

Mapping child protection systems in the EU (27)

Romania

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1. Legislative and regulatory framework and policies

1.1. Overview of normative and regulatory framework

Please provide an overview of the normative legal and regulatory framework of the national and sub-national child protection system. Include information on the scope of the child protection system, the specific needs it addresses, the human and financial resources allocated, and any relevant cultural, social, and historical factors. Please indicate the current priority areas in child protection.

In Romania, prior to 1989, the child protection system consisted mainly in residential institutions, which accommodated children whose parents had abandoned or were unable to raise them. The communist regime had consistently encouraged child birth, including by placing a ban on abortions which lead to a high number of unwanted pregnancies and children left in state care.¹ After 1989, the child protection system changed considerably, taking a more children's rights-based approach and focusing on closing large institutions.²

In terms of general cultural norms and practices, childcare is unevenly distributed between women and men, for example, in 2021, 61 % of women and 16 % of men reported taking care of and supervising children aged 0–11 completely or mostly by themselves, the care gap being one of the highest in the EU, whilst Romania ranks 26th in the EU on the Gender Equality Index.³ Also, physical violence as a form of punishment is still highly prevalent, with 21% of parents that consider this to be an acceptable form of punishment and 46% of children saying they receive such punishments from their parents.⁴

A fundamental reform of the child protection system took place in 1997, when the Government Emergency Ordinance no. 26 was adopted.⁵ The responsibility for providing services to children was delegated to the local (county) authorities,⁶ and the local Child Protection Departments (*Directia pentru Protectia Copilului, DPC*) and Child Protection Commissions (*Comisia pentru Protectia Copilului, CPC*), functioning at county level, were created.⁷

¹ Romania, Decree no. 770/1966 to regulate pregnancy termination (*Decretul nr. 770/1966 pentru reglementarea intreruperii cursului sarcinii*), 1 October 1966.

² Information available on the web-site of the National Authority for the Protection of the Rights of the Child and Adoption copii.gov.ro All hyperlinks were last accessed at 1 March 2023.

³ European Institute for Gender Equality, 2022 Gender Equality Index, [link](#).

⁴ Save the Children Romania, Study on violence against children (*Studiu privind incidența violenței asupra copiilor*), December 2021, p. 8.

⁵ Romania, Government Emergency Ordinance no. 26/1997 concerning the protection of the child in need ([OUG nr. 26/1997 privind protectia copilului aflat in dificultate](#)), 9 June 1997.

⁶ Romania, Government Emergency Ordinance no. 26/1997 concerning the protection of the child in need ([OUG nr. 26/1997 privind protectia copilului aflat in dificultate](#)), 9 June 1997, Art. 3.

⁷ Romania, Government Emergency Ordinance no. 26/1997 concerning the protection of the child in need ([OUG nr. 26/1997 privind protectia copilului aflat in dificultate](#)), 9 June 1997, Art. 4.

Currently, the child protection system is governed mainly by Law no. 272/2004 which ensures the legal framework on children's rights.⁸ The overall child protection system is under the authority and coordination of the National Authority for the Protection of Children's Rights and Adoption (*Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție, ANPDCA*)⁹ and at the local level general divisions of social assistance and child protection (*Direcțiile Generale de Asistență Socială și Protecție a Copilului, DGASPC*) ensure the implementation of social policies in the field of child protection as well.¹⁰ They also oversee the work of social service providers which are both state and private actors, including NGOs.¹¹

Romania had a strategy on the rights of the child for 2014-2020¹² and drafted a new strategy for 2022-2027, not adopted so far. The proposed strategy prioritizes activities targeting child poverty, access to education and health services.¹³

The child protection system is publicly funded with central and local funds. Still, one of the main struggles of the child protection system is general underfunding, with Romania spending considerably less than most EU countries on education, health and social protection as acknowledged in official documents.¹⁴

⁸ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([*Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului*](#)), 5 March 2014.

⁹ Romania (2021) Emergency Ordinance no. 121 of 25 November 2021 regarding the establishment of measures at the level of the central public administration and for the modification and completion of some normative acts ([*Ordonanță de Urgență nr. 121 din 25 noiembrie 2021 privind stabilirea unor măsuri la nivelul administrației publice centrale și pentru modificarea și completarea unor acte normative*](#)), 25 November 2021, Art. 4.

¹⁰ Romania (2017) Government Decision no. 797 of 8 November 2017 on the framework regulations for the organization and operation of public social assistance services and the indicative personnel structure ([*Hotărâre nr. 797 din 8 noiembrie 2017 pentru aprobarea regulamentelor-cadru de organizare și funcționare ale serviciilor publice de asistență socială și a structurii orientative de personal*](#)) 8 November 2017.

¹¹ Romania (2012) Law no. 197 of 1 November 2012 regarding quality assurance in the field of social services ([*Lege nr. 197 din 1 noiembrie 2012 privind asigurarea calității în domeniul serviciilor sociale*](#)) 1 November 2012.

¹² Romania (2014) National strategy on children rights for 2014-2020 ([*Strategie națională pentru protecția și promovarea drepturilor copilului pentru perioada 2014-2020, din 12 decembrie 2014*](#)) 15 January 2015.

¹³ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([*Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027*](#)).

¹⁴ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([*Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027*](#)).

1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection

Question	YES	NO	Comments
1.2.1. Does the constitution contain any provisions on children's rights and child protection?	x		<p>Article 49 from the Romanian Constitution establishes that children and youth are entitled to protection and assistance, including social assistance and safeguards against exploitation.¹⁵</p> <p><i>ARTICLE 49</i> <i>Protection of children and young people</i></p> <p><i>(1) Children and young people shall enjoy special protection and assistance in the pursuit of their rights.</i></p> <p><i>(2) The State shall grant allowances for children and benefits for the care of ill or disabled children. Other forms of social protection for children and young people shall be established by law.</i></p> <p><i>(3) The exploitation of minors, their employment in activities that might be harmful to their health, or morals, or might endanger their life and normal development are prohibited.</i></p> <p><i>(4) Minors under the age of fifteen may not be employed for any paid labour.</i></p> <p><i>(5) The public authorities are bound to contribute to secure the conditions for the free participation of young people in the political, social, economic, cultural and sporting life of the country.</i></p>
1.2.2. Is there a single legal instrument devoted to child protection and child rights, e.g. a Children's Act?	x		<p>Law no. 272/2004 (<i>Legea 272/2004 privind protecția și promovarea drepturilor copilului</i>), republished in 2014.¹⁶</p>

¹⁵ [Romanian constitution](#) from 21 November 1991, as it was amended and republished on 31 October 2003, with an unofficial English translation available on the presidency's website at [link](#)

¹⁶ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights (*Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului*), 5 March 2014, unofficial translation of older version of the law available at [link](#).

1.2.3. Please provide an inventory of key child protection related legislation, including hyperlinks, date of adoption and the areas covered. Please include civil, criminal, and administrative legislation covering different areas of child protection (please add rows, as needed).

Legislation	Date passed	Child protection areas covered
Romania, Law no. 272/2004 on the protection and promotion of children's rights (Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului)	5 March 2004 (republished on 5 March 2014)	This is the main legal text on children's rights. It has provisions on civil rights, family and alternative care, health and safety, education, the situation of lost children, placement in institutions and foster care, asylum seekers, children accused of crimes, safeguards against abuse and neglect of children.
Romania, Law no. 286/2009 on the Criminal Code (Legea nr. 286/2009 privind Codul Penal din 17 iulie 2009)	24 July 2009	Establishes the main crimes against children including trafficking, abuse and sexual offences.
Romania, Law no. 135/2010 on the Criminal Procedure Code of July 1, 2010, in force from 1 February 2014 (Legea nr. 135/2010 privind Codul de Procedură Penală din 1 iulie 2010),	15 July 2010	Establishes the main procedural rules applicable to child offenders and to children who are victims or witnesses of crimes.
Romania, Law no. 1 of 5 January 2011 on the national education system (Legea educației naționale nr. 1 din 5 ianuarie 2011)	10 January 2011	Establishes the main rules on access to education for children
Romania, Law no. 287/2009 on the Civil Code of 17 July 2009 (Legea nr. 287/2009 privind Codul Civil din 17 iulie 2009)	15 July 2011 (republished on 1 October 2011)	Establishes the general framework of children's rights, the child autonomy and representation including guardianship arrangement.
Romania, Law no. 273/2004 concerning adoption (Legea nr. 273/2004 privind procedura adopției), 21 June 2004.	23 September 2016 (most recently republished on 23 September 2016)	Specifying the rules on adoption
Romania, Law no. 35 of 13 March 1997 regarding the organization and operation of the People's Advocate (Legea nr. 35 din 13 martie 1997 privind organizarea și	13 March 1997 (most recently republished on 27	Norms regulating the People's Advocate activity, including the child's ombudsperson.

<u>functionarea instituției Avocatul Poporului</u>)	February 2018)	
Romania, Law no. 53 of 24 January 2003 on the Labour Code (<u>Codul Muncii din 24 ianuarie 2003</u>)	24 January 2003 (republished on 18 Mai 2011)	Establishes provisions for setting the age at which a child can be considered fit for work, along with specific regulations regarding their employment. By defining these parameters, the law ensures that children are protected from engaging in work that could be detrimental to their well-being, education, and overall development.
Romania, Law no. 217 of 22 May 2003 on preventing and combating family violence (<u>Legea nr. 217/2003 pentru prevenirea și combaterea violenței domestice</u>)	22 May 2003 (republished on 15 October 2020)	The law acknowledges the victim status of children who witness incidents of domestic violence and includes provisions intended to safeguard them from such occurrences.
Romania, Law no. 678 of 21 November 2001 on preventing and combating trafficking in human beings (<u>Legea nr. 678/ 2001 privind prevenirea și combaterea traficului de persoane</u>)	21 November 2001	The law establishes, among others, special procedural provisions for cases related to child trafficking, child pornography, and other offenses involving minor victims.
Romania, Law no. 292 of 20 December 2011 on social assistance (<u>Legea asistentei sociale nr. 292 / 2011</u>)	20 December 2011	The law establishes rules regarding, among other things, the social assistance provided to children and families. The law encompasses various aspects of social support, including child protection, family support, and measures to prevent and address social vulnerability. It outlines the rights and entitlements of individuals and families in need, the responsibilities of social service providers, and the mechanisms for accessing and delivering social assistance.
Romania, Law no. 156 of 30 May 2023 regarding the organization of activities for the prevention of child separation from the family (<u>Legea nr.156/2023 privind organizarea activității de prevenire a separării copilului de familie</u>)	30 May 2023	The law establishes a framework for the organization and implementation of activities aimed at preventing the separation of children from their families. It emphasizes the importance of providing support and assistance to families in need, with the ultimate goal of ensuring that children can grow and develop within a safe and nurturing family environment.
Romania, Emergency Ordinance no. 194 of 12 December 2002 regarding the regime of foreigners in Romania (<u>Ordonanță de Urgență nr. 194/ 2002 privind regimul străinilor în România</u>)	12 December 2002 (republished on 5 iunie 2008)	The normative act regulates the entry, stay, and departure of foreigners in Romania, including minors.

1.3. Policy framework

Question	YES	NO	Comments
1.3.1. Is there a specific national or sub-national policy framework and/or a national or sub-national strategy on child rights and/or child protection? If yes, does it require an integrated approach to child protection?	x		Romania has a national strategy on children rights for 2014-2020 . ¹⁷ The strategy has a holistic and integrated approach by all state institutions and authorities. The evaluation report of how the strategy was implemented, was published in May 2021. A new Strategy for 2022-2027 is under debate since 6 May 2022. ¹⁸
1.3.2. Are there national or sub-national plans for action or policies targeting specific groups of children or particular areas, e.g. children with disabilities, children in care?	x		Romania has a national strategy on reducing poverty for 2022-2027 Which also addresses children as a particularly vulnerable group, especially children with disabilities, children who are abandoned, abused or exploited and children who commit criminal offences. ¹⁹ On 5 May April 2022, the Government of Romania's Strategy of inclusion of Romanian citizens belonging to Roma minority for 2022-2027 entered into force which, among other aspects, deals with access to education of Roma children. ²⁰ The National strategy on the rights of persons with disabilities for 2022-2027 also deals with

¹⁷ Romania (2014) National strategy on children rights for 2014-2020 ([Strategie națională pentru protecția și promovarea drepturilor copilului pentru perioada 2014-2020, din 12 decembrie 2014](#)) 15 January 2015.

¹⁸ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)).

¹⁹ Romania, National strategy on social inclusion and reduction of poverty for 2022 – 2027 ([Strategia Națională din 30 martie 2022 privind incluziunea socială și reducerea sărăciei pentru perioada 2022-2027](#)) adopted on 30 March 2022.

²⁰ Romania (2022) Government of Romania's strategy of inclusion of Romanian citizens belonging to Roma minority for the period 2022-2027 ([Strategia Guvernului României de incluziune a cetățenilor români aparținând minorității rome pentru perioada 2022-2027](#)), adopted on 28 April 2022, published in the Official Journal No. 450bis of 5 May 2022.

			children with disabilities and children with special learning needs. ²¹
1.3.3. Are there national or sub-national child protection policies regarding children in the digital space and when using online media?	x		<p>There is no law, strategy or policy dealing specifically with children safety in the digital space.²²</p> <p>There are however several guides and resources available on the topic. The Romanian Ministry for Communications and Information Society (<i>Ministerul Comunicațiilor și Societății Informaționale</i>) developed a guide on child safety in the digital space describing specific risks and safety tips for children.²³</p> <p>Save the Children developed a platform with resources for children and students which includes a comprehensive guide on how to safely use the internet.</p> <p>The Romanian Minister for Family, Youth and Equality of Chances (<i>Ministerul Familiei, Tineretului și Egalității de Șanse</i>) also declared on 8 February 2022 that the Ministry is working on a bill on child safety online.²⁴ The draft is not yet public.</p> <p>In 2020, the Ministry of Education developed the Strategy for Digitization of Education in Romania 2021-2027 SMART-Edu, which has been put up for public debate, without ever being approved and which had a chapter on cyber security, data protection, online safety and IT ethics for children and which would seek among other things to reduce the risks related</p>

²¹ Romania (2022) The National strategy on the rights of persons with disabilities: ‘An equitable Romania’, 2022-2027 (*Strategie Națională din 6 aprilie 2022 privind drepturile persoanelor cu dizabilități "O Românie echitabilă" 2022-2027*) adopted on 6 April 2022.

²² As confirmed through desk research.

²³ Romania, Ministry for Communications and Information Society (*Ministerul Comunicațiilor și Societății Informaționale*) [website](#).

²⁴ Romania, Minister for Family, Youth and Equality of Chances (*Ministerul Familiei, Tineretului și Egalității de Șanse*) [press release from 8 February 2022](#).

			to the use of the environment online (cyberbullying, grooming, phishing); the development of thematic information materials related to cyber security, personal data protection, online safety and IT ethics; development of an infrastructure capable of supporting/facilitating the achievement of cyber security. ²⁵ The 97 page document mentions briefly sexual abuse of children, recognizing that children can be exposed to sexual exploitation online (p. 88) and proposing a national program in all educational institutions in Romania, regarding the protection of internet users addressed, mainly, to primary and secondary school pupils. ²⁶
1.3.4. Is there a (regular) child participation policy and/or mechanism and/or body related to child rights and/or other child-related governance at national or sub-national level to ensure children have a (direct) voice in or can indirectly influence policy making, e.g. children's rights forum, child surveys, child participation platform? <u>If yes, are appropriate child protection and safety measures in place?</u>	x		There are several structures in place which allow consultations of youth in developing youth-related policies. The Ministry for Youth and Sport (<i>Ministerul Tineretului și Sportului</i>) established a National Council for Youth (<i>Consiliul Național pentru Tineret</i>) which is a body, made up of representatives of youth associations, that is consulted by the ministry in developing and implementing youth related policies. ²⁷ The Economic and Social Committee (<i>Comitetul Economic și Social</i>), according to its website , has on board representatives of youth organisations, namely, The Romanian Youth Council Federation (<i>Federația Consiliului Tineretului din România</i>) and National Alliance of Students Associations (<i>Alianța Națională a Organizațiilor Studențești din România</i>) together with the Federation of Children NGOs (<i>the Federația Organizațiilor Neguvernamentale pentru</i>

²⁵ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p 51.

²⁶ Romanian Ministry of education, The Strategy Concerning the Digitization of Education in Romania SMART-Edu ([Strategia Privind Digitalizarea Educației din România](#)) pages 88 and 94

²⁷ Romania (2020) Order 971 of the Ministry for Youth and Sport on the organization and functioning of the National Council for Youth ([Ordin 971 din 20.08.2020 privind organizarea și funcționarea Consiliului Național pentru Tineret](#)) adopted on 20 August 2020.

			<p><i>Copil</i>). The Economic and Social Committee is consulted and needs to give its opinion on draft laws developed in several areas including those relating to human rights, youth policies and education.²⁸</p> <p>According to the Education Law students are also part of several consultative bodies and students at all levels of education should have representatives in</p>
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²⁸ Romania (2013) Law no. 248 from 19 July 2013 on the organization and functioning of the Economic and Social Council ([*Lege nr. 248 din 19 iulie 2013 privind organizarea și funcționarea Consiliului Economic și Social*](#)) 19 July 2013.

		<p>the governing bodies of the education instructions.²⁹</p> <p>Despite these policies, a study done by World Vision in 2021 shows that 54% of children say they were never consulted in decision-making processes that affect them, only 2% say they were consulted by public authorities in the previous year and only 30% of children say their ideas were listened to and applied.³⁰</p>
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1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection

Please report on any significant developments in the last five years and comment briefly.

When answering you should consider all relevant civil, criminal, and administrative legislation, including regulations, ordinances, codes, ministerial decisions. On policy developments please include any relevant action plan, protocol, procedure, or guidance issued by competent authorities. Please always specify how children's participation in any respective judicial (civil, criminal, and administrative) proceedings are regulated and supported (e.g. procedural safeguards to be in place, ensuring children's right to be heard).

1.4.1. Children victims of abuse, exploitation, or neglect

In the areas of online and offline sexual abuse, pornography, exploitation and child labour, trafficking; domestic violence and gender-based violence including harmful practices, such as genital mutilation, child/forced marriage, honour-related violence; abuse or discrimination; ICT and cyber bullying; school bullying; neglect and children at risk of abuse and neglect, including street children (begging or selling things)

Policy developments	Legislative developments
The Romanian Government set up a national phone number where anyone can call to report and prevent cases of abuse, exploitation, neglect and forms of violence against children, with an operator	The Romanian Criminal Code was modified several times with respect to crimes affecting children. ³⁸ The statute of limitation for exploitation of children (other than slavery, trafficking in underage persons or pimping), sexual crimes against children (other than rape, sexual assault or sexual intercourse with a minor) and child pornography only starts running

²⁹ Romania (2011) Law no. 1 of 5 January 2011 on national education system ([Legea educației naționale nr. 1 din 5 ianuarie 2011](#)) 5 January 2011

³⁰ World Vision (2021) Study on the participation of children in decision making processes that affect them ([Studiul privind Participarea Copiilor la deciziile care îi privesc](#)).

³⁸ Romania (2009) Law no. 286/2009 on the Criminal Code ([Legea nr. 286/2009 privind Codul Penal din 17 iulie 2009](#)) 24 July 2009.

office established in all 47 DGASPCs to service these calls.³¹

The national strategy against trafficking 2018-2022 also deals specifically with children trafficking, who account for almost 40% of all trafficking victims.³²

The UN Human Rights Committee expressed “concern about child labour, particularly in agriculture, construction and at home, child begging in the streets and sexual exploitation of children.”³³

Also, the Committee on the Elimination of Discrimination against Women criticized “the lack of measures taken to prevent harmful practices in relation to child marriages concluded illegally and under the legal exceptions to the age of 18 years.”³⁴

once the victim turns 18, or, if the victim dies before turning 18, the statute of limitation starts running from the moment of death.³⁹ Also, the statute of limitation was removed all together for the crimes of rape, sexual assault, sexual intercourse with a minor, trafficking of minors as well as other crimes.⁴⁰

The sentences for sexual crimes against children and for exploitation of children were increased.⁴¹

In July 2023 significant changes were made to existing criminal legislation, changes which will produce effect from 1st of January 2024 and which would include a new crime, rape of a minor, which would qualify sexual acts committed against children younger than 16 as rape, except for the situation in which the age difference between the two is lower than 5.⁴² Currently sexual acts with children younger than 16 can be qualified as

³¹ Romania, National Authority for the Protection of Children's Rights and Adoption, [press-release](#) from 5 January 2022.

³² Romania (2018) National Strategy of 31 October 2018 against human trafficking for the period 2018-2022 ([Strategie Națională din 31 octombrie 2018 împotriva traficului de persoane pentru perioada 2018-2022](#)) 9 November 2018.

³³ UN Human Rights Committee, [Concluding observations on the fifth periodic report of Romania](#), 11 December 2017, p 6.

³⁴ Committee on the Elimination of Discrimination against Women, [Concluding observations on the combined seventh and eighth periodic reports of Romania](#), 24 July 2017, p 5.

³⁹ Romania (2021) Law no. 186/2021 modifying Law no. 286/2009 on the Criminal Code ([Lege nr. 186 din 1 iulie 2021 pentru modificarea și completarea Legii nr. 286/2009 privind Codul penal](#)) 2 July 2021.

⁴⁰ Romania (2021) Law no. 186/2021 modifying the Criminal Code ([Lege nr. 186 din 1 iulie 2021 pentru modificarea și completarea Legii nr. 286/2009 privind Codul penal](#)) 2 July 2021.

⁴¹ Romania (2020) Law no. 217/2020 amending Law no. 286/2009 regarding the Criminal Code, as well as for Law no. 135/2010 regarding the Criminal Procedure Code ([Lege nr. 217 din 29 octombrie 2020 pentru modificarea și completarea Legii nr. 286/2009 privind Codul penal, precum și pentru modificarea art. 223 alin. \(2\) din Legea nr. 135/2010 privind Codul de procedură penală](#)) 30 October 2020.

⁴² Romania, Law no. 217 of 10 July 2023 for the amendment and completion of Law no. 286/2009 regarding the Criminal Code, of Law no. 135/2010 regarding the Criminal Procedure Code, as well as the Audiovisual Law no. 504/2002 ([Lege nr. 217 din 10 iulie 2023 pentru modificarea și completarea Legii nr. 286/2009 privind Codul penal, a Legii nr. 135/2010 privind Codul de procedură penală, precum și a Legii audiovizualului nr. 504/2002](#)) 11 July 2023

There is a draft law in the Romanian Parliament (rejected by the Senate, now under debate before the Chamber of Deputies) which would set up an electronic database of pregnant children, establishing that child protection services should be informed whenever someone younger than 18 is pregnant and that the police should be alerted whenever there is reason to believe the pregnancy resulted from abuse, as for example whenever there is a significant age difference between the partners.³⁵

According to data from the 2023 European Social Charter report on Romania „the number of homeless children decreased between 2014 and 2019, from 695 to 559 cases, with the biggest decrease is for the children working on the streets and returning to their families in the evening - from 336 cases in 2014 to 221 cases in 2019. A decrease is also observed for the children living on the streets with their families, from 194 cases to 127. However, there is an increase in the number of children living on the street without a family, from 165 cases to 211.”³⁶

In 2022 the Romanian Ministry of Justice signed a new collaboration protocol with the Ministry of Education, the Superior Council of Magistracy, the High Court of Cassation and Justice, the Prosecutor's Office attached to the High Court of

aggravated rape or as sexual acts with a minor, and existing research has shown that courts tend to treat sexual acts with children as young as 11 or 12 as sexual acts with minors and not rape, and the amendments seeks to close this loophole.⁴³

Moreover, the new amendments which will enter into force from 1 January 2024 include, a special provision for sexual assault committed against a minor, incriminating the acts of inciting a minor younger than 16, through remote means, electronic communication, or social networks, to engage in any sexual act, whilst the offense of child pornography has been amended by including a new provision that states that the act of an adult soliciting a minor to record, produce, distribute, exhibit, or transmit through any means, including electronic communications or social networks, images, videos, or other pornographic materials depicting that specific minor engaging in explicit sexual behaviour shall be punished with imprisonment ranging from six months to three years.⁴⁴

A National Mechanism for Preventing Crimes was established under the National Agency for the Management of Seized Assets, and it is meant, among other things, to facilitate access to funds for victims of crimes and for services meant for victims

³⁵ Romania, Legislative proposal no. 742/2022 for the establishment of the National Register of pregnant women and minor mothers, as well as for the amendment and completion of Law no. 272/2004 on the protection and promotion of children's rights (*Propunere legislativă pentru înființarea Registrului național al gravidelor și mamelor minore, precum și pentru modificarea și completarea Legii nr.272/2004 privind protecția și promovarea drepturilor copilului*).

