,000).¹⁰ This seems to be the limit of the child protection system in terms of preventing family separation, while poverty and the number of children at risk of family separation increased, because of the COVID-19 pandemic. It is estimated that with the current surge in prices (fuelled by one of the highest rates of inflation during the past 10 years), the number of vulnerable families will further increase. While there are certain measures taken by the government to protect vulnerable families from inflation, there are many families who fall through the cracks of the system and become even more vulnerable and exposed to risk of breakdown.

⁶ Due to the pandemic and the challenges brought by this period, the deadline has been extended until the end of October 2022.

⁷ Romanian Parliament, *Law no. 272 from June 24, 2004 (republished), regarding the protection and promotion of children's rights*, Bucharest: Official Gazette no 159/March 5, 2014, available online at <http://legislatie.just.ro/Public/DetaliuDocument/156097>

⁸ European Commission, *Roma inclusion in Romania; Facts and Figures*. Available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/roma-eu/roma-inclusion-eucountry/roma-inclusion-romania_en.

⁹ http://www.errc.org/uploads/upload_en/file/5284_file1_blighted-lives-romani-children-in-state-care.pdf p. 63

¹⁰ Data available at: http://www.mmuncii.ro/33/images/buletin_statistic/copil_2021.pdf and available by the end of Q4 2021

Support for leaving care

According to law, each child in care has an Individualised Protection Plan (which shows the long-term solution aimed for the child – inter alia; family reintegration, foster care, transition into independent living) and a Specific Intervention Programme, (which presents the activities to be carried out to achieve the result of the Individualised Protection Plan). Once these are respected, each child will be adequately prepared to leave the care system. Practice shows that while these tools are used, they are not used and applied in a standardized manner and the children do not get consistent support while in state care. There are many instances when they do not have well developed independent living skills and they cannot face the challenges of an adult life in community. A study published in 2020 shows that the 46,5% of the young care-leavers are not in employment education or training, compared to 22.3% of young adults from families. At the same time, the poverty and deprivation rate among the young care-leavers is almost double than for young adults coming from families.¹¹ Although the Government has increased the financial allocation for the young care-leavers (they receive three times the national minimum gross income upon leaving care), they still face important challenges. In terms of social housing and accommodation, Romania does not have a relevant law. Romania has one of the lowest ratios of social housing in the EU, with an average rate of social accommodation around 2%, whereas the European average is around 30%.¹² This makes access of the young care-leavers to social housing virtually impossible.

¹¹ A. Toth, D. Mita, Studiu privind situația tinerilor care părăsesc sistemul de protecție specială din România, raport de cercetare iunie 2020, București, 2020, pp. 52-53, available online at <http://andpdca.gov.ro/wp-content/uploads/2020/07/Studiu-tineri-iesiti-web-final-0907.pdf>

¹² Data available at <https://legestart.ro/proiect-locuinte-sociale/>

Recommendations

- **Close all remaining institutions, ensuring their transition to community-based care, with particular focus on prevention of institutionalisation of all children with disabilities and those from ethnic backgrounds.** B31 Equality & non-discrimination, B32 Racial discrimination, F31 Children: definition; general principles; protection, F32 Children: family environment and alternative care, F4 Persons with disabilities, G1 Members of minorities, and S01 SDG 1 – poverty.
- **Significantly invest in services to support the prevention of family breakdown and support for young adults leaving care.** F31 Children: definition; general principles; protection, F32 Children: family environment and alternative care, F4 Persons with disabilities, S01 SDG 1 – poverty, and S10 SDG 10 - inequality.
- **Address the issue of poverty (and extreme poverty) and social exclusion in a coordinated and integrated manner, in particular for children with disabilities and those with an ethnic background.** B31 Equality & non-discrimination, B32 Racial discrimination, F31 Children: definition; general principles; protection; F32 Children: family environment and alternative care, F4 Persons with disabilities, G1 Members of minorities, S01 SDG 1 – poverty, and S10 SDG 10 - inequality.
- **Take all necessary measures to ensure accessible, inclusive, high-quality education for all children without discrimination of any kind, including for minorities such as Roma and those in a vulnerable position.** B31 Equality & non-discrimination, B32 Racial discrimination, F32 Children: family environment and alternative care, F4 Persons with disabilities, S01 SDG 1 – poverty, G1 Members of minorities, and S04 SDG 4 – education.
- **Strengthen the legal framework, ensure the participation of children in the decision-making process and the monitoring of the way laws are created and implemented, as well as in all the decisions that affect their daily lives in alternative care.** F31 Children: definition; general principles; protection. F31 Children: definition; F32 Children: family environment and alternative care, F4 Persons with disabilities and S01 SDG 1 – poverty.

Hope and Homes for Children is a global expert in the field of deinstitutionalisation. Our mission is to be the catalyst for the eradication of institutional care across the world. We work to protect children from the harmful effects of institutional care and to ensure they have the opportunity to grow up in a secure and caring family environment and to fulfil their potential. Working in partnership with governments and civil society organisations, our model is creating the conditions for long-term reform.

Since 1994, Hope and Homes for Children has been working to stop the institutionalisation of children. We're 200 people, in multiple countries, inspiring organisations, including the UN, EU and governments around the world, to close the doors of orphanages forever. Instead, we fight for every child to feel the love and belonging of a safe family home. As challenges get tougher, we work harder – with children, for children. Our care reform specialists set up community-based family support services. Our policy experts promote stronger child protection laws. And our skilled social workers work directly with children to keep families together, to reunite them, and to nurture new ones. Through national reform, we inspire global action. And we'll continue. Transforming the system. Consigning orphanages to history. Until every child, everywhere, has the chance to thrive in a strong, supported family.

Hope and Homes for Children is:

Registered on the Transparency Register of the European Union, Identification number: 035163533684-92

Organization in special consultative status with the United Nations Economic and Social Council since 2019.

An NGO in participatory status with the Council of Europe as of 2021.

Head office

East Clyffe, Salisbury,
Wiltshire SP3 4LZ, UK

Email

UNREP@hopeandhomes.org

Phone

+44 (0) 1722 790111