³⁶ European Social Charter, 22nd [National Report on the implementation of the European Social Charter](#) submitted by the Government of Romania for the period 01/01/2018 – 31/12/2021, registered by the Secretariat on 12 April 2023, p 33

⁴³ Romania, Judicial Inspection, Thematic control report on the investigation and resolution of cases regarding sex crimes with victims who are younger than 18 ([Raport de control tematic privind investigarea și soluționarea cauzelor privind infracțiuni la viața sexuală cu victime minore](#)) 2022

⁴⁴ Romania, Law no. 217 of 10 July 2023 for the amendment and completion of Law no. 286/2009 regarding the Criminal Code, of Law no. 135/2010 regarding the Criminal Procedure Code, as well as the Audiovisual Law no. 504/2002 ([Lege nr. 217 din 10 iulie 2023 pentru modificarea și completarea Legii nr. 286/2009 privind Codul penal, a Legii nr. 135/2010 privind Codul de procedură penală, precum și a Legii audiovizualului nr. 504/2002](#)) 11 July 2023

Cassation and Justice, and the National Union of Romanian Bars.³⁷ The aim of this protocol is to promote legal education at all levels of education (primary, secondary, high school, and university), in a way that is adapted to the understanding abilities of each participant. The areas covered by the protocol include, among others, the prevention and combating of discrimination, preventing and combating violence in schools and domestic violence, combating drug consumption and trafficking, online criminality, as well as other similar themes.

of crimes.⁴⁵ The mechanism is meant to distribute money obtained from funds confiscated during criminal procedures or from the selling of goods confiscated during criminal procedures. This mechanism also allows for victims of crimes to seek compensation for moral damages and for material damages.⁴⁶ Victims need to submit a claim for compensation to the court (*tribunal*) seeking compensation. The judge would review the request and grant it if the victims meet a set of criteria.⁴⁷ For urgent needs victims can also seek an advance financial compensation in the form of vouchers for the equivalent of up to 5 annual gross minimum salaries, to be used to cover costs relating to food, housing, transport, medicine and personal hygiene products.⁴⁸

³⁷ According to a [press-release](#) issued by the Romania Ministry of Justice on 30 November 2022

⁴⁵ Romania, Law no. 230/2022 amending Law no. 318/2015 for the establishment, organization and operation of the National Agency for the Administration of Unavailable Assets and for the amending some normative acts, as well as for the amendment and completion of Law no. 135/2010 regarding the Criminal Procedure Code ([Lege nr. 230 din 19 iulie 2022 privind modificarea și completarea Legii nr. 318/2015 pentru înființarea, organizarea și funcționarea Agenției Naționale de Administrare a Bunurilor Indisponibilizate și pentru modificarea și completarea unor acte normative, precum și pentru modificarea și completarea Legii nr. 135/2010 privind Codul de procedură penală](#)) 19 July 2022, Art. 37¹

⁴⁶ Romania, Law no. 230/2022 amending Law no. 318/2015 for the establishment, organization and operation of the National Agency for the Administration of Unavailable Assets and for the amending some normative acts, as well as for the amendment and completion of Law no. 135/2010 regarding the Criminal Procedure Code, ([Lege nr. 230 din 19 iulie 2022 privind modificarea și completarea Legii nr. 318/2015 pentru înființarea, organizarea și funcționarea Agenției Naționale de Administrare a Bunurilor Indisponibilizate și pentru modificarea și completarea unor acte normative, precum și pentru modificarea și completarea Legii nr. 135/2010 privind Codul de procedură penală](#)) Art. 37¹⁴

⁴⁷ Romania, Law no. 211/2004 on providing information and support to victims of crimes ([Lege nr. 211 din 27 mai 2004 privind unele măsuri pentru asigurarea informării, sprijinirii și protecției victimelor infracțiunilor](#)) 27 May 2004, art. 28

⁴⁸ Romania, Law no. 230/2022 amending Law no. 318/2015 for the establishment, organization and operation of the National Agency for the Administration of Unavailable Assets and for the amending some normative acts, as well as for the amendment and completion of Law no. 135/2010 regarding the Criminal Procedure Code, ([Lege nr. 230 din 19 iulie 2022 privind modificarea și completarea Legii nr. 318/2015 pentru înființarea, organizarea și funcționarea Agenției Naționale de Administrare a Bunurilor Indisponibilizate și pentru modificarea și completarea unor acte normative, precum și pentru modificarea și completarea Legii nr. 135/2010 privind Codul de procedură penală](#)) Art. 37¹⁵

	In 2019 the National Education Law ⁴⁹ was modified so as to include the definition on bullying, specifying that it is a form of violence, prohibited it in all educational facilities and mentioned the obligation of providing training for teachers to identify and address bullying. ⁵⁰ These new amendments were also accompanied by a methodology on how to identify, prevent and address instances of bullying in school settings. ⁵¹
1.4.2. Children with disabilities	
Please include children with learning difficulties, autism, and mental health impairments / psycho-social disabilities, severe chronic illnesses that prevent them e.g. from attending onsite school or sports activities	
Policy developments	Legislative developments
<p>Access to education for children with disabilities remains a big issue, for example in the 2019-2020 school year in Romania there were 68,832 children with disabilities and/or special educational needs, of which 43,910 were integrated in general schools and 24,922 in special schools. Reportedly, schools had insufficient staff, particularly support staff and 47% of schools didn't have an access ramp for wheelchair users.⁵²</p> <p>Children with disabilities also have twice the school dropout rate. In order to address this issue a</p>	<p>In order to ensure access to school for children with locomotory disabilities, the Education Law was modified in 2019 to make it mandatory for schools to use elevators or place classes on the ground floor.⁵⁶</p> <p>Children with disabilities have the right to access schools, they can access the general school system, special school program integrated within the general school system, they can attend special schools, or take classes at home on in the hospital. Irrespective of the level of education, children with</p>

⁴⁹ Romania (2011) Law no. 1 of 5 January 2011 on national education system ([Legea educației naționale nr. 1 din 5 ianuarie 2011](#)) 10 January 2011.

⁵⁰ Romania (2011) Law no. 221 of 18 November 2019 modifying Law no. 1 of 5 January 2011 on national education system ([Lege nr. 221 din 18 noiembrie 2019 pentru modificarea și completarea Legii educației naționale nr. 1/2011](#)) 19 November 2019.

⁵¹ Romania (2020) Methodological Norms of May, 2020 for the application of the provisions of Art. 7 para. (1[^]1), Art. 56[^]1 and of point 6[^]1 of the annex to the National Education Law no. 1/2011, regarding psychological violence - bullying ([Norme Metodologice din 27 mai 2020 de aplicare a prevederilor art. 7 alin. \(1[^]1\), art. 56[^]1 și ale pct. 6[^]1 din anexa la Legea educației naționale nr. 1/2011, privind violența psihologică – bullying](#)) 10 June 2020.

⁵² Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)).

⁵⁶ Romania, Law no. 38/2019 modifying Law no. 1/2011 on national education ([Lege nr. 38 din 17 ianuarie 2019 pentru modificarea și completarea Legii educației naționale nr. 1/2011](#)) 21 January 2019.

presidential report proposed making the school environment more inclusive by having an early identification process to identify children with special needs and focusing on ensuring that these needs are met by ensuring more financial resources and more specialised staff.⁵³

The National Strategy on the Rights of Persons with Disabilities 'An equitable Romania',⁵⁴ 2022-2027 and its Operational Plan,⁵⁵ were adopted in April 2022, providing eight priority domains: accessibility and mobility, effective protection of the rights of persons with disabilities, employment, social protection, independent living and integration in the community, including access to public services, education, health and political and public participation.

disabilities have the right to educational support programmes and equipment and school material that is adapted to their needs.⁵⁷

Although children with special educational needs were afforded the right to a daily food and schooling allowance since 2011, it was only in 2017 that the Romanian Government adopted a decision establishing a procedure by which pupils with special education needs to be granted a daily allowance for food and educational needs, up to this point the procedure being unclear and not uniform.⁵⁸

A new methodology was set which allows for the evaluation of children with disabilities and to develop tailored intervention to assist them throughout the learning process.⁵⁹ This order is credited with leading to an increase in the number

⁵³ Romania (2021) Project Report from the President of Romania project titled „Educated Romania” (*Raportul Proiectului „România Educată”*) p. 47, 48.

⁵⁴ [The National Strategy on the Rights of Persons with Disabilities 'An equitable Romania'](#).

⁵⁵ By Government's Decision no. 490/2022, of 6 April 2022, for the approval of the National Strategy on the Rights of Persons with Disabilities "[An equitable Romania](#)" 2022-2027 .

⁵⁷ Romania, Law no. 448/2006 on the protection and promotion of the rights of people with handicap (*Lege nr. 448 din 6 decembrie 2006 privind protecția și promovarea drepturilor persoanelor cu handicap*), 6 December 2006.

⁵⁸ Romania, Government Decision no. 544/2017 of 4 August 2017 regarding the method of granting the rights of children with special educational requirements enrolled in the pre-university education system (*Hotărâre nr. 564 din 4 august 2017 privind modalitatea de acordare a drepturilor copiilor cu cerințe educaționale speciale școlarizați în sistemul de învățământ preuniversitar*) 9 August 2017, p. 30-31.

⁵⁹ Romania, Order no. 1,985 of 4 October 2016 regarding the approval of the methodology for the assessment and integrated intervention with a view to placing children with disabilities in the degree of disability, school and professional orientation of children with special educational requirements, as well as with a view to enabling and rehabilitating children with disabilities and/or special educational requirements (*Ordin nr. 1.985 din 4 octombrie 2016 privind aprobarea metodologiei pentru evaluarea și intervenția integrată în vederea încadrării copiilor cu dizabilități în grad de handicap, a orientării școlare și profesionale a copiilor cu cerințe educaționale speciale, precum și în vederea abilitării și reabilitării copiilor cu dizabilități și/sau cerințe educaționale speciale*), 19 December 2016.

of children with disabilities included in mainstream education from 24,036 in 2014 to 30,643 in 2019.⁶⁰ The national law on education was modified in 2016 to set up early identification and, evaluation and intervention procedures for children with special educational needs and to specifically mention children with learning disabilities and their right to access mass education.⁶¹

In 2020, the Romanian Constitutional Court declared unconstitutional the provision regulating the deprivation of legal capacity of people with disabilities (Article 164(1) of the Civil Code).⁶² This resulted in a legal gap, with no clear provisions on placing people with psychological disabilities under guardianship until August 2022 when a new law was adopted, reforming the guardianship system.⁶³ This law does not prohibit full deprivation of legal capacity. It does however introduce a possibility of obtaining support, which does not impair the beneficiary's legal capacity: the assistance for concluding legal documents. It also introduces the possibility of a representative agreement (a mandate of protection), through which an individual which has yet to be deprived of legal capacity, can nominate, for the future and if the case arrives, the person they want to be appointed as their guardian. The law also claims it introduced more safeguards in order to ensure that full or partial deprivation of legal capacity will only be ordered in exceptional circumstances, with the taken measures being individualised and time-limited.

⁶⁰ Pluriconsult , Evaluation of the implementation of the National Strategy for the Protection and Promotion of Children's Rights 2014-2020 ([Evaluarea implementării Strategiei Naționale pentru Protecția și Promovarea Drepturilor Copilului 2014-2020](#)) May 2021, p 81.

⁶¹ Romania, Law no. 6 of January 18, 2016 to supplement the National Education Law no. 1/2011 ([Lege nr. 6 din 18 ianuarie 2016 pentru completarea Legii educației naționale nr. 1/2011](#)) 19 January 2016.

⁶² Romania, Decision of the Constitutional Court [No 601/2020](#) on the exception of unconstitutionality of the provisions of Article 164 para. (1) of the Law No 287/2009 on the Civil Code, 27 January 2021.

⁶³ Law no. 140 of 17 May 2022 regarding some protection measures for people with intellectual and psychosocial disabilities and the modification and completion of some normative acts ([Lege nr. 140 din 17 mai 2022 privind unele măsuri de ocrotire pentru persoanele cu dizabilități intelectuale și psihosociale și modificarea și completarea unor acte normative](#)), 20 May 2022.

1.4.3. Children in the context of migration

Specific thematic areas: unaccompanied-separated children from third countries and within the EU; children in undocumented – irregular migrant families; asylum seeking children; refugee children

Policy developments	Legislative developments
<p>In the context of the war in Ukraine, UNICEF and UNHCR together with the Romanian authorities and partners set up so called „Blue Dot Centers” at border crossing points that provide children and families with essential information and services on a range of issues including education, psychosocial support, referrals to health care, and legal support.⁶⁴</p> <p>The Romanian Government developed and started using an application called PRIMERO to identify and register Ukrainian children seeking asylum in Romania; the application allows access to essential child protection services, including monitoring and family reunification services, it keeps track of available housing options and where exactly Ukrainian children are housed.⁶⁵In the first 4 months since being launched, 14,000 children were registered in the platform, of the approximately 37,000 Ukrainian children estimated to be in Romania; registered children were also evaluated</p>	<p>Unaccompanied children are considered vulnerable people and if they want to apply for asylum, they are first provided a legal representative to protect their interests.⁶⁷ A designated representative is appointed by the DGASPC and the applicable law was modified in the sense that it now specifies that the person appointed to represent the child would do throughout the asylum procedure and even after that.⁶⁸ The law now also mentions that a ministerial order will specify the exact duties and qualification for such a representative.⁶⁹</p> <p>In the context of the war in Ukraine, national legislation was amended with provisions specifically designed for children escaping war, special divisions were set up in each county for unaccompanied minors coming from Ukraine and children escaping the war were granted access to Romanian schools as listeners (<i>audienți</i>) until their school records can be recognised and they can be fully enrolled, they are also afforded free boarding in school dormitories.⁷⁰ As of 13 January 2023, out of the</p>

⁶⁴ Romania (2023) Prime Minister’s office [Romania's response to the Ukrainian Refugee crisis](#), 13 January 2023.

⁶⁵ Romania, Ministry of Family, Youth and Equality (*Ministerul Familiei, Tineretului și Egalității de Șanse*), [Press release](#) of 1 August 2022.

⁶⁷ Romania, Law no. 122/2006 on asylum ([Lege nr. 122 din 4 mai 2006 privind azilul în România](#)) 18 May 2006.

⁶⁸ Romania (2022) Law no. 191/2022 amending Law no. 272/2004 on the protection and promotion of children's rights ([Legea nr. 191 din 28 iunie 2022 pentru modificarea și completarea Legii nr. 272/2004 privind protecția și promovarea drepturilor copilului](#)), 5 March 2014, Arts. 28-32.

⁶⁹ No such order was adopted as of 15 February 2023.

⁷⁰ Romania (2022) Emergency Ordinance no. 15 of February 27, 2022 regarding the provision of humanitarian support and assistance by the Romanian state to foreign citizens or stateless persons in special situations, coming from the area of the armed conflict in Ukraine ([Ordonanță de Urgență nr. 15 din 27 februarie 2022 privind acordarea de sprijin și asistență umanitară de către statul român](#)

<p>and referred to specialised services based on their needs, including immigration services.⁶⁶</p>	<p>47,851 Ukrainian children who were in Romania 3,087 children registered as listeners (1,092 pre-schoolers and 1,995 students) and 882 children enrolled in schools in Romania (28 pre-schoolers and 594 students).⁷¹</p>
<p>1.4.4. Children in alternative care</p> <p>Specific thematic areas: residential – institutional care; foster care; adoption (including international adoption)</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The National strategy on children rights for 2014-2020 set among its objectives to close down all old-style residential institutions by 2020 and develop community-based alternatives.⁷²</p> <p>The process has however been very slow. In 2020, the total number of residential services was 1,410, of which 1,102 public residential services and 308 private, decreasing with only 8% since 2014, when there were 1,513, however the number of children in residential services decreased more sharply, from 17,453 in 2014 to 10,968 in 2020 (-37.2%), the downward trend being even stronger in the case of children with disabilities, whose</p>	<p>In 2022 the definition of residential services for children was modified so as to include only family houses (housing up to 12 children and in exceptional cases up to 16 children), apartments (housing up to 6 children), emergency housing facilities (can host up to 30 children in emergency situations for up to 6 months) and maternal centres (housing up to 9 mothers with children) which means that de facto as of 1 October 2022 large scale residential institutions are no longer legal.⁷⁵</p> <p>The legislation on international adoptions has been modified to make it easier for family members who live abroad to adopt Romanian children, they now have priority in adopting children with whom they are related.⁷⁶ However, Romanian legislation still only allows the international adoption of Romanian children</p>

[cetățenilor străini sau apatrizilor aflați în situații deosebite, proveniți din zona conflictului armat din Ucraina](#)), 27 February 2022.

⁶⁶ As stated in an UNICEF [press-release](#) from 14 December 2022

⁷¹ Romania (2023) Prime Minister's office [Romania's response to the Ukrainian Refugee crisis](#), 13 January 2023, p. 22.

⁷² Romania (2014) National strategy on children rights for 2014-2020 ([Strategie națională pentru protecția și promovarea drepturilor copilului pentru perioada 2014-2020, din 12 decembrie 2014](#)) 15 January 2015.

⁷⁵ Romania (2022) Law no. 191/2022 amending Law no. 272/2004 on the protection and promotion of children's rights ([Legea nr. 191 din 28 iunie 2022 pentru modificarea și completarea Legii nr. 272/2004 privind protecția și promovarea drepturilor copilului](#)), 5 March 2022, Art. 41.

⁷⁶ Romania (2020) Law no. 268 of 25 November 2020 amending Law no. 273/2004 regarding the adoption procedure ([Lege nr. 268 din 25 noiembrie 2020 pentru modificarea și completarea Legii nr. 273/2004 privind procedura adopției](#)) 26 November 2020.

<p>number has almost halved compared to 2014, to 3,926 children in 2020.⁷³ Since the beginning of the Ukrainian humanitarian crisis until April 2022 a total of 2,353 children under the care of social services in Ukraine have been identified in Romania, of which 258 children were in the special protection system in Romania.⁷⁴</p>	<p>by family members of the child, or by other Romanian citizens or spouses of the parents of the child.⁷⁷</p>
<p>1.4.5. Children affected by custody disputes, including parental abduction</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The concept of parental alienation is not specifically regulated in Romanian national legislation, the concept does not have a formal legal definition in existing legislation. A decision from 2016 of the College of Psychologists defined the concept and developed a methodology on how to identify it but this decision was revoked in 2019 by the same college.⁷⁸ This created a series of problems in</p>	<p>The conditions in which separated parents get to keep visitation rights with their children was amended in 2016 so as to allow for child protection authorities to participate during these visits, if necessary, child protection services are allowed to conduct interview with interested parties to establish how visitation rights are carried out.⁸⁰</p> <p>In terms of parental abduction, the Ministry of Justice (<i>Ministerul Justiției</i>) is the designated central authority entrusted with fulfilling the obligations under the 1980</p>

⁷³ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 (*Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027*) p. 18.

⁷⁴ Romanian Prime-Minister's office, Report on Romania's response to the refugee crisis (*Răspunsul României la criza umanitară a refugiaților*) 21 April 2022, p. 12

⁷⁷ Romania, Law no. 273/2004 concerning adoption (*Legea nr. 273/2004 privind procedura adopției*), 21 June 2004, Art. 60.

⁷⁸ Decision no. 31 of 16 October 2021 revoking the Provision of the President of the Steering Committee of the College of Psychologists in Romania no. 2/2016 for the recognition of the phenomenon of parental alienation and the provisions of the Protocol regarding the recognition of parental alienation, concluded between the Institute of Forensic Psychology and the Romanian Association for Joint Custody (*Dispoziție nr. 31 din 16 octombrie 2021 privind abrogarea Dispoziției președintelui Comitetului director al Colegiului Psihologilor din România nr. 2/2016 pentru recunoașterea fenomenului alienării parentale/părintești și prevederilor Protocolului privind recunoașterea alienării parentale, încheiat între Institutul de Psihologie Judiciară și Asociația Română pentru Custodie Comună*), 28 October 2021.

⁸⁰ Romania, (2016) Law no. 52/2016 amending Law no. 272/2004 regarding the protection and promotion of children's rights (*Lege nr. 52 din 30 martie 2016 pentru modificarea și completarea Legii nr. 272/2004 privind protecția și promovarea drepturilor copilului*) 5 April 2016.

<p>practice in proving and sanctioning parental alienation cases.</p> <p>In 2022, a new opinion of the Psychology College recognizes and defines parental alienation as a form of psychological child abuse exercised by a parent in order to negatively influence the child's relationship with the other parent and the term will be used whenever a child expresses rejection towards a parent and categorically refuses contact with that parent despite the fact that there is no indication of that parent abusing or neglecting the child.⁷⁹</p>	<p>Hague Convention on the Civil Aspects of International Child Abduction and the court procedure by which cases of child abduction are dealt with is prescribed by Law no. 369/2004 which did not suffer substantial modifications in the reference period, apart from defining more clearly the right of the child to be heard in these procedures and the child's opinion to be taken into account in accordance to the child's age and development.⁸¹</p> <p>Another new element is the possibility for the court to take measures to ensure contact between the child and the person requesting the return of the child, taking into account the best interests of the child.⁸² Also, for requests under Art. 21 of the Convention regarding the exercise of the right of visitation by moving the minor outside Romania, jurisdiction is established according to common law.⁸³</p>
<p>1.4.6. Missing children</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>There is a draft law in the Romanian Parliament on missing people which would develop specific procedures to be used in cases in which someone is missing; the procedure</p>	<p>The Romanian National Telecommunication Authority (<i>Autoritatea Națională pentru Administrare și Reglementare în Comunicații</i>) modified existing by-law on tracking, identifying and establishing the exact</p>

⁷⁹ Romania (2022) The point of view of the Romanian College of Psychologists regarding parental alienation, no R 2728 of 08 November 2022 ([Punctul de vedere al Colegiului Psihologilor din România cu privire la alienarea parentală, nr R 2728/08.11.2022](#)), 9 November 2022.

⁸¹ Romania, Law no. 369/2004 regarding the application of the Convention on the civil aspects of international child abduction, adopted in The Hague on October 25, 1980, to which Romania acceded through Law no. 100/1992 ([Legea nr. 369 din 15 septembrie 2004 privind aplicarea Convenției asupra aspectelor civile ale răpirii internaționale de copii, adoptată la Haga la 25 octombrie 1980, la care România a aderat prin Legea nr. 100/1992](#)) 15 September 2004.

⁸² Romania, Law no. 369/2004 regarding the application of the Convention on the civil aspects of international child abduction, adopted in The Hague on October 25, 1980, to which Romania acceded through Law no. 100/1992 ([Legea nr. 369 din 15 septembrie 2004 privind aplicarea Convenției asupra aspectelor civile ale răpirii internaționale de copii, adoptată la Haga la 25 octombrie 1980, la care România a aderat prin Legea nr. 100/1992](#)) 15 September 2004, art. 12

⁸³ Romania, Law no. 369/2004 regarding the application of the Convention on the civil aspects of international child abduction, adopted in The Hague on October 25, 1980, to which Romania acceded through Law no. 100/1992 ([Legea nr. 369 din 15 septembrie 2004 privind aplicarea Convenției asupra aspectelor civile ale răpirii internaționale de copii, adoptată la Haga la 25 octombrie 1980, la care România a aderat prin Legea nr. 100/1992](#)) 15 September 2004, art. 20

<p>also deals specifically with missing children and steps to be taken when children are missing.⁸⁴ The recitals to this draft law indicate that currently there is no clear procedure for finding missing people, police offices use existing guides and good practice manuals and use provisions designed for identifying suspects and bringing them before courts.</p> <p>The population alert system, RoAlert was modified to allow for alerts to be sent out in case of missing children as well.⁸⁵</p>	<p>location for people who deal the 112 emergency number, to make it easier to identify and find people who dial this number, to receive calls from people who are in a low service area and from people with disabilities.⁸⁶</p>
<p>1.4.7. Children at risk of poverty or social exclusion, or severely materially and socially deprived or living in a household with a very low work intensity (ARPE)</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>Romania managed to partially reach its 2014-2020 objective of reducing by 250,000 the number of children affected by poverty but still there are approximately 1.3 million children (over 1/3 of all children) affected by poverty or social exclusion, respectively, with very few measures addressing poverty among children, which in turn perpetuates the cycle of inter-generational poverty.⁸⁷</p>	<p>The amount of child benefits, which is a sum given monthly to all children, was set for 2022 at RON 600 (approx. €150) for infants up to 2 years old and for children with disabilities up to 18 years old and to RON 243 (approx. €50) for children aged 2 to 18, amounts which are to be indexed annually based on the average inflation rate.⁸⁹</p>

⁸⁴Romania, draft law L410/2021 on finding missing people ([L410/2021 Proiect de lege privind căutarea persoanelor dispărute](#)).

⁸⁵ Romania Government, Report on the implementation of the national project For Care of Children ([Din grijă pentru copii](#)) 9 January 2023, p. 11.

⁸⁶ Romania, National Authority for Communications Administration and Regulation (*Autoritatea Națională Pentru Administrare și Reglementare în Comunicații*) Decision no. 786 of November 22, 2022 for the amendment and completion of the Decision of the president of the National Communications Authority no. 1.023/2008 regarding making communications to the National Single System for emergency calls ([Decizie nr. 786 din 22 noiembrie 2022 pentru modificarea și completarea Deciziei președintelui Autorității Naționale pentru Comunicații nr. 1.023/2008 privind realizarea comunicațiilor către Sistemul național unic pentru apeluri de urgență](#)) 2 November 2022.

⁸⁷ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 9.

⁸⁹ Romania (2021) Government Emergency Ordinance no. 126/2021 to amend Law no. 61/1993 on the state allowance for children ([OUG nr. 126 din 15 decembrie 2021 pentru modificarea Legii nr. 61/1993](#)

A study done by the People's Advocate shows that although children are entitled to merit-based scholarships and needs based scholarship, which are to be paid by local authorities, only 5,66% of local authorities fully respect these provisions, respectively, out of 3,182 local authorities who have to provide these scholarships, 860 only offer partial scholarships and 2,139 offer no scholarship.⁸⁸

Families that qualify for the guaranteed minimum income and who have two or more children who go to school are also entitled to a schooling stipend meant to cover costs for school supplies but which they must return in case the child drops out of school.⁹⁰

The social assistance law was modified to include the right to a basic service for children and families aimed to cover basic educational, health and social protection needs for vulnerable groups, which would be financed from the central budget based on an evaluation and request from local authorities.⁹¹

A law amendment from 2019 makes it possible for students who receive a need-based scholarship to cumulate the scholarship with a merit based one if they are eligible for both, and the amount of these scholarships is to be established each year by a Government Decision.⁹²

Children who are placed in foster care also receive a special allowance, which was increased to RSI 1.808 (approx. €200) of the reference social indicator, and when they leave the protection system, they are entitled to a one-off payment of 3 times the minimum gross salary (approx. €1500).⁹³

Also based on the recent updates brought to the Law no. 272/2004 on the protection of children rights the young persons reaching the age of 18 have the possibility to choose between remaining within the special protection system or receiving a monthly indemnity in total value of

[privind alocația de stat pentru copii, precum și pentru acordarea unei indemnizații compensatorii pentru persoanele cu handicap](#)) 15 December 2021.

⁸⁸ Romania (2020) Romanian Academic Society and Romanian's People's Advocate, Special report on the awarding of scholarships for students at the national level in the school year 2019-2020 ([Raport special privind acordarea burselor pentru elevi la nivel național în anul școlar 2019-2020](#)) p. 23, 24.

⁹⁰ Romania, Law no. 116/2002 on preventing and combating social marginalization ([Lege nr. 116 din 15 martie 2002 privind prevenirea și combaterea marginalizării sociale](#)) 15 March 2002, Art. 19.

⁹¹ Romania, Law no. 231/2020 to complete the Social Assistance Law no. 292/2011 ([Lege nr. 231 din 5 noiembrie 2020 pentru completarea Legii asistenței sociale nr. 292/2011](#)) 5 November 2020.

⁹² Romania, Law no. 38/2019 modifying Law no.1/2011 on national education ([Lege nr. 38 din 17 ianuarie 2019 pentru modificarea și completarea Legii educației naționale nr. 1/2011](#)), 21 January 2019.

⁹³ Romania (2022) Law no. 191/2022 amending Law no. 272/2004 on the protection and promotion of children's rights ([Legea nr. 191 din 28 iunie 2022 pentru modificarea și completarea Legii nr. 272/2004 privind protecția și promovarea drepturilor copilului](#)) 30 June 2022.

	4.8 RSI (approx. 570 euro) until reaching the age of 26 years old if they are enrolled within the education system (frequency classes) or they get hired. ⁹⁴
1.4.8. Children belonging to minority ethnic groups, e.g. Roma, Sami, etc.	
Policy developments	Legislative developments
<p>Romania has not made significant progress in facilitating access of Roma children to early education, with only 78% of Roma children attending compulsory education, compared to 95% for Romanian children and the gap increases again in the case of access to high school education, where less than a quarter of Roma students (22%) attend high school, compared to the majority population where 80% of children attend high school.⁹⁵</p> <p>The 2022-2027 Strategy for Roma inclusion sets among its objectives the general goals to increase access to education for Roma children, lowering school dropout rates, reducing school segregation by reinforcing affirmative action plans, financial incentives for families and schools and providing more training to teachers. ⁹⁶ In terms of access to education the main topics addressed are</p>	<p>In 2016, the Romanian Ministry of Education adopted a ministerial order forbidding school segregation based on race, disability or socio-economic background and defining ethnic school segregation as the physical separation of pupils belonging to an ethnic group in separate groups, classes, buildings or the last two benches in the classroom, except for the case in which there are classes or schools for pupils belonging to an ethnic group for the purpose of teaching in that ethnic group's language.⁹⁸</p> <p>In 2019 a national commission on desegregation and educational inclusion was set up, consisting of representatives of state institutions, schools, students, parents and NGOs, and which consults and advises the Ministry of Education, monitors desegregation efforts and revises existing legislation and practices to promote desegregation in schools.⁹⁹</p>

⁹⁴ Romania (2022) Law no. 191/2022 amending Law no. 272/2004 on the protection and promotion of children's rights ([Legea nr. 191 din 28 iunie 2022 pentru modificarea și completarea Legii nr. 272/2004 privind protecția și promovarea drepturilor copilului](#)) 30 June 2022.

⁹⁵ Romania (2022) the Government of Romania strategy the inclusion of Romanian citizens belonging to the Roma minority for the period 2022-2027 ([Strategia din 28 aprilie 2022 Guvernului României de incluziune a cetățenilor români aparținând minorității rome pentru perioada 2022-2027](#)), 5 May 2022.

⁹⁶ Romania (2022) the Government of Romania strategy the inclusion of Romanian citizens belonging to the Roma minority for the period 2022-2027 ([Strategia din 28 aprilie 2022 Guvernului României de incluziune a cetățenilor români aparținând minorității rome pentru perioada 2022-2027](#)), 5 May 2022.

⁹⁸ Romania (2016) Order no. 6.134 of 21December 2016 regarding the prohibition of school segregation in pre-university education units ([Ordin nr. 6.134 din 21 decembrie 2016 privind interzicerea segregării școlare în unitățile de învățământ preuniversitar](#)), 10 January 2017, Art. 4.

⁹⁹ Romania (2019) Ministry of Education, Order no. 3.141 of 8 February 2019 regarding the establishment, organization and operation of the National Commission for Educational Desegregation and Inclusion ([Ordin nr. 3.141 din 8 februarie 2019 privind înființarea, organizarea și funcționarea Comisiei Naționale pentru Desegregare și Incluziune Educațională](#)), 27 February 2019.

<p>school segregation and school dropout rates, with the strategy looking at early identification mechanism of segregation and tools to promote inclusion.⁹⁷</p>	
<p>1.4.9. Children involved in judicial proceedings as victims or witnesses or parties</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>In 2014 the first special rooms were established, where children can be questioned, be it children accused of crimes or children who are victims or witnesses in judicial proceedings, including children who are victims of sexual crimes, the first two being set up in Cluj and Dolj and the third was set up in Bucharest in 2016.¹⁰⁰ Since then, the number of such special rooms has increased gradually, in 2022 the Public Prosecutor's office stated that it set up 8 more such rooms and obtained funding to set up 30 more such rooms across the country.¹⁰¹</p> <p>Regarding the investigation rooms intended for hearing minors, currently, at the level of the Romanian Police, 48 such rooms are operationalized, in 40 territorial police units, respectively: Prahova County Police Inspectorate (4); Constanta and Olt (3);</p>	<p>In 2016, the Criminal Procedure Code was amended to afford children who are victims of sex crimes and mistreatment to be questioned by a person of the same gender; also children who are victims of crimes are to be presumed to be vulnerable witnesses and afforded special protection; they can ask to be accompanied by a person of trust during police questioning and the police should presume they are children whenever their age cannot be established and there is reason to believe they can be a minor.¹⁰⁷</p> <p>Applicable legislation was again amended in 2023 to make it mandatory that whenever a child who is younger than 14 is questioned as a victim or as a witness, the child should be accompanied by a parent or a tutor and by a psychologist.¹⁰⁸</p> <p>Beginning with the 1st of January 2024 once Law no. 217/2023 will enter to force the protection granted to</p>

⁹⁷ Romania (2022) the Government of Romania strategy the inclusion of Romanian citizens belonging to the Roma minority for the period 2022-2027 ([Strategia din 28 aprilie 2022 Guvernului României de incluziune a cetățenilor români aparținând minorității rome pentru perioada 2022-2027](#)), 5 May 2022.

¹⁰⁰ Romania, the Federation of Children's NGOs (*Federarea Organizațiilor Neguvernamentale pentru Copii FONPC*) [Project report for AUDIS project](#), 2021.

¹⁰¹ According to a presentation of Romania's General Prosecutor from 22 September 2022, available online [link](#).

¹⁰⁷ Romania (2016) Government Emergency Ordinance no. 18 of 18 May 2016 amending Law no. 286/2009 regarding the Criminal Code, Law no. 135/2010 regarding the Code of Criminal Procedure and Law no. 304/2004 regarding judicial organization ([Ordonanță de Urgență nr. 18 din 18 mai 2016 pentru modificarea și completarea Legii nr. 286/2009 privind Codul penal, Legii nr. 135/2010 privind Codul de procedură penală, precum și pentru completarea art. 31 alin. \(1\) din Legea nr. 304/2004 privind organizarea judiciară](#)), 23 May 2016.

¹⁰⁸ Romania, Law no. 51/2023 for the amendment and completion of Law no. 135/2010 regarding the Criminal Procedure Code ([Lege nr. 51 din 3 martie 2023 pentru modificarea și completarea Legii nr. 135/2010 privind Codul de procedură penală](#)), 3 March 2023.

Hunedoara (2); Călărași, Botoșani, Maramureș, Argeș, Brașov, Iași, Mureș, Sibiu, Satu-Mare, Teleorman, Vrancea, Alba, Arad, Bihor, Harghita, Bacău, Caraș-Severin, Dolj, Gorj, Neamț, Sălaj, Vâlcea, Timiș, Dâmbovița, Tulcea, Buzău, Cluj, Suceava, Covasna, Mehedinți, Ialomița, Giurgiu, Brăila, Bistrița-Năsăud, Vaslui County Police (1) and Bucharest Municipal Police Directorate (1). The specially designated space intended for hearings of children from Galati County Police and Ilfov Police Inspectorate are under renovation at present.¹⁰² At the headquarters of the General Inspectorate of the Romanian Police, a modular assembly composed of four metal containers was purchased in which a juvenile hearing room will be set up.¹⁰³

At the end of 2020, a Working Group on the issues of crime victims was established, initially conceived as an internal working format within the Ministry of Justice.¹⁰⁴ Due to the shared competencies at the national level in the field of victim protection, it was decided to expand

the injured parties who qualify for the position of vulnerable or menaced witness will apply also when the private life or dignity of that person is endangered.

If the accused persons are presumed to influence the minor's confession the hearing of the minor will be done in the presence of a representative of the competent authority or any adult relative, as well as a psychologist designated by the Court.¹⁰⁹

If the minor's testimony is related to the activity of the institution he is entrusted to, the representative of this institution will be replaced with a representative of the guardianship authority or a relative with full legal capacity nominated by the judiciary authority.¹¹⁰

Existing criminal legislation was amended to incriminate criminal acts against children. For example, pandering, rape and sexual aggression of children committed by someone in whose care the child lies or who previously committed sexual crimes against children become aggravated forms of those crimes, carrying an increased sentence.¹¹¹

¹⁰² According to the information provided by the Romanian Ministry of Internal Affairs (*Ministerul de Interne*) to the National Authority for the Protection of Children's Rights and Adoption ([Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție](#)) from July 2023.

¹⁰³ According to the information provided by the Romanian Ministry of Internal Affairs (*Ministerul de Interne*) to the National Authority for the Protection of Children's Rights and Adoption ([Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție](#)) from July 2023.

¹⁰⁴ Romania, Order of the Minister of Justice no. 4463/C/2020 setting up the the Working Group on the problem of victims of crimes (*Ordinul Ministrului Justiției nr. 4463/C/2020 pentru înființarea Grupului de lucru privind problematica victimelor infracțiunilor*).

¹⁰⁹ Romania, Law no. 51/2023 for the amendment and completion of Law no. 135/2010 regarding the Criminal Procedure Code ([Lege nr. 51 din 3 martie 2023 pentru modificarea și completarea Legii nr. 135/2010 privind Codul de procedură penală](#)), 3 March 2023.

¹¹⁰ Romania, Law no. 51/2023 for the amendment and completion of Law no. 135/2010 regarding the Criminal Procedure Code ([Lege nr. 51 din 3 martie 2023 pentru modificarea și completarea Legii nr. 135/2010 privind Codul de procedură penală](#)), 3 March 2023.

¹¹¹ Romania (2020) Law no. 217/2020 amending Law no. 286/2009 regarding the Criminal Code, as well as for Law no. 135/2010 regarding the Criminal Procedure Code ([Lege nr. 217 din 29 octombrie 2020 pentru modificarea și completarea Legii nr. 286/2009 privind Codul penal, precum și pentru modificarea art. 223 alin. \(2\) din Legea nr. 135/2010 privind Codul de procedură penală](#)), 30 October 2020.

<p>the initial format of the Working Group by establishing an interagency working group that would bring together representatives of relevant stakeholders in the field. So far, a total of 16 meetings of the Working Group have taken place, and among the concerns addressed in these meetings were interagency cooperation in matters of protection of crime victims, professional training related to crimes of sexual abuse against minors, and forensic services for crime victims.¹⁰⁵</p> <p>As a result, one of the concrete outcomes was the establishment of an informal cooperation network at the local level between personnel from the police, social services, and prosecutors to facilitate the interviewing of minor victims of sexual crimes.¹⁰⁶</p>	<p>Purchasing sexual services from children was made a crime in 2016, as well as having sex with a child aged 16 to 18 who is a family member or is under the care or supervision of the adult perpetrator.¹¹²</p> <p>A special registry was set up which lists everyone who was convicted of sexual crimes, including any sexual crimes committed against children and this registry should be consulted by entities when hiring people for positions which imply working with children.¹¹³</p>
<p>1.4.10. Children involved in judicial proceedings as suspects or accused persons</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>In terms of the infrastructure and procedures regarding ensuring children's participation in</p>	<p>The procedure for children accused of crimes was changed in 2020 to establish that whenever a child</p>

¹⁰⁵ According to a submission from a representative of the National Authority for the Protection of Children's Rights and Adoption ([Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție](#)) from July 2023.

¹⁰⁶ According to a submission from a representative of the National Authority for the Protection of Children's Rights and Adoption ([Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție](#)) from July 2023.

¹¹² Romania (2016) Government Emergency Ordinance no. 18 of 18 May 2016 amending Law no. 286/2009 regarding the Criminal Code, Law no. 135/2010 regarding the Code of Criminal Procedure and Law no. 304/2004 regarding judicial organization ([Ordonanță de Urgență nr. 18 din 18 mai 2016 pentru modificarea și completarea Legii nr. 286/2009 privind Codul penal, Legii nr. 135/2010 privind Codul de procedură penală, precum și pentru completarea art. 31 alin. \(1\) din Legea nr. 304/2004 privind organizarea judiciară](#)), 23 May 2016.

¹¹³ Romania (2019) Law no. 118/2019 on the automated national register regarding persons who have committed sexual crimes, exploitation of certain persons or against minors, as well as for the completion of Law no. 76/2008 on the organization and operation of the National Judicial Genetic Data System ([Lege nr. 118 din 20 iunie 2019 privind Registrul național automatizat cu privire la persoanele care au comis infracțiuni sexuale, de exploatare a unor persoane sau asupra minorilor, precum și pentru completarea Legii nr. 76/2008 privind organizarea și funcționarea Sistemului Național de Date Genetice Judiciare](#)), 26 June 2019.

<p>judicial proceedings there is a shortage of specialised institutions, with only one court and only one specialised prosecutor's office, in Braşov, whilst the number of hearing rooms for children increased from 67, in the period 2014-2020 to 131. ¹¹⁴</p> <p>From 2019 to 2020 there were 1,984 children held in pre-trial detention across Romania and a report from the People's Advocate office shows they were held in conditions similar to that of adults, most detention centres don't have special rooms to detain children and most detained children do not get access to psychological counselling, although they are entitled to it by law. ¹¹⁵</p>	<p>(younger than 18) is detained, their parents or guardians have to be informed, they have to also be informed about all procedural acts to be carried out in the investigation and invited to participate; also whenever the investigators can't establish the age of the suspect and they have reasons to believe the suspect might be younger than 18, then they must presume the suspect is younger than 18 and apply the procedure for children, this procedure can be applied also when someone commits a crime when they are younger than 18 but the trial begins after they turn 18, in which case the court can carry the cases according to the rules in place for juvenile offenders. ¹¹⁶</p>
<p>1.4.11. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>One specific issue in Romania is that of virginity testing. This issue was raised in a meeting from the Working Group on Victim Protection, coordinated at the Ministry of Justice, where an NGO representative showed that in Romania there are hundreds of virginity tests done each year, without any relation to criminal investigations, and the working group agreed to send a memo seeking to stop them. ¹¹⁷</p>	<p>The Law on equal opportunities between men and women was updated with a definition of gender-based violence which was defined as any act of violence directed against a woman or, as the case may be, a man, motivated by gender and which includes, but is not limited to, the following acts: domestic violence, sexual violence, female genital mutilation, forced marriage, forced abortion and forced sterilization, sexual harassment, human trafficking and forced prostitution. ¹²²</p>

¹¹⁴ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 (*Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027*) p. 38.

¹¹⁵ Romanian People Advocate, Report of psychological assistance in pre-trial detention centers (*Raport asistentă psihologică in centre de detinere si arestare preventiva*) May 2021, p. 26-29.

¹¹⁶ Romania (2020) Law no. 284 of December 2020 amending Law no. 135/2010 regarding the Criminal Procedure Code (*Lege nr. 284 din 8 decembrie 2020 pentru modificarea și completarea Legii nr. 135/2010 privind Codul de procedură penală*), 9 December 2020.

¹¹⁷ According to a [press-release](#) issued by the Romanian Ministry of Justice on 26 November 2021.

¹²² Romania (2018) Law no. 178/ 2018 amending Law no. 202/2002 on equal opportunities and treatment between women and men (*Lege nr. 178 din 17 iulie 2018 pentru modificarea și completarea Legii nr. 202/2002 privind egalitatea de șanse și de tratament între femei și bărbați*), 19 July 2018.

As a result of these discussions the Superior Council of Forensic Medicine (*Consiliul Superior de Medicină Legală*) adopted Resolution No. 1 on February 17, 2022 by which recommended the elimination of virginity testing, regardless of the person's age, by examining the integrity of the hymen, conducting medico-legal assessments of virginity, and refraining from issuing medico-legal certificates on virginity status.¹¹⁸

In June 2022 several women rights NGOs started a [petition](#) denouncing the practice of virginity tests, which affects predominantly young women and girls and by which forensic institutes test and issue upon request virginity certificates to individuals.

In August 2022 the Central Forensic Institute from Bucharest [issued a memo](#) banning virginity test, made upon request from individuals.

However, the [NGOs have claimed](#) that these tests are still carried out throughout the country in spite of the memo issued by the Bucharest Forensic Institute which provides for the banning at the level of Bucharest.

The national equality body, the National Council for Combating Discrimination (*Consiliul Național pentru Combaterea Discriminării*) responded to a complaint filed by NGOs finding that the norm allowing for virginity testing upon the request of individuals is discriminatory.¹¹⁹ The NCCD found that the virginity testing represents a degrading practice and treatment which affects the right to physical and psychological integrity and the right to private life. The NCCD issued a warning carrying no financial penalty. The warning applies to both the Ministry of Justice and the Ministry of Health and comes also with a recommendation of modifying the applicable norms in maximum 6 months. The NCCD decision is not final as it was challenged before the court and it is currently pending before the

¹¹⁸ According to [a response given by the Ministry of Justice](#) to a parliamentary inquiry on the matter, from 21 July 2022.

¹¹⁹ Romania, National Council for Combating Discrimination, [Decision 576 from 28 September 2022](#) in file no. 381/2022 Asociația Front and others against the Ministry of Health, the Ministry of Justice and the National Institute of Forensics Mina Minovici.

<p>Court of Appeal Bucharest. During the hearings carried out by the NCCD in this case, the Ministry of Health showed on 21 July 2020 that annually there are on average under 2 000 virginity tests.¹²⁰</p> <p>In May 2023 existing legislation was changed to not allow for individuals to ask for virginity testing anymore, allowing for such tests to be done only at the request of judicial officers.¹²¹</p>	
1.4.12. Children whose parents are in prison/custody	
Policy developments	Legislative developments
<p>Children whose parents are in prison do not benefit from specific support although in the prison system, 39% of those incarcerated are parents of at least one child, and children with incarcerated parents are three times more vulnerable in terms of developing mental problems and antisocial behaviours, more vulnerable to stigma and discrimination, risk of being aggressors or victims of bullying.¹²³</p>	<p>Whenever arresting a defendant who has in their care a child or other persons in need of care, the judge who ordered the arrest needs to also inform the competent authorities to take necessary protection measures for those persons.¹²⁴</p> <p>In 2016 the by-law on the legislation regarding the execution of prison sentences was adopted and it included specific provisions on children born into custody, who may stay with their mothers up to one year and receive appropriate care, children visiting inmates</p>

¹²⁰ Romania, National Council for Combating Discrimination, [Decision 576 from 28 September 2022](#) in file no. 381/2022 Asociația Front and others against the Ministry of Health, the Ministry of Justice and the National Institute of Forensics Mina Minovici, p. 6.

¹²¹ Romania, Joint order issued by the Ministry of Justice and Health, Order no. 1.434/687/C/2023 for the modification and completion of the procedural norms regarding the performance of expertise, findings and other medico-legal works, approved by the Order of the Minister of Justice and the Minister of Health no. 1.134/C/255/2000 ([Ordin nr. 1.434/687/C/2023 pentru modificarea și completarea Normelor procedurale privind efectuarea expertizelor, a constatărilor și a altor lucrări medico-legale, aprobate prin Ordinul ministrului justiției și al ministrului sănătății nr. 1.134/C/255/2000](#)) 2 May 2023.

¹²³ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)).

¹²⁴ Romania (2014) Law no. 135/2010 on the Criminal Procedure Code of July 1, 2010, in force from 1 February 2014 ([Legea nr. 135/2010 privind Codul de Procedură Penală din 1 iulie 2010](#)), 15 July 2010, Art. 229.

	and on how on-line communications can be carried out by people who are detained. ¹²⁵
1.4.13. Children who drop out of compulsory education and working children under the legal age for work	
Policy developments	Legislative developments
<p>The Ministry of Education received additional responsibilities in 2022, namely the obligation to take necessary steps to prevent school drop out for such reasons as early marriage or teen pregnancies.¹²⁶</p> <p>School dropout is a systemic problem with clear disparities between urban and rural areas, for example in the gross enrolment rate in primary education in 2019-2020 was 99.1% in urban areas, compared to 70.1% in rural areas, and in the 2018-2019 school year, the dropout rate was 2.1% in rural areas, compared to 1.2% in urban areas.¹²⁷</p> <p>In terms of children exploited through work, in 2021, of the 15,925 registered cases of abuse, neglect and exploitation of children, 304 of</p>	<p>Preventing access to compulsory public education is a criminal offence and a parent who withdraws a child from school or prevents them, by any means, from attending compulsory public education, can face up to one year imprisonment.¹³⁰ Compulsory general education includes second and third years of pre-school, primary school, secondary school and the first 2 years of upper secondary education and by 2030 the first year of pre-school education also will be compulsory.¹³¹</p>

¹²⁵ Romania (2016) Regulation on the application of Law no. 254/2013 on the execution of punishments and custodial measures ordered by judicial bodies during the criminal process ([Regulament din 10 martie 2016 de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal](#)), 11 April 2016.

¹²⁶ Romania (2022) Law no. 191/2022 amending Law no. 272/2004 on the protection and promotion of children's rights ([Legea nr. 191 din 28 iunie 2022 pentru modificarea și completarea Legii nr. 272/2004 privind protecția și promovarea drepturilor copilului](#)), 30 June 2022, Art. 11.

¹²⁷ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 29.

¹³⁰ Romania (2014) Law no. 286/2009 on the Criminal Code ([Legea nr. 286/2009 privind Codul penal](#)), 24 July 2009, Art. 380.

¹³¹ Romania (2019) Law no. 56/2019 amending the National Education Law no. 1/2011 ([Legea nr. 56 din 1 aprilie 2019 pentru modificarea Legii educației naționale nr. 1/2011](#)), 2 April 2019.

them were cases of children exploited through work.¹²⁸

In terms of figures relating to children carrying out undocumented work the 2023 European Social Charter report on Romania shows the following figures:¹²⁹

Year	No. of employers penalised for using the undocumented work of young persons aged 15-18	No. of young persons aged 15-18 found engaged in undocumented work
2018	88	30
2019	77	105
2020	69	104
2021	67	75

1.4.14. Please insert any other group of children that is not listed above, such as children with drug or alcohol addictions (*add rows as needed*)

Children whose parents live and work in a different country

Policy developments	Legislative developments
In September 2022 there were a total of 12,305 registered children whose parents worked abroad, of which 11,488 were left with	The Romanian Government developed a procedure on monitoring the manner of raising and caring for children

¹²⁸ According to statistics [available on the website](#) of the National Authority for the Protection of Children's Rights and Adoption (*Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție, ANPDCA*).

¹²⁹ European Social Charter, [22nd National Report on the implementation of the European Social Charter](#) submitted by the Government of Romania for the period 01/01/2018 – 31/12/2021, registered by the Secretariat on 12 April 2023, p 5.

other family members and 716 were left in the special protection system.¹³²

with parents who have gone to work abroad and the services they can benefit from.¹³³

The law on the rights of the child was amended to make it mandatory for parents who are already abroad to notify immediately the child services the name of the person to whom the child was entrusted during their absence and the possibility of parents to delegate child-related responsibilities to a person, for up to one year with the obligation of Public Service for Social Assistance to monitor the situation of these children.¹³⁴

1.5. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards

Are there any contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards that have been pointed out by international bodies, national human rights institutions, ombudspersons, or civil society organisations? Please also refer to any contradictions within national and sub-national legislation.

The 2019 Romanian People's Advocate report on children's rights pointed to the lack of funding for health and education as one of the main issues with ensuring children rights and which result in very high child mortality rates, high-school-dropout rates and high levels of inequity between different groups of children, including children from urban and rural areas.¹³⁵ The report shows that although national legislation

¹³² According to [statistical data released by ANPDCA](#).

¹³³ Romanian Government Decision no. 691 from 19 August 2015 for the approval of the Procedure for monitoring the manner of raising and caring for children with parents who have gone to work abroad and the services they can benefit from, as well as for the approval of the Work Methodology regarding the collaboration between the general directions of social assistance and child protection and public social assistance services and the standard model of the documents developed by them ([Hotărâre nr. 691 din 19 august 2015 pentru aprobarea Procedurii de monitorizare a modului de creștere și îngrijire a copilului cu părinți plecați la muncă în străinătate și a serviciilor de care aceștia pot beneficia, precum și pentru aprobarea Metodologiei de lucru privind colaborarea dintre direcțiile generale de asistență socială și protecția copilului și serviciile publice de asistență socială și a modelului standard al documentelor elaborate de către acestea](#)), 1 September 2015.

¹³⁴ Romania (2022) Law no. 191/2022 amending Law no. 272/2004 on the protection and promotion of children's rights ([Legea nr. 191 din 28 iunie 2022 pentru modificarea și completarea Legii nr. 272/2004 privind protecția și promovarea drepturilor copilului](#)), 30 June 2022.

¹³⁵ Romanian People's Advocate (2019) Study on Children's rights in Romania ([Raport privind respectarea drepturilor copilului în România](#)) p. 248.

requires the education system to receive 6% of the GDP, in fact the budget allocated for education is much lower, in 2023 the budget being of only 2.1% of the GDP.¹³⁶

The UN Working Group on discrimination against women and girls raised concerns about the implementation of existing norms and principles and in particular about high rates of trafficking in women and girls; domestic and sexual violence; forced marriage; early marriage; teenage pregnancies and consequent school drop out of girls prevalent in rural area.¹³⁷

Following its visit from 2021 to Romania, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) criticised the fact that minors were still held together with adults, that staff was not trained on how to work with minors and that they more mostly kept in their rooms with very little activities for them to engage in.¹³⁸

1.6. Orientation/fragmentation of national child protection policy and legislation

Based on the above information please assess and explain if the national child protection policy and legislation is fragmented and if the child protection system is oriented towards prevention and/or intervention.

The general child protection policies are lacking coherence and predictability, for example the Minister of Education was changed 28 times in 32 years which leads to chaotic policy making.¹³⁹ Also, most policy making efforts are reactive, they focus on specific interventions but in general they do not address the root problems which are deep rooted issues such as poverty, lack of access to resources and discrimination. The Education Law is amended frequently, with years when more than 10 amendments were adopted and two new draft laws being currently in public debate. Also, despite legislative developments there are issues with how legislation is applied in practice, with significant differences between rural and urban areas.¹⁴⁰ Lack of access to health and education lead the World Bank to find that Romanian children can achieve only about half of their productivity potential, which is lower than the average for the Europe & Central Asia region including high-income countries.¹⁴¹

¹³⁶ Edupedu news article from 6 December 2022, available at [link](#).

¹³⁷ UN Working Group on discrimination against women and girls, [press release](#) after the 10 days country visit, 6 March 2020.

¹³⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) [Report to the Romanian Government on the ad hoc visit to Romania carried out from 10 to 21 May 2021](#).

¹³⁹ According to a news article posted by Adevarul on 5 October 2022, available on its [website](#).

¹⁴⁰ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 (*Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027*).

¹⁴¹ World Bank, press release of 16 September 2020 [Children in Romania Face Risks to Their Productivity Potential Without Urgent Investment in Human Capital](#).

There has been however an increased coordination between institutions involved in child protection and there have been some significant improvements, for example Romania set up Children's Ombuds, within the People's Advocate office which is supposed to deal specifically with children's rights violations.¹⁴²

1.7. Development in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection legislation and policies in the past 8 years, incl. achievements and (persisting) gaps and challenges.

Despite significant progress in children protection legislation and policies, there are still many challenges and obstacles in ensuring children rights are respected.

The proposed 2022-2027 children's rights strategy which is not adopted so far, states, among others, that the quality and availability of services for children is still limited, Romania still invests well below the EU average in social protection, health and education, inequalities in access to education have worsened, particularly between urban and rural areas, school dropout rates have gotten worse, the number of children affected by poverty and social exclusion has risen and children with disabilities and special education needs continue to have limited access to education.¹⁴³

Some of the successes include that large scale residential institutions were closed down and more community care options were developed, that Romania established a Children's Ombuds, that Romania amended and improved existing legislation on domestic violence, human trafficking, sex crimes against children and it developed legal instruments against bullying.

1.8. Promising practices

Please list and briefly describe any promising practice in child protection legislation and policies that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

An increasing number of courts and prosecutor offices are establishing special rooms where children can be heard, be it children accused of crimes or children who are victims or witnesses in judicial proceedings, including children who are victims of sexual crimes. This was done in partnership with courts, judicial professionals and NGOs.¹⁴⁴

The Romanian Government initiated a pilot project by which it provides free lunch for 450 schools in the 2022-2023 school year. This project builds on similar projects ran since 2016 when between 50 to 150

¹⁴² Romania (2018) Law no. 9 /2018 amending Law no. 35/1997 on the People's Advocate institution ([Lege nr. 9 din 5 ianuarie 2018 pentru modificarea și completarea Legii nr. 35/1997 privind organizarea și funcționarea instituției Avocatul Poporului](#)) 8 January 2018.

¹⁴³ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)).

¹⁴⁴ As explained in an [article from juridice.ro](#) from 13 September 2022.

schools were included in this project and the purpose of it is to fight school dropout rates and to foster integration of children.¹⁴⁵

The Government of Romania approved a law on preventing separation of children from their families which sets up an early identification process for vulnerable children, who once identified would benefit of a specialised services package.¹⁴⁶ As part of this initiative the Government would also finance 150 day-centres for vulnerable children, across the country, centres for which €50 million are assigned.¹⁴⁷

¹⁴⁵ Romanian (2022) Government Emergency Ordinance no. 105 from 30 June 2022 ([Ordonanță de Urgență nr. 105 din 30 iunie 2022](#)), 30 June 2022.

¹⁴⁶ Romania, Law no. 156 of 30 May 2023 regarding the organization of activities for the prevention of child separation from the family ([Legea nr.156/2023 privind organizarea activității de prevenire a separării copilului de familie](#)) 31 May 2023.

¹⁴⁷ As presented in a [press-release](#) from the Ministry of Family and Equal Opportunities from 11 January 2023.

2. Governance, coordination structures, and services

2.1. Primary institutions and main service providers responsible for child protection

Question	Yes	No	Comments
<p>2.1.1. Is there any lead institution/body (e.g. child protection agency, ministry, etc.) primarily responsible for child protection at the national level?</p> <p>If <u>yes</u>, please provide the name in the comments box.</p>	x		<p>The main body responsible for promoting and protecting children’s rights in Romania is the National Authority for the Protection of Children's Rights and Adoption (Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție) which was set up as a specialised body within the Ministry of Family and Equal Opportunities through Government Decision 233/2022.</p> <p>The Prime Minister also has an adviser with extensive experience on children’s rights, particularly on the right of children with disabilities.</p>
<p>2.1.2. Are there different structures sharing the primary responsibility (e. g. departments in the same or different ministries, different agencies etc.)?</p> <p>If <u>yes</u>, please provide the name under the comments box and please also mention which body has the lead in coordinating child protection policies and actions.</p>	x		<p>Other ministries also have responsibilities in respect to children’s rights, for instance the Ministry of Justice (<i>Ministerul Justiției, MJ</i>) is the central authority in Romania entrusted with fulfilling the obligations established by the Convention on the Civil Aspects of International Child Abduction. ¹⁴⁸ The Ministry of Education (<i>Ministerul Educației, MEN</i>) is responsible with developing and overseeing the implementation of educational policies across the country. The Ministry of Family, Youth and Equal Opportunities (<i>Ministerului Familiei, Tineretului și Egalității de Șanse, MFTES</i>) is responsible with developing, overseeing and implementing youth relating policies</p>

¹⁴⁸ Romania (2004) Law no. 369/2004 concerning the application of the Hague Convention on the Civil Aspects of International Child Abduction ([Legea nr. 369/2004 privind aplicarea Convenției asupra aspectelor civile ale răpirii internaționale de copii, adoptată la Haga la 25 octombrie 1980](#)) republished on 21 February 2023.

		including in terms of adoption and oversees the National Authority for the Protection of Children's Rights and Adoption (<i>Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție, ANPDCA</i>)
2.1.3. Are there child focal points or similar in different ministries or agencies? <u>If yes</u> , in which ministry are they located, what are they called, and what role/functions do they have? How do they coordinate?	x	

Please provide in the table below a list of the national/regional/local bodies or authorities having certain responsibilities related to child protection, e.g. child ombuds institution.

Please note: For the regional and the local levels please indicate only the type of body, do not list all different bodies at regional/local level in the country.

Name of the body	Level (national/regional/local).	Area of responsibility and roles in child protection <i>(for example coordination, legislation, policy making, training, monitoring, financing, implementing)</i>	Comments <i>(for example in case of ombuds institution, compliance with the Paris Principles)</i>
National Authority for the Protection of Children's Rights and Adoption (<i>Autoritatea Națională pentru Protecția</i>	National	<ul style="list-style-type: none"> - Coordinates, monitors and draws up reports on child protection policies, - Coordinates repatriation of Romanian children found abroad, 	It was established in 2021 when the former National Authority for the Rights of Persons with Disabilities, Children and Adoptions was divided into two entities, one of which is the National Authority for the Protection of Children's Rights and Adoption, that is a

<i>Drepturilor Copilului și Adopție, ANPDCA</i> ¹⁴⁹		<ul style="list-style-type: none"> - Coordinates and oversees adoption policies. 	specialised body of the central public administration that works under the Ministry of Family, Youth and Equal Opportunities.
<i>Children's Ombudsperson (Avocatul Copilului)</i> ¹⁵⁰	National	<ul style="list-style-type: none"> - Receives and investigates complaints in respect to violations of children's rights, - Carries out ad hoc fact-finding missions in institutions where children are held/detained, - Monitors, reports and promotes children's rights. 	It functions within the People's Advocate (Ombuds) office, since 2018.
General divisions of social assistance and child protection (<i>Direcțiile generale de asistență socială și protecția copilului DGASPC</i>) ¹⁵¹	Local	<ul style="list-style-type: none"> - They ensure the implementation of social policies in the field of child protection as well as regarding other persons, groups or communities in social need, with a role in the 	<ul style="list-style-type: none"> - These are local institutions functioning in each county and each district of Bucharest. - They are generally under-funded and understaffed.

¹⁴⁹ Romania (2021) Emergency Ordinance no. 121 of 25 November 2021 regarding the establishment of measures at the level of the central public administration and for the modification and completion of some normative acts ([Ordonanță de Urgență nr. 121 din 25 noiembrie 2021 privind stabilirea unor măsuri la nivelul administrației publice centrale și pentru modificarea și completarea unor acte normative](#)) 25 November 2021, Art. 4.

¹⁵⁰ Romania (2018) Law no. 9 /2018 amending Law no. 35/1997 on the People's Advocate institution ([Lege nr. 9 din 5 ianuarie 2018 pentru modificarea și completarea Legii nr. 35/1997 privind organizarea și funcționarea instituției Avocatul Poporului](#)), 8 January 2018.

¹⁵¹ Romania (2017) Government Decision no. 797 of 8 November 2017 on the framework regulations for the organization and operation of public social assistance services and the indicative personnel structure ([Hotărâre nr. 797 din 8 noiembrie 2017 pentru aprobarea regulamentelor-cadru de organizare și funcționare ale serviciilor publice de asistență socială și a structurii orientative de personal](#)), 23 November 2017.

		administration and granting of social assistance benefits and social services.	- They are under an overlapping coordination from the National Authority for the Protection of Children's Rights and Adoption and of the local authorities.
National Authority for the Protection of the Rights of Persons with Disabilities (<i>Autoritatea Națională pentru Protecția Drepturilor Persoanelor cu Dizabilități, ANPDPD</i>) ¹⁵²	National	- It monitors, coordinates and develops specific legislation and policies to ensure the rights of persons with disabilities are protected and promoted.	- It is the national coordination authority for the implementation of the UN Convention on the Rights of Persons with Disabilities
The Commission for the protection of children (<i>comisia pentru protecția copilului</i>)	Local	- establishes the child's disability classification, - when the parents agree it is the entity which can decide placement of children.	- It is a specialised body that functions under the authority of each county council and under the local council of the city of Bucharest. ¹⁵³
Ministry of Justice (<i>Ministerul Justiției, MJ</i>)	National	- Coordination, policy making,	- The Ministry of Justice is the central authority in Romania entrusted with fulfilling the obligations established by the

¹⁵² Romania (2022) Government Decision no. 234 of 16 February 2022 on the powers, organization and operation of the National Authority for the Protection of the Rights of Persons with Disabilities (*Hotărâre nr. 234 din 16 februarie 2022 privind atribuțiile, organizarea și funcționarea Autorității Naționale pentru Protecția Drepturilor Persoanelor cu Dizabilități*), 18 February 2022.

¹⁵³ Romania (2017) Government Decision no. 502 of 13 July 2017 regarding the organization and functioning of the child protection commission (*Hotărâre nr. 502 din 13 iulie 2017 privind organizarea și funcționarea comisiei pentru protecția copilului*) 25 July 2017.

			Convention on the Civil Aspects of International Child Abduction. ¹⁵⁴
Ministry of Education (<i>Ministerul Educației, MEN</i>)	- National	- Coordination, policy making,	- Developing and overseeing the implementation of educational policies across the country.
Ministry of Family, Youth and Equal Opportunities (<i>Ministerului Familiei, Tineretului și Egalității de Șanse, MFTES</i>)	National	- Coordination, policy making,	- Developing, overseeing and implementing youth relating policies including in terms of adoption, - Oversees the National Authority for the Protection of Children's Rights and Adoption (<i>Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție, ANPDCA</i>)
Ministry of Health (<i>Ministerul Sănătății</i>)	National	- Coordination, policy making,	- Developing and overseeing the implementation of health policies across the country.

2.1.4. Please indicate if there were in the past five years any important changes concerning the child protection mandate/roles/responsibilities and outline what caused or influenced these changes (for example, a transfer of responsibility for child protection from one ministry to another ministry or a body or merging of responsibilities, etc. Please indicate notably if an integrated approach has been sought and/or achieved.

The National Authority for the Rights of Persons with Disabilities, Children and Adoptions, which was an institution within the Ministry of Labour was divided in two entities, one of which is the National Authority for the Protection of Children's Rights and Adoption, which is a specialised body of the central public administration

¹⁵⁴ Romania (2004) Law no. 369/2004 concerning the application of the Hague Convention on the Civil Aspects of International Child Abduction ([Legea nr. 369/2004 privind aplicarea Convenției asupra aspectelor civile ale răpirii internaționale de copii, adoptată la Haga la 25 octombrie 1980](#)) republished on 21 February 2023.

that comes under the newly founded Ministry of Family, Youth and Equal Opportunities. The other institution is the National Authority for the Protection of the Rights of Persons with Disabilities, which is a specialised body of the central public administration, subordinated to the Ministry of Labour and Social Solidarity.¹⁵⁵

Romania set up Children's Ombuds, within the People's Advocate (Ombuds) office and which deals specifically with children's rights violations.¹⁵⁶

2.1.5. Please indicate, in the table below, the major service providers at national level in the area of child protection. Include family support services /measures (i.e. counselling, financial assistance) that are part of the overall social protection/welfare system for children in risk.

Service providers	Type of services	Target groups	Funding
<i>(include the name and the type of institution i.e. public authority, NGOs, religious institutions, private)</i>	<i>(Include counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims, education awareness –training activities, etc.)</i>	<i>(For example, children with disability, children in risk of or living in poverty, immigrant children, children deprived form parental care, child victims of abuse or exploitation. When relevant, please indicate if third country nationals and irregular immigrants are entitled to such services)</i>	<i>(national budget, EU funded, other)</i>
General Directions for Social Work and Child Protection (<i>Directia Generală de Asistență</i>)	-manages and distributes social benefits,	Vulnerable groups including, homeless children, victims of violence, children	Local budget primarily but also central budget and donations

¹⁵⁵ Romania (2021) Emergency Ordinance no. 121 of 25 November 2021 regarding the establishment of measures at the level of the central public administration and for the modification and completion of some normative acts ([Ordonanță de Urgență nr. 121 din 25 noiembrie 2021 privind stabilirea unor măsuri la nivelul administrației publice centrale și pentru modificarea și completarea unor acte normative](#)) 25 November 2021, Art. 4.

¹⁵⁶ Romania (2018) Law no. 9 /2018 amending Law no. 35/1997 on the People's Advocate institution ([Lege nr. 9 din 5 ianuarie 2018 pentru modificarea și completarea Legii nr. 35/1997 privind organizarea și funcționarea instituției Avocatul Poporului](#)), 8 January 2018.

<p><i>Socială si Protectia Copilului, DGASPC</i>), public institutions functioning in each of the 41 counties and in the 6 districts of Bucharest.¹⁵⁷</p>	<p>-monitors, identifies and vulnerable groups and develops prevention programs,</p> <p>- offers direct services such as housing, food, counselling for vulnerable groups.</p>		
<p>Public Service for Social Work (<i>Serviciul Public de Asistență Socială, SPAS</i>), public institutions functioning in each town/village.¹⁵⁸</p>	<p>Day centres;</p> <p>Counselling centres for children and families;</p> <p>Prevention services (such as counselling and support to access legal and social benefits).</p> <p>Financial assistance.</p>	<p>Children at risk of being separated from their families;</p> <p>Children at risk of abuse, neglect, trafficking or exploitation.</p>	<p>Local budget</p>

¹⁵⁷ Romania (2017) Government Decision no. 797 of 8 November 2017 on the framework regulations for the organization and operation of public social assistance services and the indicative personnel structure ([*Hotărâre nr. 797 din 8 noiembrie 2017 pentru aprobarea regulamentelor-cadru de organizare și funcționare ale serviciilor publice de asistență socială și a structurii orientative de personal*](#)), 23 November 2017.

¹⁵⁸ Romania (2011) Law no. 292 of 20 December 2011 on social assistance ([*Lege nr. 292 din 20 decembrie 2011 asistenței sociale*](#)), 20 December 2011.

<p>Save the Children Romania¹⁵⁹</p> <p>NGO</p>	<p>Day centres</p> <p>Counselling centres for children and families</p> <p>Educational centres</p> <p>Financial assistance</p> <p>Training activities, awareness campaigns, advocacy</p>	<p>Children living in poverty, children victims of neglect, violence, abuse or trafficking, children at risk of abuse, neglect or violence</p>	<p>Private funds, state and local budget.</p>
<p>World Vision¹⁶⁰</p> <p>NGO</p>	<p>Financial support</p> <p>Counselling for children and families</p>	<p>Children with disabilities, children in risk of or living in poverty</p>	<p>Private funds.</p>
<p>Bethany Foundation¹⁶¹</p> <p>NGO</p>	<p>Support services to prevent the separation of children from the family, foster care services, education, financial support</p>	<p>Children in risk of or living in poverty, children who risk separation from the family, children in care</p>	<p>Private funds</p>

¹⁵⁹ Information available at www.salvaticopiii.ro.

¹⁶⁰ Information available in English at www.worldvision.ro.

¹⁶¹ Information available in English at www.bethany.ro.

<p>Hopes and Homes for Children¹⁶²</p> <p>NGO</p>	<p>Lobby and advocacy, maternal centres, day centres, emergency centres, maternal centres, family type residential centres, counselling, financial assistance, training, assistance to local and state authorities to develop alternatives to institutionalisation</p>	<p>Children in risk of or living in poverty, children who risk separation from the family, children in care or leaving care</p>	<p>Private funds</p>
<p>S.O.S. Satele Copiilor¹⁶³</p> <p>NGO</p>	<p>Family type residential centres, counselling, education</p>	<p>Children separated from the family, children in care or leaving care</p>	<p>Private funds</p>
<p>2.1.6. Please indicate if any child participation or feedback mechanisms are part of child protection services.</p>			

¹⁶² Information available in Romanian at www.hhc.ro.

¹⁶³ Information available in Romanian at www.sos-satelecopiilor.ro.

Children have the right to freely express their opinion on any issue that affect them and in any judicial proceedings concerning children it is mandatory to listen to children who are 10 year or older.¹⁶⁴ Special protection measures can only be applied with the consent of children who are 14 or older but the court can, in special cases, establish a protection measure even without the child's consent.¹⁶⁵

The Law on children's rights provides that local public administration authorities have the obligation to involve the local community in the process of identifying the needs of the community and solving social problems affecting children at the local level and to do so they should set up consultative community structures to resolve specific cases and to respond to the global needs of the respective community.¹⁶⁶ In 2020 there were such consultative community structures in 64% of the total of local administrations, but there is no information on how many of them are actually functional.¹⁶⁷

Both the child and the family must be consulted and involved in planning the services when devising the service plan of the personalised intervention plan.¹⁶⁸

¹⁶⁴ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished on 5 March 2014, Art. 29.

¹⁶⁵ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)) republished on 5 March 2014, Art. 57 (3).

¹⁶⁶ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished on 5 March 2014, Art. 114.

¹⁶⁷ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p.16.

¹⁶⁸ Romania (2006) Order no.288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz in protectia copilului](#)), 6 July 2006.

2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection.

Question	YES	NO	Comments
<p>2.2.1. Is there a registry of civil society organisations operating in the child protection area?</p> <p>If <u>yes</u>, briefly provide information on the legislative-regulatory framework and the responsible authority.</p>	x		<p>There is a registry of all the licensed social services providers, but the registry does not distinguish between beneficiaries, it also distinguishes between public or private provider.</p> <p>The registry of available on the website of the Ministry of labour.</p> <p>The same information is also available on the website of the Social Services Policy Directorate (DPSS), which is a specialised department within the Ministry of Labour and Social Protection, responsible with the coordination of the application of the Government's policies in the field of social assistance.</p> <p>The licensing and quality standards for social services providers, as well as monitoring procedures and registry of these providers is prescribed by Law no. 197 of 1 November 2012 regarding quality assurance in the field of social services (Lege nr. 197 din 1 noiembrie 2012 privind asigurarea calităţii în domeniul serviciilor sociale).</p>
<p>2.2.2. Is there a legal obligation for the accrediting; licensing; registering; inspecting the activity of any type of civil society organisations, e. g. NGOs, charities, church organisations, etc. in the area of child protection?</p>	x		<p>There is a general law on the accrediting, licensing, registering, inspecting the activity of social service providers, including private social service providers such as NGOs.¹⁶⁹</p>

¹⁶⁹ Romania (2012) Law no. 197 of 1 November 2012 regarding quality assurance in the field of social services ([Lege nr. 197 din 1 noiembrie 2012 privind asigurarea calităţii în domeniul serviciilor sociale](#)), 9 November 2012.

<p>If <u>yes</u>, which is the responsible authority? How frequent are reviews and inspections?</p>		<p>NGOs need an accreditation certificate and a license to provide social services.¹⁷⁰ The accreditation certificate is not time-barred, it is granted for an indefinite period of time but social services providers need to notify any changes that have occurred in their organisation.¹⁷¹ The licence is granted only for 5 years and needs to be obtained for each social service.¹⁷²</p> <p>The National Agency for Payments and Social Inspection (<i>Agenția Națională pentru Plăți și Inspecție Socială</i>) carries out reviews and inspections of social service providers and according to its activity report in 2021 it verified 1,174 social services for children and families, of which 772 were public and 402 private.¹⁷³</p> <p>In 2022 the Child's Ombuds carried out just one monitoring visit to an NGO and one investigation in a night shelter for homeless children.¹⁷⁴</p>
<p>2.2.3. Are there cooperation agreements/partnerships between government and the civil society at national or local level?</p> <p>If <u>yes</u>, What is the prevalence of this practice?</p> <p>Please provide <u>indicative examples</u> and information regarding the main areas covered, type of services targeted, and financial aspects of such</p>	<p>x</p>	<p>Partnership agreements and cooperation between governmental institutions and NGOs are possible and relatively common.</p> <p>For example, in 2021 the National Authority for the Protection of Children's Rights and Adoption concluded 4 collaboration agreements with NGOs in order to implement joint projects on such topics as preventing sexual abuse or trafficking of children</p>

¹⁷⁰ Romania (2012) Law no. 197 of 1 November 2012 regarding quality assurance in the field of social services ([Lege nr. 197 din 1 noiembrie 2012 privind asigurarea calității în domeniul serviciilor sociale](#)) 9 November 2012, Art. 8.

¹⁷¹ Romania (2012) Law no. 197 of 1 November 2012 regarding quality assurance in the field of social services ([Lege nr. 197 din 1 noiembrie 2012 privind asigurarea calității în domeniul serviciilor sociale](#)), 9 November 2012, Art. 10.

¹⁷² Romania (2012) Law no. 197 of 1 November 2012 regarding quality assurance in the field of social services ([Lege nr. 197 din 1 noiembrie 2012 privind asigurarea calității în domeniul serviciilor sociale](#)), 9 November 2012, Art. 11.

¹⁷³ The National Agency for Payments and Social Inspection (Agenția Națională pentru Plăți și Inspecție Socială) [2021 Activity report](#), published on 20 April 2022, p. 10.

¹⁷⁴ Romanian Ombudsperson [annual report for 2022](#), published on 31 January 2023, p. 25.

partnerships (i.e. if done in view of accessing EU funds).			or protection the rights of institutionalised children. ¹⁷⁵
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2.3. Inter-agency cooperation in the area of child protection

Question	YES	NO	Comments
<p>2.3.1. Is there <u>coordination between national, regional, or local authorities</u> in developing and implementing policies and legislation in the area of child protection?</p> <p><u>If yes</u>, how is this done? Please comment on the strengths and weaknesses.</p> <p><u>For example</u>, is this cooperation – coordination regulated by the legislative framework? Does cooperation take place ad hoc, e.g. addressing specific issues and on specific thematic areas of interest or is it a key feature of the system?</p>	x		<p>The main responsible body is the National Authority for the Protection of Children's Rights and Adoption (<i>Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție</i>) which has a consultive body -the Coordination Council in the field of protection and promotion of children's rights and adoption (<i>Consiliul de coordonare în domeniul protecției și promovării drepturilor copilului și adopției</i>) which consists of representatives of all ministries which have competences in children protection and child protection institutions and which monitors child protection policies and makes recommendations on how to improve them.¹⁷⁶</p>
<p>2.3.2. Is there inter-agency <u>cooperation between the relevant actors</u> having responsibility in the area of child protection (including civil society organisations)?</p> <p><u>If yes</u>, please mention <u>how this is done</u> (for examples are there standing inter-agency committees or meetings, are</p>	x		<p>Inter-agency coordination between relevant actors which have responsibilities in the area of children's rights is carried out by the General Directorate on Social Assistance and Child Protection (DGASPC), which is responsible for coordination of social assistance activities and protection of the family and the rights of the child, persons with disabilities, victims of domestic violence, elderly persons, as well as measures to prevent and combat situations of marginalization and social exclusion.¹⁷⁷ DGASPC</p>

¹⁷⁵ Romania, Annual report for 2021 of the National Authority for the Protection of Children's Rights and Adoption ([Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție](#)) p. 13.

¹⁷⁶ Romania (2022) Government Decision no. 233 from 16 February 2022 regarding the powers, organization and operation of the National Authority for the Protection of Children's Rights and Adoption ([Hotărâre nr. 233 din 16 februarie 2022 privind atribuțiile, organizarea și funcționarea Autorității Naționale pentru Protecția Drepturilor Copilului și Adopție](#)), 18 February 2022, Arts. 6 – 8.

¹⁷⁷ Romania (2017) Framework Regulation of 8 November 2017 for the organization and operation of the General Directorate of Social Assistance and Child Protection ([Regulament-Cadru din 8](#)

digital tools used?). Which actor has a leading role?			also coordinates the activity of social services providers, however in practice this is done inconsistently across the country, there is no unified practice. ¹⁷⁸
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2.3.3. What are the main challenges regarding effective cooperation and coordination? (For example, lack of clarity regarding responsibilities and roles of actors, overlaps of responsibilities, and communication between organisations is not adequately structured and resourced)?

One of the main obstacles in cooperation and coordination is the fact that existing legislation is not sufficiently clear, that it changes very often and there is very little follow up or assessment to see how it is implemented. There is a high degree of disparity between rural and urban areas and between different towns.

Also, one of the critical problems of the social assistance system is the acute lack of staff working in social assistance services, in particular in rural areas and in small and economically underdeveloped towns and the fact that many of those working in the social assistance system do not have specialised training.¹⁷⁹

Question	YES	NO	Comments
2.3.4. Are child protection authorities engaging in <u>transnational cooperation</u> in the area of child protection, for example with regards to missing children, parental abduction, or migrant children?	x		<p>The National Authority for the Protection of Children's Rights and Adoption (<i>Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție</i>, ANPDCA) is the central Romanian entity that fulfils the obligations provided for in the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children and Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption.¹⁸⁰</p> <p>The Ministry of Justice (<i>Ministerul Justiției</i> MJ) is the central authority under the Hague Convention</p>

[noiembrie 2017 de organizare și funcționare al Direcției generale de asistență socială și protecția copilului](#)), 23 November 2017.

¹⁷⁸ Romanian Peoples Advocate, Report on children's rights in Romania ([Raport privind respectarea drepturilor copilului în România](#)) 8 November 2019, p. 112.

¹⁷⁹ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p 15.

¹⁸⁰ Romania (2022) Government Decision no. 233 from 16 February 2022 regarding the powers, organization and operation of the National Authority for the Protection of Children's Rights and Adoption ([Hotărâre nr. 233 din 16 februarie 2022 privind atribuțiile, organizarea și funcționarea Autorității Naționale pentru Protecția Drepturilor Copilului și Adopție](#)), 18 February 2022, Art. 3.

		<p>for International Child Abduction and the 2007 Hague Convention on the International Recovery of Child Support and other forms of Family Maintenance.¹⁸¹</p> <p>Romania signed the Optional Protocol to the Convention on the Rights of the Child on 13 June 2012 but to date the Parliament has not ratify it although the Ombuds office has made a specific request for the Parliament to ratify it in 2019.¹⁸² There are several other complaints mechanisms which could be used for the protection of the rights of children but Romania did not ratify, and these include the Optional Protocol to the International Covenant on Economic and Social Rights, the International Convention for the Rights of Migrant Workers, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the collective complaints mechanism for the European Social Charter with the Committee on Economic and Social Rights.¹⁸³ There is no public discussion and no stated interest in ratifying such instruments.¹⁸⁴</p>
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If yes, please briefly comment and include information on transnational agreements-protocols of cooperation as well as on the interaction between child protection authorities and other actors involved in transnational cooperation processes, for example law enforcement and judicial authorities, migration authorities, social services, Central Authorities under Brussels IIbis Regulation/Hague Convention, consular or diplomatic authorities. Are there any challenges relating to transnational cooperation? Are the challenges different for cross-border cases among EU countries or with third countries?

Please provide information on main relevant agreements – cooperation schemes in two of the following areas: missing children, parental abduction, inter-country adoption, migrant children (family tracing-family reunification –return-relocation).

Romania is party to several issue-based treaties on specific aspects of children’s rights, including CRC - Convention on the Rights of the Child, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Convention on the Rights of Persons

¹⁸¹ Romania (2004) Law no. 369/2004 concerning the application of the Hague Convention on the Civil Aspects of International Child Abduction ([Legea nr. 369/2004 privind aplicarea Convenției asupra aspectelor civile ale răpirii internaționale de copii, adoptată la Haga la 25 octombrie 1980](#)), republished on 21 February 2023.

¹⁸² Romanian Ombuds, Report on children’s rights in Romania ([Raport privind respectarea drepturilor copilului în România](#)) 8 November 2019, p 33 – 39.

¹⁸³ A list of treaties which Romania signed and ratified is available on the Ministry of Foreign Affairs [website](#).

¹⁸⁴ As confirmed through desk research.

with Disabilities, CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment.¹⁸⁵

In the field of parental abduction, the central authority is the Ministry of Justice, which is entrusted with cooperating and coordinating the efforts of national and international authorities in cases of child abduction.¹⁸⁶ In theory, child abduction cases are heard in a speedy manner, with court hearings being no more than 2 weeks apart, but in practice there are several challenges particularly in enforcing these decisions but also stemming from the fact that enforcement procedures do not have such clear time limits, there are practical difficulties in determining the habitual residence or what constitutes wrongful removal.¹⁸⁷

Cooperation in the area of inter-state adoption is regulated by Law no. 273/2004.¹⁸⁸ The applications for inter-country adoption are sent to ANPDCA by the relevant central state authority or by an accredited organisation.¹⁸⁹ ANPDCA will match the applicant with a suitable child listed and the adopting family needs to come and stay in Romania at least 30 days to meet the child and during which time their interaction will be monitored to determine whether there is a practical match as well.¹⁹⁰ ANPDCA will then send the application to the court and once the court has approved the adoption, will issue a certificate that the adoption observes the Hague convention criteria.¹⁹¹

One of the most sensitive issues on international cooperation is in relation to efforts made to repatriate unaccompanied Romanian children from abroad or returning Romanian children left without parental supervision, in which case some countries hold the children in state care or declare them adoptable.¹⁹²

¹⁸⁵ As shown on the UN Treaty Body Database [website](#), last visited on 11 March 2023.

¹⁸⁶ Romania (2004) Law no. 369/2004 concerning the application of the Hague Convention on the Civil Aspects of International Child Abduction ([Legea nr. 369/2004 privind aplicarea Convenției asupra aspectelor civile ale răpirii internaționale de copii, adoptată la Haga la 25 octombrie 1980](#)) republished on 21 February 2023, Art. 1.

¹⁸⁷ Romania, Superior Council of Magistrates (2017) Practical guide in the field of cooperation in cross-border cases with minors ([Ghid practic în domeniul cooperării în cauzele transfrontaliere cu minori](#)) p 61-80.

¹⁸⁸ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004.

¹⁸⁹ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Art. 64.

¹⁹⁰ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Art. 64-67.

¹⁹¹ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Art. 72-74.

¹⁹² Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention, [Fifth periodic reports of States parties due in 2012, Romania](#), 13 September 2016, p. 16, 17.

2.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection governance, coordination structures, and services in the past 8 years, incl. achievements and (persisting) gaps and challenges

The legislation on international adoptions has been modified to make it easier for family members who live abroad to adopt Romanian children - they now have priority in adopting children with whom they are related.¹⁹³ However, Romanian legislation still only allows the international adoption of Romanian children by family members of the child, or by other Romanian citizens or spouses of the parents of the child.¹⁹⁴

One of the main developments in child protection governance is the fact that the National Authority for the Protection of Children's Rights and Adoption (*Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție*, ANPDCA) was set up to monitor and coordinate child protection policies.¹⁹⁵ Also the Children's Ombuds (*Avocatul Copilului*) was set up to investigate complaints regarding violations of children's rights.¹⁹⁶

However, the lingering problems consist of lack of financing for social services, for education and for health services, together with a lack of trained staff working on social services, which affects the ability of these services to function and address the needs of children.¹⁹⁷

2.5. Promising practices

Please list and briefly describe any promising practice in governance, coordination structures, and services that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

¹⁹³ Romania (2020) Law no. 268 of 25 November 2020 amending Law no. 273/2004 regarding the adoption procedure ([Lege nr. 268 din 25 noiembrie 2020 pentru modificarea și completarea Legii nr. 273/2004 privind procedura adopției](#)), 26 November 2020.

¹⁹⁴ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Art. 60.

¹⁹⁵ Romania (2021) Emergency Ordinance no. 121 of 25 November 2021 regarding the establishment of measures at the level of the central public administration and for the modification and completion of some normative acts ([Ordonanță de Urgență nr. 121 din 25 noiembrie 2021 privind stabilirea unor măsuri la nivelul administrației publice centrale și pentru modificarea și completarea unor acte normative](#)), 25 November 2021, Art. 4.

¹⁹⁶ Romania (2018) Law no. 9 /2018 amending Law no. 35/1997 on the People's Advocate institution ([Lege nr. 9 din 5 ianuarie 2018 pentru modificarea și completarea Legii nr. 35/1997 privind organizarea și funcționarea instituției Avocatul Poporului](#)), 8 January 2018.

¹⁹⁷ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)).

The Romanian Parliament approved a law on preventing the separation of a child from the family, which establishes a clear cooperation scheme between interested institutions providing social services for children and families and sets up a National Children's Observatory which would allow to identify all children at risk of family separation and would allow to monitor their situation.¹⁹⁸ Also, for the very first time the law comes up with a financial mechanism allowing allocation from the state budget for the services aimed at preventing child separation from the family.

The ANPDCA already announced that it started distributing 5,000 tablets across the country for social workers to use.¹⁹⁹ It also opened a call for project proposals to fund the construction of 150 day-care centres for which it will allocate 50 million Euro.²⁰⁰

The Romanian Government set up a national number where anyone can call to report and prevent cases of abuse, exploitation, neglect and forms of violence against children, with an operator office established in all 47 DGASPCs to service these calls.²⁰¹

¹⁹⁸ Romania, Law no. 156 of 30 May 2023 regarding the organization of activities for the prevention of child separation from the family ([Legea nr.156/2023 privind organizarea activității de prevenire a separării copilului de familie](#)) 31 May 2023.

¹⁹⁹ Romania, National Authority for the Protection of Children's Rights and Adoption, [press-release](#) from 2 February 2023.

²⁰⁰ Romania, National Authority for the Protection of Children's Rights and Adoption, [press-release](#) from 7 November 2022.

²⁰¹ Romania, National Authority for the Protection of Children's Rights and Adoption, [press-release](#) from 5 January 2022.

3. Capacities (human and financial resources)

3.1. Information on budget allocation and funding

Question	YES	NO	Comments
3.1.1. Is budget allocation on child protection incorporated into legislative and policy instruments?	x		The budget eventually allocated to child protection services is incorporated in the State Budget Act adopted annually ²⁰² and the local City Council decisions concerning local budgets. The National Strategies in the field of child protection include budget assessments.
3.1.2. Is the budget allocated to child protection (alternatively on children's rights or on social welfare) clearly specified in the annual national budget? Please refer to the specific budget item allocated to this in 2022?		x	The budget allocated to child protection is not distinctly earmarked in the State and local budgets. Except for "child support" and "collected VAT redirected to finance county child protection services", most expenses which are related to child protection are included in general chapters such as "social work", "staff expenses", "goods and services". ²⁰³
3.1.3. What percentage of the total state budget was allocated to child protection in the last five years? If data is not available, please provide information on the budget allocated to social protection/social welfare in general.			
<p>In 2018, the level of public expenditure for children and families with children, expressed in purchasing power standard (PPS), was 1734 PPS per child in Romania, compared to 3787 PPS in the EU27, or €835 in Romania compared to €3,668 in the EU27, with expenditure on social protection and expenditure on families/children showing a constant upward trend in Romania, starting from 2014, but still falling below EU27 level in 2019: 1.4% of GDP and 11.9% of public expenditure, compared to the EU27 average of 1.7% and 19.3% respectively.²⁰⁴</p> <p>According to Eurostat²⁰⁵ data Romania's annual total expenditure for social benefits, per citizen, was:</p>			

²⁰² For instance, Romania, Law no. 368/2022 concerning the state budget for 2023 ([Legea nr. 368 /2022 bugetului de stat pe anul 2023](#)) has specific provisions on services for children, 19 December 2022.

²⁰³ Romania, Law no. 368/2022 concerning the state budget for 2023 ([Legea nr. 368 /2022 bugetului de stat pe anul 2023](#)), 19 December 2022.

²⁰⁴ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)).

²⁰⁵ According to Eurostat data available at ec.europa.eu/eurostat, last visited on 20 April 2022.

- 2016 - €1243.94;
- 2017 – €1388.35;
- 2018 – €1547.21;
- 2019 – €1728.11;
- 2020 – €1940.93– compared to an average of €9105.82, across the 27 EU countries, in the same year.

Eurostat figures²⁰⁶ show that Romania spent the following percentages of its annual gross domestic product on social services:

- 2016 – 10.5%;
- 2017 – 10.4%;
- 2018 – 10.5%;
- 2019 – 10.8%;
- 2020 – 12.8%;
- 2021– 12.2 %;
- 2022- 11.3%.

Question	YES	NO	Comments
<p>3.1.4. Is the existing budget and funding of child protection services/institutions considered sufficient <u>and</u> sustainable (as compared to only project based for a limited period of time)?</p> <p><i>(Please consider available studies, reports at national level conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such</i></p>		x	<p>As stated by Romanian authorities in the draft Strategy Protected Children, Safe Romania, Romania invests less compared to other EU countries in education and health, in social protection in general and in the protection of families with children in particular, for instance between 2015 - 2019, spending on education, health and social protection, expressed as a percentage of GDP or of public government spending, was consistently and considerably below the EU27 average, 40% lower in the case of social protection, 32% in the case of education and 37% in the case of health.²⁰⁷</p>

²⁰⁶ According to Eurostat data available at ec.europa.eu/eurostat , last visited on 15 May 2022.

²⁰⁷ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)).

<p>as the concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</p>			
<p>3.1.5. Do EU funds play a substantial role in the funding of the national child protection system and/or related policies?</p> <p>Please provide information on the child protection areas and related services incl. providers that use EU funds (including what type of funds for which period of time).</p>	<p>x</p>		<p>EU funds have traditionally played an important role in funding national child protection services.</p> <p>For example the Human Capital Operational Program (POCU) for 2014-2020 allocated over RON 4 billion (approx. €800 million) for educational projects which covered projects fighting school-drop out or second chance programs.</p> <p>In the same time through the Regional Operational Program (POR) a total amount of €52 million was allocated exclusively to the projects concerning the closure of the classic residential institutions, as part of the final phase of the deinstitutionalisation process.²⁰⁸</p> <p>Thus, the General Departments for Social Assistance and Child Protection could apply for funding in order to close the residential institutions and replace them with alternative care solutions such as, family type homes, foster care or family placement.²⁰⁹</p> <p>Under the National Recovery and Resilience Plan there was an open call for proposals for the setting up of a network of 150 day centres with €50 million.</p>
<p>3.1.6. Is corporate social responsibility developed at national level in</p>	<p>x</p>		<p>Companies can divert 20% of their yearly profit tax to sponsor the activity of individuals or entities, including that of non-governmental organisations.²¹⁰ The number of companies</p>

²⁰⁸ According to the information provided by the the National Authority for the Protection of Children's Rights and Adoption ([Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție](#)) from July 2023.

²⁰⁹ According to a submission from a representative of the National Authority for the Protection of Children's Rights and Adoption ([Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție](#)) from July 2023.

²¹⁰ Romania, Law no. 227/2015 on the Fiscal Code ([Legea nr. 227/2015 privind Codul Fiscal](#)) from 8 September 2015, Art. 25 (1) 2.

<p>relation to child protection services?</p> <p>If <u>yes</u>, please provide information on major child protection national programmes and actions that are primarily funded by the private sector or by public-private schemes/ synergies.</p>		<p>choosing to use this possibility has risen constantly, in 2020 8% of companies chose to use this possibility and the total amount diverted was of €335,9 million.²¹¹</p> <p>The main beneficiaries of these funds are NGOs (50%) followed by schools 19.5% and hospitals 18.8% and the NGOs that received the money were active in the field of health (28.8%) social services (26.3%), and education (26.3%).²¹²</p>
<p>3.1.7. Has the involvement of the private sector in child protection recently significantly increased? Are there projects or programmes receiving governmental funding which outsource protection services for children? Please include civil society organisations and private companies contracted by government/local authorities to provide services.</p> <p>If <u>yes</u>, please explain the changes and the reasons hereof. Please provide information on the legal provisions regulating this and on the main services / groups of children that are covered. Provide information based on indicative examples.</p>	<p>x</p>	<p>The amounts allocated to CSOs by the central government and the supported areas did not change significantly in the last years, social service providers continued to receive subsidies at comparable levels with previous years (totalling approx. € 5.3 million for 9,862 beneficiaries).²¹³ NGOs found in 2019 that almost 70% of social service providers in Romania are private, but the funding coming from public sources of these providers does not exceed, on average, 14-15% of their total annual budget.²¹⁴</p> <p>NGOs that set up and administer social assistance services, may receive subsidies allocated from the state budget or local budgets, which can be used, exclusively, for the social assistance services provided.²¹⁵ This mechanism has been criticised for offering very little money, lacking transparency and having a</p>

²¹¹ According to an analysis published by a Romanian NGO, ArcRomania, published on 15 December 2021, available at [link](#).

²¹² ArcRomania, Tax credit regarding the sponsorship regime in Romania (*Creditul fiscal privind regimul sponsorizărilor în România*) Februarie 2022, p 15, 16.

²¹³ Romania, Foundations for Civil Society Development, [2021 Sustainability index for Civil Society Organizations](#), p. 5.

²¹⁴ Romania, Federation of Non-Governmental Organizations for Social Services, [Annual report for 2019](#).

²¹⁵ Romania (1998) Law no. 34/1998 regarding the granting of subsidies to Romanian associations and foundations with legal personality, which establish and administer social assistance units (*Lege nr. 34 din 20 ianuarie 1998 privind acordarea unor subvenții asociațiilor și fundațiilor române cu personalitate juridică, care înființează și administrează unități de asistență socială*), 27 January 1998.

		<p>high degree of bureaucracy.²¹⁶ In 2021, there were 156 NGOs who applied for this funding, who in total coordinated 341 social services for which RON 23.885.628 (approx. €4.7 million) were allocated for 10,372 beneficiaries.²¹⁷</p> <p>NGOs can also receive project-based funding form central and local authorities, which can organize open calls for proposals and select NGOs based on competitive procedures.²¹⁸ This funding scheme has been criticised by organisations for being unpredictable, there is not foreseeability for what projects may be funded, it regularly funds short-term projects and one-off projects, it comes with a high degree of bureaucracy and the funds are generally small, covering low wages.²¹⁹ For example, in 2022 the Bucharest Social Assistance Agency funded only 3 projects under this law, one of which was specifically on services for children with autism, one on persons living with HIV and one for victims of domestic violence.²²⁰</p>
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3.2. Information on human resources, qualification requirements, and training

Question	YES	NO	Comments
3.2.1. Are the allocated human resources in the area of child protection at all levels		x	One of the critical problems of the social assistance system is the lack of personnel in public social assistance services, in particular in

²¹⁶ Romania (2019) The Centre for Non-profit Legislation, [Evaluation report of financing mechanisms available for non-profit organizations](#), p. 32, 33.

²¹⁷ Romania, 2021 Anula activity report of the National Agency for Payments and Social Inspections ([Agenția Națională pentru Plăți și Inspectie Socială](#)) published on 20 April 2022, p. 57.

²¹⁸ Romania (2005) Law no. 350 / 2005 on non-refundable financing from public funds allocated for non-profit activities of general interest ([Lege nr. 350 din 2 decembrie 2005 privind regimul finanțărilor nerambursabile din fonduri publice alocate pentru activități nonprofit de interes general](#)), 19 December 2005.

²¹⁹ Romania (2019) The Centre for Non-profit Legislation, [Evaluation report of financing mechanisms available for non-profit organizations](#), p. 27-32.

²²⁰ Romania, [2022 Annual report](#) of the General Directorate of Social Assistance of Bucharest Municipality.

<p>sufficient? (services, institutions etc.)?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>			<p>rural areas and in small and economically underdeveloped towns; the number remains small despite the fact that it has grown; the total number of social services workers increased in the period 2014-2020, from 9,261 to 14,898, more pronounced in urban areas (+62.7% in 2020 compared to 2014) than in rural areas (+47.4%).²²¹</p>
<p>3.2.2. Are the allocated human resources competent in the area of child protection and appropriately trained?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		x	<p>Many of the workers in the social assistance system do <u>not</u> have specialised training. In 2020 for example, the number of employees with specialised studies in all of the 2,861 rural municipalities was only 774, however since 2014 there has been a 65% increase of workers who graduated higher specialised education while the number of workers without specialised education increased by 37%, and that of staff with post-secondary education by 14%. In many administrations, the duties of social assistance are still carried out by personnel with qualifications in other fields and who, in most cases, also have other duties in the town hall.²²²</p>
<p>3.2.3. Is there a <u>compulsory certification or licencing</u> process for social workers and other professionals who work for child protection?</p> <p><u>If yes</u>, briefly describe the process.</p>		x	<p>There is no compulsory education requirement for social workers to comply with, however the law specifies that in hiring social workers to work with children priority would be given to certified social workers.²²³</p> <p>In order to work as a social worker, one must be a member of the National College of Social Workers and be registered on the National</p>

²²¹ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 15.

²²² Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 15.

		<p>Registry of Social Workers.²²⁴ In order to be registered, one must submit copies of the university certificates, proving that he/she has a degree in social work, medical documents and clean criminal records.²²⁵ The person who is convicted for an offence committed with intent and related to the profession of social worker or has been prohibited, by court, to work as a social worker, cannot be registered as a social worker or loses this status.²²⁶</p> <p>There are no provisions on any periodical review of the social worker certification.</p> <p>In order to work as a psychologist with the right of free practice, one must be a member of the Romanian College of Psychologists and be registered on the Romanian Registry of Psychologists.²²⁷ In order to be registered, one must submit copies of the university certificates, proving that they have a degree in psychology, medical documents and clean criminal records.²²⁸ The person who is convicted for an offence committed with intent and related to the profession of psychologist or has been prohibited, by court, to work as a psychologist,</p>
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²²⁴ Romania, Law no. 466/2004 concerning the status of the social worker ([Legea nr. 466/2004 privind statutul asistentului social](#)), 4 November 2004, Art. 7.

²²⁵ Romania, Law no. 466/2004 concerning the status of the social worker ([Legea nr. 466/2004 privind statutul asistentului social](#)), 4 November 2004, Art. 8.

²²⁶ Romania, Law no. 466/2004 concerning the status of the social worker ([Legea nr. 466/2004 privind statutul asistentului social](#)), 4 November 2004, Art. 14.

²²⁷ Romania, Law no. 213/2004 concerning the profession of psychologist with a right to practice, the establishing, organisation and functioning of the Romanian College of Psychologists ([Legea nr. 213/2004 privind exercitarea profesiei de psiholog cu drept de libera practica, infiintarea, organizarea si functionarea Colegiului Psihologilor din Romania](#)), 27 May 2004, Art. 2 (2) and 8.

²²⁸ Romania, Government Decision no. 788/2005 to approve the Methodological norms for the enforcement of Law no. 213/2004 concerning the profession of psychologist with a right to practice, the establishing, organisation and functioning of the Romanian College of Psychologists ([HG nr. 788/2005 pentru aprobarea normelor metodologice de aplicare a Legii nr. 213/2004 privind exercitarea profesiei de psiholog cu drept de libera practica, infiintarea, organizarea si functionarea Colegiului Psihologilor din Romania](#)), 14 July 2005, Annex 1, Art. 11.

		<p>cannot be registered as a psychologist or loses this status.²²⁹</p> <p>However, this accreditation is mandatory only for psychologists who want to obtain the right of free practice and be, generally, self-employed.²³⁰ Holding the right of free practice is not mandatory for psychologists employed with a work contract. Thus, DGASPC can employ Psychology graduates who were not subjected to these licencing procedures and are not members of the College.</p> <p>Nevertheless, the psychological evaluation of children with disabilities, made to diagnose the disability and establish educational needs of children can only be made by a psychologist with the right of free practice and who are licensed in clinical psychology.²³¹</p> <p>Institutions in the education, health or social protection system, as well as any public or private entity whose activity involves direct contact with children, elderly people, persons with disabilities or other categories of vulnerable persons or which involves the physical examination or psychological evaluation of a person have the obligation to request from prospective employees or collaborators a behavioural integrity certificate</p>
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²²⁹ Romania, Law no. 466/2004 concerning the status of the social worker ([Legea nr. 466/2004 privind statutul asistentului social](#)), 4 November 2004, Art. 14.

²³⁰ Romania, Law no. 213/2004 concerning the profession of psychologist with a right to free practice, the establishing, organisation and functioning of the Romanian College of Psychologists ([Legea nr. 213/2004 privind exercitarea profesiei de psiholog cu drept de libera practica, infiintarea, organizarea si functionarea Colegiului Psihologilor din Romania](#)), 27 May 2004, Art. 6

²³¹ Romania, Order no. 1,985 of October 4, 2016 regarding the approval of the methodology for the assessment and integrated intervention with a view to classifying children with disabilities in the degree of handicap, the school and professional guidance of children with special educational requirements, as well as with a view to enabling and rehabilitating children with disabilities and/or special educational requirements ([Ordin nr. 1.985 din 4 octombrie 2016 privind aprobarea metodologiei pentru evaluarea și intervenția integrată în vederea încadrării copiilor cu dizabilități în grad de handicap, a orientării școlare și profesionale a copiilor cu cerințe educaționale speciale, precum și în vederea abilitării și reabilitării copiilor cu dizabilități și/sau cerințe educaționale speciale](#)) art. 31 (2)

		<p>which shows whether or not the person is listed in the sexual offenders registry.²³²</p> <p>Social services providers have the obligation to request a behavioural integrity certificate and psychiatric evaluation document, when hiring staff or contracting volunteers that come into direct contact with the child.²³³</p>
<p>3.2.4. Are there any <u>selection criteria</u> (for example qualification requirements) and <u>vetting procedures</u> for volunteers working with children in various areas?</p> <p>If <u>yes</u>, please describe briefly.</p>	<p>x</p>	<p>Institutions in the education, health or social protection system, as well as any public or private entity whose activity involves direct contact with children, as well as elderly people, persons with disabilities or other categories of vulnerable persons or which involves the physical examination or psychological evaluation of a person, have the obligation to request from prospective volunteers a behavioural integrity certificate which shows whether or not the person is listed in the sexual offenders registry.²³⁴</p> <p>Social services providers have the obligation to request a behavioural integrity certificate and psychiatric evaluation document, when hiring</p>

²³² Romania, Law no. 118/ 2019 regarding the automated national register regarding persons who have committed sexual crimes, exploitation of certain persons or against minors, as well as for the completion of Law no. 76/2008 on the organization and operation of the National Judicial Genetic Data System ([*Lege nr. 118 din 20 iunie 2019 privind Registrul național automatizat cu privire la persoanele care au comis infracțiuni sexuale, de exploatare a unor persoane sau asupra minorilor, precum și pentru completarea Legii nr. 76/2008 privind organizarea și funcționarea Sistemului Național de Date Genetice Judiciare*](#)), 20 June 2019, Art. 18.

²³³ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([*Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului*](#)), republished 5 March 2014, Art. 151.

²³⁴ Romania, Law no. 118/ 2019 regarding the automated national register regarding persons who have committed sexual crimes, exploitation of certain persons or against minors, as well as for the completion of Law no. 76/2008 on the organization and operation of the National Judicial Genetic Data System ([*Lege nr. 118 din 20 iunie 2019 privind Registrul național automatizat cu privire la persoanele care au comis infracțiuni sexuale, de exploatare a unor persoane sau asupra minorilor, precum și pentru completarea Legii nr. 76/2008 privind organizarea și funcționarea Sistemului Național de Date Genetice Judiciare*](#)), 20 June 2019, Art. 18.

		staff or contracting volunteers that come into direct contact with the child. ²³⁵
<p>3.2.5. Is there <u>regular training</u> on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area?</p> <p><u>If yes</u>, please include information on the training of law enforcement officials (judges, persecutors, police), health and education personnel (doctors, nurses, teachers, school counsellors).</p> <p>Please provide information on the mandatory nature of training, its frequency, funding, if it relates to specific needs of children, etc.</p>		<p>Case managers should undertake 42 hours of training on management issues and 42 hours training on child protection issues.²³⁶</p> <p>Judges and prosecutors are trained by the National Magistrates Institute (<i>Institutul Național al Magistraturii</i>) which between 2014-2020 had 5-6 sessions annually, with approximately 25 participants each on topics related to interviewing children and interacting with them in the course of judicial proceedings, the exact number of participants is not available.²³⁷ These trainings are optional.</p> <p>The annual activity reports of the Public Ministry show that prosecutors have participated in a wide variety of courses including on children's justice and there is a pool of prosecutors specialised in cases with children who had specific training on how to work with children victims of sexual crimes; the network is made up of 50 prosecutors, at least one from each prosecutor's office attached to each tribunal²³⁸</p>

²³⁵ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014 Art. 151.

²³⁶ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului](#)), 6 July 2006, S.11.

²³⁷ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 39.

²³⁸ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 39.

			<p>There is no data available for police officers specialised or trained to investigate cases involving child perpetrators or child victims.²³⁹</p> <p>From 2014 to 2020 all prison staff working on reintegration was trained on how to work with children in prison.²⁴⁰ In the same period 477 probation officers were trained on how to work with children.²⁴¹</p>
<p>3.2.6. Are child rights and child protection topics included in the curriculum of studies for professionals other than social workers and psychologists involved in child protection systems? (Please include information regarding law enforcement officials, judges, prosecutors, lawyers, health, and education personnel)</p> <p><u>If yes</u>, please describe briefly.</p>		x	<p>Child rights and family law are a regular topic only in law schools.</p> <p>There are some specialised courses on children's rights, for example the „Alexandru Ioan Cuza” University of Iasi, offers a master's program on children's rights, within the Faculty of Philosophy. A similar program is offered by the Faculty of Social assistance from the Babeş-Bolyai University from Cluj-Napoca. Also, some Faculties offer a course on children's rights within their curricula, for example the Education Science Faculty from the Babeş-Bolyai University from Cluj-Napoca.</p>
<p>3.2.7. Are there <u>joint training activities</u> involving professionals and personnel from various disciplines in place?</p> <p>Please provide some examples.</p>		x	<p>There are no regular joint trainings for professionals on child protection, as confirmed through desk research. The training activities identified were for specific professions, including judges and prosecutors, as listed under 3.2.5.</p>

²³⁹ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 39.

²⁴⁰ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 40.

²⁴¹ Pluriconsult , Evaluation of the implementation of the National Strategy for the Protection and Promotion of Children's Rights 2014-2020 ([Evaluarea implementării Strategiei Naționale pentru Protecția și Promovarea Drepturilor Copilului 2014-2020](#)) May 2021, p. 70.

3.2.8. Outline briefly the main challenges and/ or gaps relating to human resources, qualification requirements and training underlined the relevant authorities and/ or child protection civil society organisations.

The main challenge results from the lack of sufficient personnel with training on children's rights. Specific services for children are generally understaffed and there are no regular training programs for professionals working with children. There is also a lack of joined trainings to secure a shared understanding of the standards.

3.3. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection capacities in the past 8 years, incl. achievements and (persisting) gaps and challenges

One of the critical challenges of the social assistance system is the lack of staff in public social assistance services, in particular in rural areas and in small and economically underdeveloped towns; the number remains small despite the fact that it has grown; the total number of social services workers increased in the period 2014-2020, from 9,261 to 14,898, more pronounced in urban areas (+62.7% in 2020 compared to 2014) than in rural areas (+47.4%).

Many of the workers in the social assistance system do not have specialised training, however since 2014 there has been a 65% increase of personnel who graduated higher specialized education, while the number of workers without specialized education increased by 37%, and that of staff with post-secondary education by 14%. In many administrations, the duties of social assistance are still carried out by personnel with qualifications in other fields and who, in most cases, also have other duties in the town hall. ²⁴²

3.4. Promising practices

Please list and briefly describe any promising practice in child protection capacities that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Save the Children and DGASPC from District 6 of Bucharest are running a pilot project on the Barnabus which is an intervention model for children, especially victims of sexual violence, who are involved in legal proceedings where children receive all the specialised services they need in one space, where they can be questioned, evaluated and monitored and receive the counselling they need from specialised staff. ²⁴³

The Romanian Government is implementing a project entitled Out of Care for the Children (*Din grijă pentru copii*) over the course of two years, 2021-2023, which focuses on ensuring psycho-emotional

²⁴² Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights

"Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 15.

²⁴³As explained on the Save the Children [website](#).

support for children, as well as increasing their safety.²⁴⁴ As part of this project approximately 1,000 police officers were trained on how to work with children, how to identify vulnerable children and how to intervene in such cases, how to question children and on how to investigate online crimes against children.²⁴⁵

²⁴⁴ Romania, Government Emergency Ordinance no. 105 of 23 September 2021 regarding the approval and implementation of the National Support Program for children, in the context of the COVID-19 pandemic - "Out of care for children" ([*OUG nr. 105 din 23 septembrie 2021 privind aprobarea și implementarea Programului național de suport pentru copii, în contextul pandemiei de COVID-19 - "Din grijă pentru copii"*](#)), 23 September 2021.

²⁴⁵ Romanian Government, Report on the implementation of the national project Out of Care for Children ([*Din grijă pentru copii*](#)) 9 January 2023, p. 17.

4. Care

4.1. Prevention measures and services

4.1.1. Please provide information on the interaction between the child protection system and the social welfare and social protection system in place. Is there an inherent coordination of measures and interventions? Are responsible authorities and service providers the same or different?

At central level the coordinating child protection authority is the National Authority for the Protection of Children's Rights and Adoption (*Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție*), which is a specialised body of the central public administration that works under the Ministry of Family, Youth and Equal Opportunities.²⁴⁶

At local level the General Directions for Social Work and Child Protection (*Directia Generala de Asistență Socială și Protecția Copilului*, DGASPC), public institutions functioning in each of the 41 counties and in the 6 districts of Bucharest.²⁴⁷ They are the main bodies entrusted with children rights protection, they can make house calls to see if children are mistreated and can ask the court to take away parental rights and place children in special protection.²⁴⁸

The DGASPC are under the methodological coordination of the National Authority for the Protection of Children's Rights and Adoption.

The DGASPC also coordinate and guide the Public Services for Social Work (*Serviciul Public de Asistență Socială*, SPAS) which public institutions functioning in each town/village which have to identify and monitor vulnerable children and children at risk of being separated by their families.²⁴⁹

²⁴⁶ Romania (2021) Emergency Ordinance no. 121 of 25 November 2021 regarding the establishment of measures at the level of the central public administration and for the modification and completion of some normative acts ([Ordonanță de Urgență nr. 121 din 25 noiembrie 2021 privind stabilirea unor măsuri la nivelul administrației publice centrale și pentru modificarea și completarea unor acte normative](#)), 25 November 2021, Art. 4.

²⁴⁷ Romania (2017) Government Decision no. 797 of 8 November 2017 on the framework regulations for the organization and operation of public social assistance services and the indicative personnel structure ([Hotărâre nr. 797 din 8 noiembrie 2017 pentru aprobarea regulamentelor-cadru de organizare și funcționare ale serviciilor publice de asistență socială și a structurii orientative de personal](#)), 23 November 2017.

²⁴⁸ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)) republished 5 March 2014, Arts. 40, 58.

²⁴⁹ Romania (2011) Law no. 292 of 20 December 2011 social assistance ([Lege nr. 292 din 20 decembrie 2011 asistenței sociale](#)), 20 December 2011.

Social services providers can be either private entities (NGOs or even companies) or public institutions and they need to undergo an accreditation procedure for the services they want to provide.²⁵⁰

4.1.2. Is there evidence that families are supported in their role of primary caregivers? Is the primary position of families in child caregiving and protection recognised and supported through universal and targeted services and through every stage of the intervention, particularly through prevention? Which type of support (incl. financial, medical, psycho/social advice, legal advice, care staff, care equipment, guidance and training etc.) is available to families in need.

The main social benefits given to children and families with children are the state allowance (41.5% of the total amount spent) and the paid caregiver leave (25.2% of the total amount spent) and in 2019 of the total expenditure on family and children, approximately 75% was used for financial transfers, compared to only 25% for benefits in goods and services, which include social service expenditure, at the same year leave.²⁵¹

In terms of support services, there are very few such services available across the country, for example as of January 1, 2022, only 11 %of the administrative units had at least one day care centre for children or families with children, with the situation being worst in rural areas, 7% of which have such centres.²⁵²

4.1.3. When a child in need of care is identified, who coordinates support to the family and the child to ensure protection and prevent abuse and/ or placement of the child and how?

The SPAS are under an obligation to inform the DGASPC in case they find any signs of abuse, neglect, exploitation and any other form of violence and the DGSAPC has the obligation to verify the suspicion within no more than 48 hours after being informed by the SPAS.²⁵³ The DGASPC has to draw up an individualised protection plan which should primarily identify means to place the child within the

²⁵⁰ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 37, 38.

²⁵¹ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 14.

²⁵² World Bank (2022) [Mapping of needs, available services and infrastructure facilities for children at risk of separation from families, in particular in vulnerable communities](#), p 14.

²⁵³ Romania (2015) Working methodology of August 19, 2015 regarding the collaboration between the general directorates of social assistance and child protection and public social assistance services and the standard model of the documents developed by them ([Metodologie din 19 august 2015 de lucru privind colaborarea dintre direcțiile generale de asistență socială și protecția copilului și serviciile publice de asistență socială și modelul standard al documentelor elaborate de către acestea](#)), 1 September 2015, Art. 12.

family, but can also find that it is in the child's best interest to be placed under special care, in which case the DGASPC needs to address the court seeking a placement order.²⁵⁴

4.1.4. What are the crisis emergency responses in place?

Emergency placement of a child can be ordered whenever a child is abused, neglected or subjected to any form of violence or found abandoned, or the child whose sole legal guardian or both guardians have been detained, arrested, hospitalized or in a situation in which, for any other reason, they cannot exercise their parental rights and obligations regarding the child.²⁵⁵

The emergency placement measure is established by the director of the DGASPC who has to notify the court within 5 days from the date on which this measure was ordered and the court will analyse the reasons that were the basis of the measure and may order the termination of the emergency placement and, as the case may be, the reintegration of the child into the family, the replacement of foster placement emergency with the guardianship or placement measure as well as ruling over the exercise of parental rights.²⁵⁶

There are no specific sanctions attached to non-compliance with these obligations, general sanctions may apply though, for instance, a civil servant refusing to execute their duties or failing to do so through neglect may receive a disciplinary sanction ranging from a warning to being fired.²⁵⁷

4.2. Identification and reporting procedures

Question	Yes	No	Comments
4.2.1. Is there an identification/	x		The SPAS are under an obligation to inform the DGASPC in case they find any signs of abuse,

²⁵⁴ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 58.

²⁵⁵ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 68 (1) and (2).

²⁵⁶ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Arts. 69, 70.

²⁵⁷ Romania, Law no. 188/1999 regarding the Statute of civil servants ([Lege nr. 188 din 8 decembrie 1999 privind Statutul funcționarilor publici](#)) from 8 December 1999, republished on 22 March 2004, Art. 65

<p>reporting obligation foreseen in the legislation?</p> <p>If <u>yes</u>, please provide the relevant provisions and indicate authorities and/or individuals that have identification/reporting obligations.</p>		<p>neglect, exploitation and any other form of violence and the DGSAPC has the obligation to verify the suspicion within no more than 48 hours after being informed by the SPAS.²⁵⁸</p> <p>Employees of public or private institutions who, due to the nature of their profession, come into contact with children and have suspicions about a possible case of abuse, neglect or ill-treatment have the obligation to urgently notify the general direction of social assistance and child protection.²⁵⁹</p> <p>There are no specific sanctions attached to non-compliance with these obligations, general sanctions may apply though, for instance, a civil servant refusing to execute their duties or failing to do so through neglect may receive a disciplinary sanction ranging from a warning to being fired.²⁶⁰</p> <p>There is also the possibility of criminal liability, for example whoever becomes aware of cases of trafficking or exploitation of vulnerable persons or any sexual offences against children needs to alert the authorities, otherwise they are committing a criminal offence themselves, punishable with up to 2 years of prison.²⁶¹</p>
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4.2.2. Please describe available national and/or sub-national reporting procedures for cases of abuse, exploitation, violence, harassment, discrimination, or neglect against children in all available reporting mechanisms, including, helplines and hotlines. Include the legislative and

²⁵⁸ Romania (2015) Working methodology of August 19, 2015 regarding the collaboration between the general directorates of social assistance and child protection and public social assistance services and the standard model of the documents developed by them ([Metodologie din 19 august 2015 de lucru privind colaborarea dintre direcțiile generale de asistență socială și protecția copilului și serviciile publice de asistență socială și modelul standard al documentelor elaborate de către acestea](#)), 1 September 2015, Art. 12.

²⁵⁹ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 89 (3).

²⁶⁰ Romania, Law no. 188/1999 regarding the Statute of civil servants ([Lege nr. 188 din 8 decembrie 1999 privind Statutul funcționarilor publici](#)) from 8 December 1999, republished on 22 March 2004, Art. 65

²⁶¹ Romania (2009) Law 286/2009 on the Criminal Code ([Legea nr. 286/2009 privind Codul Penal din 17 iulie 2009](#)), 24 July 2009, Art 266 (1^1).

regulatory framework, actors involved (e.g. police, child protection centres, victims support organisations), and timeframe.

Please provide details such as if there a common or different procedures or helplines/hotlines for specific issues. What is the profession of the staff receiving the reporting? Is the staff competent and trained for the purpose?

In January 2022, the Romanian Government set up a national number where anyone can call to report and prevent cases of abuse, exploitation, neglect and forms of violence against children, with an operator office established in all 47 DGASPCs to service these calls.²⁶²

Until 15 December 2022, there have been 103,557 calls to this number, calls coming from children themselves (450), neighbours, relatives, acquaintances (5,892) and from people working in the child protection and education fields (2,332) complaining mostly about physical, emotional and sexual abuse, as well as neglect of children, and out of these calls 33,450 cases were solved.²⁶³

In addition to the possibility of calling the specialised number any cases of abuse can be reported to the police, prosecutor's officer, to the People's Advocate or to the child protection services which, if competent on the issues raised have to act upon the complaint or if they are not competent to deal with the issues raised, they have to send the complaint, within 5 days, to the competent authority.²⁶⁴

Question	Yes	No	Comments
4.2.3. Do children have the right to report independently? If <u>yes</u> , please provide information on the availability of <u>age-appropriate and child-friendly</u> reporting procedures	x		Children have the right to file complaints regarding infringement of their rights. ²⁶⁵ Children can call the child protection hotlines and report cases of abuse and in 2022 a total of 450 children made such calls. ²⁶⁶ Their call should be treated with confidentiality, operators need to respect the anonymity and confidentiality of

²⁶² Romania, National Authority for the Protection of Children's Rights and Adoption, [press-release](#) from 5 January 2022.

²⁶³ Romanina Government, Report on the implementation of the national project For Care of Children ([Din grijă pentru copii](#)) 9 January 2023, p. 5 – 8.

²⁶⁴ Romania, Government Ordinance no. 27/2002 on the procedure applicable to the handling of petitions ([Ordonanta nr. 27 din 30 ianuarie 2002 privind reglementarea activității de soluționare a petițiilor](#)) 30 January 2002, Art. 6[^]1.

²⁶⁵ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 34 (1).

²⁶⁶ Romanina Government, Report on the implementation of the national project For Care of Children ([Din grijă pentru copii](#)), 9 January 2023, p. 5 – 8.

<p>(to whom and how children can report child rights' violations and abuse). Is the anonymity and confidentiality of the child in the reporting protected? Please comment briefly.</p>		<p>conversations but in emergency situations the counsellors can provide all the necessary data, including those related to the identity and location of the child, to the mobile team so that the team can intervene.²⁶⁷</p> <p>Any person, including children, can notify the DGASPC to report any form of violence, including sexual violence, injury or physical or mental abuse, of ill-treatment or exploitation, abandonment or neglect.²⁶⁸</p> <p>Anyone can petition the People`s Advocate (Ombuds), irrespective of their age but anonymous petitions will not be taken into consideration.²⁶⁹</p> <p>In the case of criminal complaints, children younger than 14 can make complaints only through their legal representatives and those aged 14 to 18 with the consent of their legal representatives, with the exception of the case in which the legal representative is the one accused of committing a crime, in which case the police should initiate an investigation.²⁷⁰</p> <p>The identity of children can be anonymized only in exceptional cases when there are reasonable grounds to believe that the life, bodily integrity, freedom, assets or professional activity could be endangered. This is done according to general</p>
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²⁶⁷ Romania, Ministry of Labor and Social Justice, Annex to the Order of the Minister of Labor and Social Justice no. 27/2019 on the approval of the minimum quality standards for day social services for children ([*Ministerul Muncii și Justiției Sociale, Anexa la Ordinul ministrului muncii și justiției sociale nr. 27/2019 privind aprobarea standardelor minime de calitate pentru serviciile sociale de zi destinate copiilor, din 03.01.2019*](#)) from 3 January 2019.

²⁶⁸ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([*Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului*](#)), republished 5 March 2014, Art. 89 (2).

²⁶⁹ Romania (1997) Law no. 35 of 13 March 1997 regarding the organization and operation of the Ombudsperson ([*Law Legea nr. 35 din 13 martie 1997 privind orqanizarea și funcționarea instituției Avocatul Poporului*](#)) republished on 27 February 2018, Arts. 16, 17.

²⁷⁰ Romania, Law no. 135/2010 of 1 July,2010 regarding the Code of Criminal Procedure ([*Legea nr. 135/2010 din 1 iulie 2010 privind Codul de Procedură Penală*](#)), 15 July 2010, Art. 289 (8).

			anonymizing procedure and not specific to children. ²⁷¹
4.2.4. Are children informed of their right to report and how they can do it? If yes, by whom and how?	x		<p>Parents, local and central public authorities, school officials, have a legal obligation to inform their children of their rights and obligations.²⁷² These obligations are however defined in general terms and there are no specific forms or procedures by which children are informed of their rights in a child friendly manner. ²⁷³As a result, only 88% of children declared that they had heard about children's rights and the most frequent sources of information were school (69%), family (40%) and the online environment (40%), with smaller percentages mentioning books (16%), friends, different people, NGOs working with children and young people (9-11% each).²⁷⁴ This would indicate that the most successful information programs are those included in school curricula. Children in the 5th grade, during their social education class, focus on critical thinking and children's rights.²⁷⁵ In high-school, during the 9th and 10th grades schools can offer an elective class for students on inclusive education and critical thinking when they learn about children's rights including applicable international standards on children's rights.²⁷⁶</p> <p>Additionally, there have been ad hoc sporadic information campaigns, for example the National</p>

²⁷¹ Romania, Law no. 135/2010 of 1 July, 2010 regarding the Code of Criminal Procedure ([Legea nr. 135/2010 din 1 iulie 2010 privind Codul de Procedură Penală](#)), 15 July 2010, Arts. 125, 126.

²⁷² Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Arts. 34 (2), 48 (4), 52(2).

²⁷³ As confirmed through desk research.

²⁷⁴ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 43.

²⁷⁵ Romania, Ministry of Education Order no. 3.590 of 5 April 2016 regarding the approval of educational framework plans for secondary education ([Ordin nr. 3.590 din 5 aprilie 2016 privind aprobarea planurilor-cadru de învățământ pentru învățământul gimnazial](#)), 15 June 2016.

²⁷⁶ Romania, School curriculum for the optional subject inclusive education and the development of critical thinking ([Programa școlară pentru disciplina opțională educație incluzivă și dezvoltarea gândirii critice](#)).

		<p>Council for Pupils (<i>Consiliul Național al Elevilor</i>) and UNICEF Romania developed an illustrated guide on children’s rights, explaining in accessible language the rights and obligations of pupils.²⁷⁷</p> <p>The Romanian Institute for Human Rights (<i>Institutul Român Pentru Drepturile Omului, I.R.D.O.</i>) developed a guide for institutionalised children on how to identify abuses and how to report them, the guide also explains the main rights children have and it also includes a section on the rights prescribed by the EU Charter on Fundamental Rights and the relevant provisions on children’s rights.²⁷⁸ The guide was developed together with civil society organisations and it provides information for children who are in residential care and it also has a section for workers from these institutions the guide is available online and it was distributed to residential care institutions.²⁷⁹</p>
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4.2.5. What are the main challenges and/or gaps relating to identification and reporting procedures underlined by relevant authorities and/or child protection civil society organisations?

From 1 January 2022 to 30 September 2022 the DGASPC reported 12,761 cases of abuse of children of which 1,414 were of physical abuse, 1,552 of emotional abuse, 1,143 of sexual abuse, 8,312 of neglect, 212 of work exploitations, 34 of sexual exploitation.²⁸⁰ However, other data suggests that the number of cases of abuse might be even higher.

On average there are 3,000 children who call the Children’s hotline annually, 100,000 children call another number for abused children ran by an NGO, 600 complaints are filed to the Children’s Ombuds and there is no official information on how many complaints are made in relation to children to the general emergency number.²⁸¹

²⁷⁷ Council for Pupils (*Consiliul Național al Elevilor*) and UNICEF Romania, Illustrated guide for pupils (*Ghidul ilustrat al elevilor*) 2018.

²⁷⁸ Romanian Institute for Human Rights (*Institutul Român Pentru Drepturile Omului I.R.D.O.*) Guide on the prevention of situations of violence against children and young people from residential centers (*Ghid privind prevenirea situațiilor de violență asupra copiilor și tinerilor din centrele rezidențiale*) 2022.

²⁷⁹ As explained in a press-release issued by the Romanian Institute for Human Rights (*Institutul Român Pentru Drepturile Omului I.R.D.O.*) available on its [website](#).

²⁸⁰ According to [statistical data released by ANPDCA](#) .

²⁸¹ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 (*Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027*) p. 48.

4.3. Referral procedures(s) and investigation and protection

4.3.1. Please describe the referral mechanisms in place following reporting and identification procedures.

In the answer please include the legislative and regulatory framework, interagency protocols and guidelines, the actors involved and their role and responsibilities, as well as the applicable timeline. Please also specify the procedure, if different, for other groups of children (e.g. with disabilities, migrant, victim of a particular form of violence etc.)

The referral mechanism is detailed in GD no. 49/2011,²⁸² Order no. 288/2006²⁸³ and Order no. 27/2019.²⁸⁴ Thus, any suspicion of abuse, neglect or exploitation must be reported immediately to DGASPC, directly or through the Child's Line. DGASPC must issue protocols of cooperation with other institutions which come into contact with children, detailing the exact steps to be taken in case there is a suspicion of child abuse / neglect / exploitation and the referral procedure.²⁸⁵

²⁸² Romania, Government Decision no. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, and the Methodology for Multi-disciplinary and Inter-institutional Interventions in Cases of Exploited Children and of Those Who Are in Labour Exploitation Risk Situations, of Children Who Are Victims of Trafficking in Human Beings, as well as of Romanian Migrant Children Who Are Victims of other Violence Forms in the Territory of Other States ([*Hotărârea Guvernului nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea și intervenția în echipa multidisciplinară și în rețea în situațiile de violență asupra copilului și de violență în familie și a Metodologiei de intervenție multidisciplinară și interinstituțională privind copiii exploatați și aflați în situații de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum și copiii români migranți victime ale altor forme de violență pe teritoriul altor state*](#)), January 19, 2011.

²⁸³ Romania, Order no.288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului*](#)), 6 July 2006.

²⁸⁴ Romania, Ministry of Labor and Social Justice, Annex to the Order of the Minister of Labor and Social Justice no. 27/2019 on the approval of the minimum quality standards for day social services for children ([*Ministerul Muncii și Justiției Sociale, Anexa la Ordinul ministrului muncii și justiției sociale nr. 27/2019 privind aprobarea standardelor minime de calitate pentru serviciile sociale de zi destinate copiilor, din 03.01.2019*](#)) from 3 January 2019.

²⁸⁵ Romania, Government Decision no. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, and the Methodology for Multi-disciplinary and Inter-institutional Interventions in Cases of Exploited Children and of Those Who Are in Labour Exploitation

If the suspicion was reported to SPAS, SPAS staff must fill out immediately a referral form and forward it to DGASPC in maximum 48 hours.²⁸⁶ The Child's Line staff will record the data about the child and the situation of abuse, neglect or exploitation on a form, during the conversation, then fill in a referral form, in maximum 12 hours since the conversation, and forward it within 24 hours to the relevant DGASPC compartment for assessment and further measures.²⁸⁷

Risk Situations, of Children Who Are Victims of Trafficking in Human Beings, as well as of Romanian Migrant Children Who Are Victims of other Violence Forms in the Territory of Other States (*Hotărârea Guvernului nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea și intervenția în echipa multidisciplinară și în rețea în situațiile de violență asupra copilului și de violență în familie și a Metodologiei de intervenție multidisciplinară și interinstituțională privind copiii exploatați și aflați în situații de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum și copiii români migranți victime ale altor forme de violență pe teritoriul altor state*), January 19, 2011.

²⁸⁶ Romania, Government Decision no. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, and the Methodology for Multi-disciplinary and Inter-institutional Interventions in Cases of Exploited Children and of Those Who Are in Labour Exploitation Risk Situations, of Children Who Are Victims of Trafficking in Human Beings, as well as of Romanian Migrant Children Who Are Victims of other Violence Forms in the Territory of Other States (*Hotărârea Guvernului nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea și intervenția în echipa multidisciplinară și în rețea în situațiile de violență asupra copilului și de violență în familie și a Metodologiei de intervenție multidisciplinară și interinstituțională privind copiii exploatați și aflați în situații de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum și copiii români migranți victime ale altor forme de violență pe teritoriul altor state*), January 19, 2011.

²⁸⁷ Romania, Ministry of Labor and Social Justice, Annex to the Order of the Minister of Labor and Social Justice no. 27/2019 on the approval of the minimum quality standards for day social services for children (*Ministerul Muncii și Justiției Sociale, Anexa la Ordinul ministrului muncii și justiției sociale nr. 27/2019 privind aprobarea standardelor minime de calitate pentru serviciile sociale de zi destinate copiilor, din 03.01.2019*) from 3 January 2019.

When DGASPC receives the referral form, it will proceed and carry out an initial assessment of the case.²⁸⁸ An assessment report will be drafted within 24 hours.²⁸⁹ Based on the report, DGASPC manager will decide whether the case will be referred to SPAS for prevention services or will be handled by DGASPC.²⁹⁰ If the suspicion is confirmed, an in depth assessment will follow, in order to identify the needs of the child and suitable support services.²⁹¹ A case manager will be appointed,²⁹² who will head a multidisciplinary team, functioning within DGASPC's Complex Assessment Service,

²⁸⁸ Romania, Government Decision no. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, and the Methodology for Multi-disciplinary and Inter-institutional Interventions in Cases of Exploited Children and of Those Who Are in Labour Exploitation Risk Situations, of Children Who Are Victims of Trafficking in Human Beings, as well as of Romanian Migrant Children Who Are Victims of other Violence Forms in the Territory of Other States ([*Hotărârea Guvernului nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea și intervenția în echipa multidisciplinară și în rețea în situațiile de violență asupra copilului și de violență în familie și a Metodologiei de intervenție multidisciplinară și interinstituțională privind copiii exploatați și aflați în situații de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum și copiii români migranți victime ale altor forme de violență pe teritoriul altor state*](#)), January 19, 2011.

²⁸⁹ Romania, Order no.288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului*](#)), 6 July 2006, s.3.6.

²⁹⁰ Romania, Order no.288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului*](#)), 6 July 2006, s.3. 10.

²⁹¹ Romania, Government Decision no. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, and the Methodology for Multi-disciplinary and Inter-institutional Interventions in Cases of Exploited Children and of Those Who Are in Labour Exploitation Risk Situations, of Children Who Are Victims of Trafficking in Human Beings, as well as of Romanian Migrant Children Who Are Victims of other Violence Forms in the Territory of Other States ([*Hotărârea Guvernului nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea și intervenția în echipa multidisciplinară și în rețea în situațiile de violență asupra copilului și de violență în familie și a Metodologiei de intervenție multidisciplinară și interinstituțională privind copiii exploatați și aflați în situații de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum și copiii români migranți victime ale altor forme de violență pe teritoriul altor state*](#)), January 19, 2011.

²⁹² Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului*](#)), 6 July 2006, s.3.7 – 3.8.

and carry out an in-depth assessment of the child and their family.²⁹³ The team may include a psychologist, a social worker, a doctor, a police worker and a legal expert, as well as other relevant professionals, as the case may be.²⁹⁴ The in-depth assessment aims to identify the specific situation and needs of the child and the family. It involves home visits, meetings and interviews with the child and the family, interviews of other relevant persons who are involved with the child or the family.²⁹⁵ The case manager will draft an assessment report, within 24 hours from the last visit or interview, report which must be sent to the other members of the multi-disciplinary team, the family and the child, within three days from completion.²⁹⁶ A service plan or a personalised intervention plan will be devised, depending on the findings of the report.²⁹⁷ The entire assessment procedure should last at most 30 days since the case was reported or referred to DGASPC.²⁹⁸

²⁹³ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz in protectia copilului*](#)), 6 July 2006, s.4.

²⁹⁴ Romania, Government Decision no. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, and the Methodology for Multi-disciplinary and Inter-institutional Interventions in Cases of Exploited Children and of Those Who Are in Labour Exploitation Risk Situations, of Children Who Are Victims of Trafficking in Human Beings, as well as of Romanian Migrant Children Who Are Victims of other Violence Forms in the Territory of Other States ([*Hotărârea Guvernului nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea și intervenția în echipa multidisciplinară și în rețea în situațiile de violență asupra copilului și de violență în familie și a Metodologiei de intervenție multidisciplinară și interinstituțională privind copiii exploatați și aflați în situații de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum și copiii români migranți victime ale altor forme de violență pe teritoriul altor state*](#)), January 19, 2011.

²⁹⁵ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz in protectia copilului*](#)), 6 July 2006, s.4.

²⁹⁶ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz in protectia copilului*](#)), 6 July 2006, s.4.8.

²⁹⁷ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz in protectia copilului*](#)), 6 July 2006, s.6.

²⁹⁸ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz in protectia copilului*](#)), 6 July 2006, s.6.

If the suspicion is not confirmed, the case may be referred to SPAS for prevention services or to other relevant institutions.²⁹⁹

Question	Yes	No	Comments
4.3.2. Are there applicable standards in the form of legal provisions, guidelines, protocols, interagency agreements or regulatory frameworks regarding investigation and assessment procedures following reporting and identification procedures?	X		Law no. 272/2004 contains some provisions stating, in a general manner, that, following the reporting of referral, DGASPC is under a duty to carry out an initial assessment and devise a plan of measures. The referral and assessment mechanism are detailed in GD no. 49/2011, ³⁰⁰ Order no. 288/2006 concerning minimum compulsory standards for case management ³⁰¹ and Order no. 27/2019. ³⁰²

²⁹⁹ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz in protectia copilului*](#)), 6 July 2006, s.3.9.

³⁰⁰ Romania, Government Decision no. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, and the Methodology for Multi-disciplinary and Inter-institutional Interventions in Cases of Exploited Children and of Those Who Are in Labour Exploitation Risk Situations, of Children Who Are Victims of Trafficking in Human Beings, as well as of Romanian Migrant Children Who Are Victims of other Violence Forms in the Territory of Other States ([*Hotărârea Guvernului nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea și intervenția în echipa multidisciplinară și în rețea in situațiile de violență asupra copilului și de violență in familie și a Metodologiei de intervenție multidisciplinară și interinstituțională privind copiii exploatați și aflați în situații de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum și copiii români migranți victime ale altor forme de violență pe teritoriul altor state*](#)), January 19, 2011.

³⁰¹ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz in protectia copilului*](#)), 6 July 2006.

³⁰² Romania, Ministry of Labor and Social Justice, Annex to the Order of the Minister of Labor and Social Justice no. 27/2019 on the approval of the minimum quality standards for day social services for children ([*Ministerul Muncii și Justiției Sociale, Anexa la Ordinul ministrului muncii și justiției sociale nr. 27/2019 privind aprobarea standardelor minime de calitate pentru serviciile sociale de zi destinate copiilor, din 03.01.2019*](#)) from 3 January 2019.

4.3.3. Is the assessment carried out by a multidisciplinary team of professionals?	x	<p>When DGASPC receives the referral form, it will proceed and carry out an initial assessment of the case.³⁰³ The initial assessment will be carried out by a social worker from DGASPC within 72 hours from the referral/report.³⁰⁴ An assessment report will be drafted within 24 hours.³⁰⁵</p> <p>In emergency situations, the initial assessment will be carried out within an hour by the mobile team which will consist of at least one child protection expert and one police officer.³⁰⁶ A report will be filled in within 12 hours.³⁰⁷</p> <p>Based on the report, DGASPC manager will decide whether the case will be referred to SPAS for prevention services or will be handled by</p>
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³⁰³ Romania, Government Decision no. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, and the Methodology for Multi-disciplinary and Inter-institutional Interventions in Cases of Exploited Children and of Those Who Are in Labour Exploitation Risk Situations, of Children Who Are Victims of Trafficking in Human Beings, as well as of Romanian Migrant Children Who Are Victims of other Violence Forms in the Territory of Other States ([Hotărârea Guvernului nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea și intervenția în echipa multidisciplinară și în rețea în situațiile de violență asupra copilului și de violență în familie și a Metodologiei de intervenție multidisciplinară și interinstituțională privind copiii exploatați și aflați în situații de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum și copiii români migranți victime ale altor forme de violență pe teritoriul altor state](#)), January 19, 2011.

³⁰⁴ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului](#)), 6 July 2006.

³⁰⁵ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului](#)), 6 July 2006, s.3.8.

³⁰⁶ Romania, Ministry of Labor and Social Justice, Annex to the Order of the Minister of Labor and Social Justice no. 27/2019 on the approval of the minimum quality standards for day social services for children ([Ministerul Muncii și Justiției Sociale, Anexa la Ordinul ministrului muncii și justiției sociale nr. 27/2019 privind aprobarea standardelor minime de calitate pentru serviciile sociale de zi destinate copiilor, din 03.01.2019](#)) from 3 January 2019.

³⁰⁷ Romania, Ministry of Labor and Social Justice, Annex to the Order of the Minister of Labor and Social Justice no. 27/2019 on the approval of the minimum quality standards for day social services for children ([Ministerul Muncii și Justiției Sociale, Anexa la Ordinul ministrului muncii și justiției sociale nr. 27/2019 privind aprobarea standardelor minime de calitate pentru serviciile sociale de zi destinate copiilor, din 03.01.2019](#)) from 3 January 2019.

		<p>DGASPC.³⁰⁸ If the suspicion of abuse, neglect or exploitation is confirmed, an in depth assessment will follow, in order to identify the needs of the child and suitable support services.³⁰⁹ A case manager will be appointed,³¹⁰ who will head a multidisciplinary team, functioning within DGASPC's Complex Assessment Service, and carry out an in-depth assessment of the child and their family.³¹¹ The team may include a psychologist, a social worker, a doctor, a police worker and a legal expert, as well as other relevant professionals, as the case may be.³¹²</p>
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³⁰⁸ Romania, Order no.288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz in protectia copilului*](#)), 6 July 2006, s.3. 10.

³⁰⁹ Romania, Government Decision no. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, and the Methodology for Multi-disciplinary and Inter-institutional Interventions in Cases of Exploited Children and of Those Who Are in Labour Exploitation Risk Situations, of Children Who Are Victims of Trafficking in Human Beings, as well as of Romanian Migrant Children Who Are Victims of other Violence Forms in the Territory of Other States ([*Hotărârea Guvernului nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea și intervenția în echipa multidisciplinară și în rețea in situațiile de violență asupra copilului și de violență in familie și a Metodologiei de intervenție multidisciplinară și interinstituțională privind copiii exploatați și aflați în situații de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum și copiii români migranți victime ale altor forme de violență pe teritoriul altor state*](#)), January 19, 2011.

³¹⁰ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz in protectia copilului*](#)), 6 July 2006, s.3.7 – 3.8.

³¹¹ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz in protectia copilului*](#)), 6 July 2006, s.4.

³¹² Romania, Government Decision no. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, and the Methodology for Multi-disciplinary and Inter-institutional Interventions in Cases of Exploited Children and of Those Who Are in Labour Exploitation Risk Situations, of Children Who Are Victims of Trafficking in Human Beings, as well as of Romanian Migrant Children Who Are Victims of other Violence Forms in the Territory of Other States ([*Hotărârea Guvernului nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea și intervenția în*](#)

4.3.4. Please provide information on who is responsible to investigate and assess the situation of the child and the family and how this is done. Please provide information and describe the role and responsibilities of judicial authorities in the reporting and referral procedure.

A case manager heads a multidisciplinary team, functioning within DGASPC's Complex Assessment Service, and carries out an in-depth assessment of the child and their family, which involves home visits, meetings and interviews with the child and the family, interviews of other relevant persons who are involved with the child or the family.³¹³ The case manager will draft an assessment report, within 24 hours from the last visit or interview, report which must be sent to the other members of the multidisciplinary team, the family and the child, within three days from completion.³¹⁴ A service plan, detailing the services which will be offered to prevent the separation of the child from the family, or a personalised intervention plan, containing special protection measures, such as placement, will be devised, depending on the findings of the report.³¹⁵ The entire assessment procedure should last at most 30 days since the case was reported or referred to DGASPC.³¹⁶ The applicable legislation does not specify whether the deadlines set in days refer to calendar or working days, hence they should be considered calendar days.³¹⁷

[echipa multidisciplinară și în rețea în situațiile de violență asupra copilului și de violență în familie și a Metodologiei de intervenție multidisciplinară și interinstituțională privind copiii exploatați și aflați în situații de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum și copiii români migranți victime ale altor forme de violență pe teritoriul altor state](#)), January 19, 2011.

³¹³ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection (*[Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului](#)*), 6 July 2006, s.4.

³¹⁴ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection (*[Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului](#)*), 6 July 2006, s.4.8.

³¹⁵ Romania, Order no.288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection (*[Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului](#)*), 6 July 2006, s.6.

³¹⁶ Romania, Order no.288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection (*[Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului](#)*), 6 July 2006, s.6.

³¹⁷ Romania, Emergency Ordinance no. 57/2019 regarding the Administrative Code (*[Ordonanță de Urgență nr. 57 din 3 iulie 2019 privind Codul administrativ](#)*) 3 July 2019, Art. 599.

If, during the assessment, there is data that the abuse/neglect/exploitation may constitute an offence, the case will be referred further to the competent police department.³¹⁸

Question	Yes	No	Comments
4.3.5. Are the roles and responsibilities of the various actors and professionals involved in these procedures (including civil society	x		The roles and responsibilities of the various actors and professionals involved in these procedures are described in detail by GD no. 49/2011, ³¹⁹ Order no. 288/2006 ³²⁰ and Order no. 27/2019. ³²¹

³¹⁸ Romania, Government Decision no. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, and the Methodology for Multi-disciplinary and Inter-institutional Interventions in Cases of Exploited Children and of Those Who Are in Labour Exploitation Risk Situations, of Children Who Are Victims of Trafficking in Human Beings, as well as of Romanian Migrant Children Who Are Victims of other Violence Forms in the Territory of Other States ([*Hotărârea Guvernului nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea și intervenția în echipa multidisciplinară și în rețea în situațiile de violență asupra copilului și de violență în familie și a Metodologiei de intervenție multidisciplinară și interinstituțională privind copiii exploatați și aflați în situații de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum și copiii români migranți victime ale altor forme de violență pe teritoriul altor state*](#)), January 19, 2011.

³¹⁹ Romania, Government Decision no. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, and the Methodology for Multi-disciplinary and Inter-institutional Interventions in Cases of Exploited Children and of Those Who Are in Labour Exploitation Risk Situations, of Children Who Are Victims of Trafficking in Human Beings, as well as of Romanian Migrant Children Who Are Victims of other Violence Forms in the Territory of Other States ([*Hotărârea Guvernului nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea și intervenția în echipa multidisciplinară și în rețea în situațiile de violență asupra copilului și de violență în familie și a Metodologiei de intervenție multidisciplinară și interinstituțională privind copiii exploatați și aflați în situații de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum și copiii români migranți victime ale altor forme de violență pe teritoriul altor state*](#)), January 19, 2011.

³²⁰ Romania, Order no. 288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului*](#)), 6 July 2006.

³²¹ Romania, Ministry of Labor and Social Justice, Annex to the Order of the Minister of Labor and Social Justice no. 27/2019 on the approval of the minimum quality standards for day social services for children ([*Ministerul Muncii și Justiției Sociale, Anexa la Ordinul ministrului muncii și justiției sociale nr. 27/2019 privind aprobarea standardelor minime de calitate pentru serviciile sociale de zi destinate copiilor, din 03.01.2019*](#)) from 3 January 2019

organisations) clearly stated in the legislative and regulatory framework?			
4.3.6. Are there any inter-agency cooperation protocols and agreements in place to strengthen cooperation between actors with responsibility in the referral procedure and enhance the efficiency of their actions?	x		Child protection services should sign cooperation agreements with the relevant local institutions in order to implement the mechanism for identification and referral of children victims of abuse/neglect, such as county police inspectorates, education authorities, health authorities and hospitals, CSOs, local public administration authorities. ³²²
4.3.7. Is it likely that procedures will differ, depending on the migration – residential status of the child concerned? <i>Please also consider potential divergences depending on main actors involved.</i>		x	The procedure does not differ depending on migrant or residential status of the child.
4.3.8. Are affected children heard as part of the procedures? <u>If yes</u> , are the hearings child-sensitive and designed age-appropriately and in child-	x		Children should be heard and there is a procedure in place on how the hearing should be carried out. ³²³ This procedure prescribes that the interview with the child must be done in a place perceived by the child as safe: at home (unless this is where the abuse/neglect/exploitation/form of violence took place), at school, but the most

³²² Romania, Government Decision no. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, and the Methodology for Multi-disciplinary and Inter-institutional Interventions in Cases of Exploited Children and of Those Who Are in Labour Exploitation Risk Situations, of Children Who Are Victims of Trafficking in Human Beings, as well as of Romanian Migrant Children Who Are Victims of other Violence Forms in the Territory of Other States ([*Hotărârea Guvernului nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea și intervenția în echipa multidisciplinară și în rețea în situațiile de violență asupra copilului și de violență în familie și a Metodologiei de intervenție multidisciplinară și interinstituțională privind copiii exploatați și aflați în situații de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum și copiii români migranți victime ale altor forme de violență pe teritoriul altor state*](#)), 19 January 2011.

³²³ Romania, Framework methodology of 19 January 2011 on prevention and intervention in multidisciplinary team and network in situations of violence against children and family violence ([*Metodologie-cadru din 19 ianuarie 2011 privind prevenirea și intervenția în echipă multidisciplinară și în rețea în situațiile de violență asupra copilului și de violență în familie*](#)), 16 February 2011.

friendly language? Do children receive information and support by competent and trained professionals?		suitable place for interviewing/hearing the child is the psychologist's office, equipped with a one-way mirror and an audio-video recording system. The interview must be carried out by professionals trained in this regard and during the interview a psychologist should participate as part of the multidisciplinary team, as well as the parents/legal representative for children under the age of 14. The interview should be made in simple language, in a language the child understands and repeated interviews should be avoided. There is no assessment of if and how these requirements are observed.
4.3.9. Are there mental health support services available for affected children? <u>If yes</u> , how are services working together? How is it ensured that the child is informed and can make use of these services?	x	Currently, the Romanian Government is running a large-scale project by which it seeks to facilitate access to mental health services to children and their family members. ³²⁴ Children can be referred to the program by parents, school staff, medical staff or other interested parties and they should be subject to an evaluation by a psychologist which would establish whether they need psychological assistance, in which case they are included in the program. ³²⁵
4.3.10. What are the main challenges and gaps in the referral and investigation highlighted by relevant authorities, child protection, and civil society organisations? Briefly describe.		
One of the main problems is the underreporting of abuse of children, many cases regarding children are never reported, their situations never investigated and they don't receive necessary services; also in the case of severe abuse cases, although in some cases it may be necessary to separate the victim from the aggressor, in practice there is a deficit of appropriate housing options for children who are abused; moreover, professionals involved show there is a need for more training to identify cases of abuse and clear procedures to follow. ³²⁶		

³²⁴ Romania, Government Emergency Ordinance no. 105 of 23 September 2021 regarding the approval and implementation of the National Support Program for children, in the context of the COVID-19 pandemic - "Out of care for children" ([OUG nr. 105 din 23 septembrie 2021 privind aprobarea și implementarea Programului național de suport pentru copii, în contextul pandemiei de COVID-19 - "Din grijă pentru copii"](#)) 24 September 2021, Art 11.

³²⁵ As explained in a Romanian Government [press-release](#) from 29 November 2022.

³²⁶ Romanian Ombuds, Report on children's rights in Romania ([Raport privind respectarea drepturilor copilului în România](#)) 8 November 2019, p 159-169.

4.4. Placement decisions – care orders

4.4.1. Following the investigation and assessment of the child’s situation, who is responsible to decide upon issuing a care order/decision and the placement of the child in alternative care?

If the parents provide their consent, then the commission for the protection of the child can decide placement of the child when the parents cannot take care of the child because of reasons which are not their own fault or when the child commits a crime for which the child cannot be held criminally liable.³²⁷ Parents who are younger than 14 cannot provide consent for adopting their child, and hence their children cannot be adopted, also parents aged 14 to 18 and those placed under guardianship can provide consent with the assistance of their legal guardian.³²⁸ Children aged 10 and older also need to consent to the adoption, they should be informed about the adoption procedure by the child protection services, who should inform them in age appropriate language about what the procedure implies and they should provide their consent before the judge.³²⁹

In any other situation the DGASPC must file a petition to the court and it is the court which can decide on the placement of the child.³³⁰

Question	Yes	No	Comments
4.4.2. Are there legislative and or regulatory provisions clearly stating the criteria that should be taken into consideration in the assessment of the situation and in the decision-making process? Are there provisions specifying the criteria that should be	x		Removal of a child can only be decided in exceptional cases that are listed in the law ³³¹ and they are: <ul style="list-style-type: none"> • the child’s parents are deceased, unknown, lost parental rights, placed under guardianship, declared by the court dead or missing; • when the child was abused or neglected; • the child was abandoned in health facilities;

³²⁷ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 65 (1).

³²⁸ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Arts 11, 12.

³²⁹ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Art. 15.

³³⁰ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 65 (2).

³³¹ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 65 (2).

<p>considered when deciding to remove the child from its family? Are the principles of necessity and appropriateness considered?</p>			<ul style="list-style-type: none">• the unaccompanied child is a foreign citizen or stateless. <p>The general principles applied are the best interest of the child which is to be determined considering</p>
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			the child's needs, opinion, history, the caregiver's capacity to tend for the child. ³³²
4.4.3. Are there provisions requiring that the views of the child should be taken into consideration in the decision-making process? <u>If yes</u> , please specify if this is mandatory or left to the discretion of the responsible authorities, and if there are age-related requirements.	x		It is mandatory to hear a child in any administrative or judicial proceedings that concern that child if they are 10 years or older, if they are younger, they may be heard if the

³³² Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([*Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului*](#)), republished 5 March 2014, Art. 2 (6).

		<p>competent authority deems it necessary.³³³ Their opinions are considered in accordance with their age, development but also in relation to other circumstances deemed relevant.³³⁴</p> <p>For children who are 14 and older, protection measures can be established only with the child's consent, a judge can however, in exceptional cases</p>
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³³³ Romania, Law no. 287/2009 on the Civil Code of 17 July 2009 ([Legea nr. 287/2009 privind Codul Civil din 17 iulie 2009](#)), republished on 15 July 2011, Art. 264.

³³⁴ Romania, Law no. 287/2009 on the Civil Code of 17 July 2009 ([Legea nr. 287/2009 privind Codul Civil din 17 iulie 2009](#)), republished on 15 July 2011, Art. 264.

			<p>decide to impose a protection measure even without the child's consent.³³⁵</p> <p>Children aged 10 and older also need to consent to the adoption, they should be informed about the adoption procedure by the child protection services, who should inform them in age-appropriate language about what the procedure implies and they should provide their consent before the judge.³³⁶</p>
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4.5. Types of care with focus on alternative care

Types of care existing in the country	Yes	No	Who is offering such services? (State, regional, local authorities, civil society, religious institutions)	Please make differences between the different types of care explicit
Foster care	x		Foster care providers (<i>asistenți maternali</i>) are individuals or families who obtain a special license and who are under contract with the DGASPC or with private social services providers. ³³⁷	
Residential – institutional care	x		<p>The law on the rights of the child³³⁸ defines residential care institutions which can be private or public service providers that provide accommodation for a period of more than 24 and they are:</p> <ul style="list-style-type: none"> • family-type home (<i>case de tip familial</i>) - is the home that can house up to 12 children, for which 	

³³⁵ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 57.

³³⁶ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Art. 15.

³³⁷ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 122.

³³⁸ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 123.

			<p>the emergency placement or placement measure has been established. In exceptional situations, the number of children can be a maximum of 16, but only during the existence of the exceptional situation.</p> <ul style="list-style-type: none"> • flat (<i>apartamente</i>) - is the home that can house up to 6 children, for which the emergency placement or placement measure has been established. • emergency reception centre (<i>centrul de primire în regim de urgență</i>) - is the structure that provides temporary accommodation, up to a maximum of 6 months, without the possibility of extension, for a maximum number of 30 children, for which the emergency placement measure was established. A maximum of 3 emergency reception centres can be organized at the level of each county. • maternity centre (<i>centrul maternal</i>) - is the structure that provides temporary accommodation, for a duration of up to 2 years, for a maximum number of 9 mother-child couples.
Other forms of family-based or family-like care placements	x		In deciding on the placement of the child, authorities should consider placing the child first of all within the extended family made up of family members of up to the 3 rd degree. ³³⁹
Supervised independent living arrangements for children	x		Children who turn 18 can request to stay under special protection if they continue their studies, up to 26 years old or for up to 2 years if they are at risk and do not continue their studies. ³⁴⁰
Question	Yes	No	Comments

³³⁹ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished on 5 March 2014, Art. 64 (3) a.

³⁴⁰ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)) republished on 5 March 2014, Art. 55 (2) (3).

<p>4.5.1. Is there data available on the number of children in care (disaggregated by type of care, gender/age, length of placement, etc)?</p>	<p>x</p>	<p>Some data is listed periodically on the website of the ANPDCA.</p> <p>Data from September 2022 shows the following:³⁴¹</p> <table border="1" data-bbox="679 389 1390 891"> <thead> <tr> <th>Placement type</th> <th>Number of children as of 30 September 2022</th> </tr> </thead> <tbody> <tr> <td>Family type care</td> <td>31,158</td> </tr> <tr> <td>- DGASPC foster families</td> <td>16,551</td> </tr> <tr> <td>- foster families hired by private entities</td> <td>63</td> </tr> <tr> <td>- placement with family members of up to the 4th degree</td> <td>10,602</td> </tr> <tr> <td>- placement with other family/persons</td> <td>3,942</td> </tr> <tr> <td>Residential care</td> <td>12,054</td> </tr> <tr> <td>public</td> <td>9,620</td> </tr> <tr> <td>private</td> <td>2,434</td> </tr> </tbody> </table> <p>The age disparity is the following</p> <ul style="list-style-type: none"> - Under 1 year old 139 (4 private and 135 public) - Aged 1 to 2 years old 142 (10 private and 132 public) - Aged 3 to 6 years old 277 (30 private and 247 public) - Aged 7 to 9 years old 805 (216 private and 589 public) - Aged 10 to 13 years old 2,951 (796 private and 2,155 public) - Aged 14 to 17 years old 5,631 (1,047 private and 4,584 public) - Aged 18 and older 12,054 (2,434 private and 9620 public) <p>Hence, from the children/youth who are in residential care 17.5% are 18 and older, 46.7% are aged 14-17, 24.5% are aged 10-13, 6.7% aged 7-9, 2.3% aged 3-6, 1.2 % aged 1-2 and 1.2% are younger than 1 year old.</p>	Placement type	Number of children as of 30 September 2022	Family type care	31,158	- DGASPC foster families	16,551	- foster families hired by private entities	63	- placement with family members of up to the 4 th degree	10,602	- placement with other family/persons	3,942	Residential care	12,054	public	9,620	private	2,434
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<p>4.5.2. Is there data available on the number of children placed in alternative care that</p>	<p>x</p>	<p>A study issued by the Romanian Police shows that in 2020 there were 6,094 missing children reports, many of these being children placed in special care of which around 20 to 30% of children placed in special care go missing at least</p>																		

³⁴¹ ANPDCA data available at [link](#).

disappeared and/or went missing from residential care institutions?			<p>once, in most of these cases they are repeated missing reports, they leave and come back/are found.³⁴²</p> <p>A parliamentary inquiry into missing children found that approximately 40% of all missing children reports concern children from state care and these children are extremely vulnerable to abuse and to human trafficking.³⁴³</p>
<p>4.5.3. Is there a <u>national</u> registry of foster care families?</p> <p>How many children can be fostered in one family?</p>	x		<p>There is a database with foster families and social services providers make their own registry of foster families that have children in care and a reserve list of available families.³⁴⁴</p> <p>There is no official limit on the number of children a foster family may receive. The number is decided on a case-by-case basis, depending upon the option of the foster carer and their accommodation.³⁴⁵</p>
<p>4.5.4. How and by whom foster families are <u>recruited, vetted, and trained</u>? Provide information on the legal framework and responsible authorities, recruitment requirements, selection criteria, reimbursement of costs, etc.</p>			
<p>A foster carer must have a clean criminal record, a good behaviour, good health and a suitable psychological profile, as well as accommodation suitable to accommodate children.³⁴⁶ One cannot become a foster carer if they were convicted for an offence committed with intent; has had their</p>			

³⁴² Romanian Police (2021) Juvenile Disappearance Study: A Tripartite View of Voluntary Departures (*Studiu privind disparitiile de minori: o viziune tripartită asupra plecărilor voluntare*) p. 4, 5.

³⁴³ Romanian Parliament, [Report of the inquiry commission regarding missing children](#), from 19 November 2020.

³⁴⁴ Romania, Minimum quality standards of January 3, 2019 for family-type social services intended for children in the special protection system (*Standarde Minime din 3 ianuarie 2019 de calitate pentru serviciile sociale de tip familial destinate copiilor din sistemul de protecție specială*) 11 February 2019.

³⁴⁵ Romania, Government Decision no.679/2003 concerning the conditions for obtaining a licence, licencing procedures and the statute of the professional foster carer (*HG nr. 679/2003 privind condițiile de obtinere a atestatului, procedura de atestare si statutul asistentului maternal profesionist*), 12 June 2003, Art. 3 and 7.

³⁴⁶ Romania, Government Decision no.679/2003 concerning the conditions for obtaining a licence, licencing procedures and the statute of the professional foster carer (*HG nr. 679/2003 privind condițiile de obtinere a atestatului, procedura de atestare si statutul asistentului maternal profesionist*), 12 June 2003, Art. 2.

parental rights removed by court order or their child was declared abandoned by court order, or when they suffer from a chronic contagious disease.³⁴⁷

Any person who wishes to become a foster parent must submit a request of assessment to the local SPAS, DASPC or a civil society organisation which provides fostering services.³⁴⁸ The applicant will then undergo a psychological, social and medical assessment. During the assessment period, the applicant will attend a minimum 60 hours of specialised training organised by DGASPC or the CSO where the application was submitted.³⁴⁹ The curricula for the trainings must include: three compulsory modules (child rights and child protection, child development, the role and activity of the foster carer) and four optional modules (specialised training for the foster carer who looks after a child with disabilities; specialised training for the foster carer who looks after a child who is victim of abuse, neglect or exploitation; specialised training for the foster carer who looks after a child in emergency placement; specialised training for the foster carer who looks after a child with HIV/AIDS).³⁵⁰

After the assessment is finalised, the applicant will apply to the Child Protection Commission (CPC) for a foster parent licence. The licence, which is valid for three years, will be granted by the Child Protection Commission, based on the applicant's personal file, the results of the assessment and an interview with the applicant.³⁵¹ The licence will be renewed by CPC, upon application of DGASPC or the CSO which employs the foster carer.³⁵² The employer (DGASPC or CSO) should offer further

³⁴⁷ Romania, Government Decision no.679/2003 concerning the conditions for obtaining a licence, licencing procedures and the statute of the professional foster carer ([*HG nr. 679/2003 privind conditiile de obtinere a atestatului, procedura de atestare si statutul asistentului maternal profesionist*](#)), 12 June 2003, Art. 2 (2).

³⁴⁸ Romania, Government Decision no.679/2003 concerning the conditions for obtaining a licence, licencing procedures and the statute of the professional foster carer ([*HG nr. 679/2003 privind conditiile de obtinere a atestatului, procedura de atestare si statutul asistentului maternal profesionist*](#)), 12 June 2003, Art. 3.

³⁴⁹ Romania, Government Decision no.679/2003 concerning the conditions for obtaining a licence, licencing procedures and the statute of the professional foster carer ([*HG nr. 679/2003 privind conditiile de obtinere a atestatului, procedura de atestare si statutul asistentului maternal profesionist*](#)), 12 June 2003, Art. 4.

³⁵⁰ Romania, Order no. 137/2003 to approve the Training Curricula for professional foster carers ([*Ordinul nr. 137/2003 privind aprobarea Programei analitice a cursurilor de formare profesională pentru asistenții maternali profesioniști*](#)), 23 September 2003, Annex.

³⁵¹ Romania, Government Decision no.679/2003 concerning the conditions for obtaining a licence, licencing procedures and the statute of the professional foster carer ([*HG nr. 679/2003 privind conditiile de obtinere a atestatului, procedura de atestare si statutul asistentului maternal profesionist*](#)), 12 June 2003, Art. 6.

³⁵² Romania, Government Decision no.679/2003 concerning the conditions for obtaining a licence, licencing procedures and the statute of the professional foster carer ([*HG nr. 679/2003 privind conditiile de obtinere a atestatului, procedura de atestare si statutul asistentului maternal profesionist*](#)), 12 June 2003, Art. 7 (4).

training to the foster carer during their activity,³⁵³ but the law is not specific about the mandatory number of hours or the curricula in this case.

4.5.5. Are any types of care (foster homes, residential care, other form of care arrangements) monitored once children are placed therein? If so, provide information on the applicable legislative provisions on monitoring procedures. Please specify the difference between the monitoring of different types of care. How frequently are they monitored, how and by whom?

The activity of foster families is monitored by the social service provider which also pays house visits to 10% of the foster families monitored.³⁵⁴

ANPDCA also monitors whether children's rights are respected by any public and private institutions or individuals.³⁵⁵ Its controls are mostly organized in response to complaints received and in 2021 it carried out controls at 88 social services and structures belonging to DGASPC, as well as at 3 NGOs.³⁵⁶

The National Agency for Payments and Social Inspection (*Agenția Națională pentru Plăți și Inspecție Socială*) carries out reviews and inspections of social service providers and according to its activity report in 2021 it verified 1,174 social services for children and families, of which 772 were public and 402 private.³⁵⁷

The Child's Ombuds also visits places where children are held and in 2022 the Ombuds carried out just one monitoring visit to an NGO and one investigation in a night shelter for homeless children.³⁵⁸

Question	Yes	No	Comments
4.5.6. Are children placed in foster care homes geographically <u>close</u>	x		One of the criteria for choosing a foster family is the distance between the foster family and the biological family; also, the foster family has an obligation to facilitate

³⁵³ Romania, Government Decision no.679/2003 concerning the conditions for obtaining a licence, licencing procedures and the statute of the professional foster carer ([HG nr. 679/2003 privind condițiile de obtinere a atestatului, procedura de atestare si statutul asistentului maternal profesionist](#)), 12 June 2003, Art. 10 (3).

³⁵⁴ Romania, Minimum quality standards of January 3, 2019 for family-type social services intended for children in the special protection system ([Standarde Minime din 3 ianuarie 2019 de calitate pentru serviciile sociale de tip familial destinate copiilor din sistemul de protectie speciala](#)) 11 February 2019.

³⁵⁵ Romania (2022) Government Decision no. 233 from 16 February 2022 regarding the powers, organization and operation of the National Authority for the Protection of Children's Rights and Adoption ([Hotărâre nr. 233 din 16 februarie 2022 privind atribuțiile, organizarea și funcționarea Autorității Naționale pentru Protecția Drepturilor Copilului și Adopție](#)) 18 February 2022.

³⁵⁶ Romania, Annual report for 2021 of the National Authority for the Protection of Children's Rights and Adoption ([Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție](#)) p. 29.

³⁵⁷ The National Agency for Payments and Social Inspection (Agenția Națională pentru Plăți și Inspecție Socială) [2021 Activity report](#), published on 20 April 2022, p. 10.

³⁵⁸ Romanian Ombudsperson [annual report for 2022](#), published on 31 January 2023, p. 25.

<p>to their biological families, school, friends, and/or community?</p>			<p>contact between children and their biological parents and people with whom they have developed attachment relationships or with whom they have enjoyed family life.³⁵⁹</p>																		
<p>4.5.7. Is there a national registry of residential institutions for children?</p> <p>If yes, please provide information regarding the existent number of residential institutions and their capacity (beds).</p>	<p>x</p>		<p>The data is listed periodically on the website of the ANPDCA.</p> <p>Data from September 2022 shows the following:³⁶⁰</p> <table border="1" data-bbox="678 571 1380 1070"> <thead> <tr> <th>Placement type</th> <th>Number of children as of 30 September 2022</th> </tr> </thead> <tbody> <tr> <td>Family type care</td> <td>31,158</td> </tr> <tr> <td>- DGASPC foster families</td> <td>16,551</td> </tr> <tr> <td>- foster families hired by private entities</td> <td>63</td> </tr> <tr> <td>- placement with family members of up to the 4th degree</td> <td>10,602</td> </tr> <tr> <td>- placement with other family/persons</td> <td>3,942</td> </tr> <tr> <td>Residential care</td> <td>12,054</td> </tr> <tr> <td>public</td> <td>9,620</td> </tr> <tr> <td>private</td> <td>2,434</td> </tr> </tbody> </table>	Placement type	Number of children as of 30 September 2022	Family type care	31,158	- DGASPC foster families	16,551	- foster families hired by private entities	63	- placement with family members of up to the 4 th degree	10,602	- placement with other family/persons	3,942	Residential care	12,054	public	9,620	private	2,434
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private	2,434																				
<p>4.5.8. Are there accreditation and licensing procedures for residential institutions in place?</p> <p>If yes, please provide information on the legislative framework, the</p>	<p>x</p>		<p>The general law on social services provision is Law no. 197/2012 which lists the general conditions and standards that social services providers need to comply with.³⁶¹ This law is completed by Order no. 25/2019 which outlines the applicable standards for residential services for children placed under special protection with specific rules for including children who are e separated from their parents, abused, who are living on the streets and children who have committed criminal offences without being criminally liable.³⁶²</p>																		

³⁵⁹ Romania, Minimum quality standards of January 3, 2019 for family-type social services intended for children in the special protection system ([Standarde Minime din 3 ianuarie 2019 de calitate pentru serviciile sociale de tip familial destinate copiilor din sistemul de protecție specială](#)) 11 February 2019, s1.1. i (a) s. 4.

³⁶⁰ ANPDCA list available at [link](#) .

³⁶¹ Romania, Law no. 197 of November 1, 2012 regarding quality assurance in the field of social services ([Lege nr. 197 din 1 noiembrie 2012 privind asigurarea calității în domeniul serviciilor sociale](#)) 9 November 2012.

³⁶² Romania, Order no. 25 of 3 January 2019 regarding the approval of minimum quality standards for residential social services intended for children in the special protection system ([Ordin nr. 25 din 3](#)

responsible authority and procedure.			
4.5.9. Are there <u>national applicable standards</u> relating to the operational framework of such institutions (requirements or quality standards related to the personnel, the infrastructures, the living conditions, and daily care of children)?	x		<p>There are national minimum quality standards for children’s residential social services which include requirements or quality standards related to the personnel, the infrastructures, the living conditions, and daily care of children.³⁶³ These standards revised and replaced the previously existing standards from 2014.³⁶⁴</p> <p>The activity of the center is subject to a permanent self-evaluation process and it is monitored by the social service provider; the social service provider that administers the center monitors its activity and the situation of the children, through periodic visits by specialised staff that draw up monitoring reports in which the detected deficiencies, the recommendations formulated and the remedial deadlines are recorded.³⁶⁵</p>
4.5.10. How is the residential care staff recruited, vetted, and trained?			
According to the applicable minimum standards, ³⁶⁶ the centres should make sure that their staff knows how to approach and relate to children, they have empathic and communication skills and			

[ianuarie 2019 privind aprobarea standardelor minime de calitate pentru serviciile sociale de tip rezidențial destinate copiilor din sistemul de protecție special\)](#) 11 February 2019.

³⁶³ Romania, Minimum quality standards of January 3, 2019 for social services with accommodation, organized as residential centers for children temporarily or permanently separated from their parents ([Standarde Minime din 3 ianuarie 2019 de calitate pentru serviciile sociale cu cazare, organizate ca centre rezidențiale pentru copilul separat temporar sau definitiv de părinții săi](#)) 11 February 2019.

³⁶⁴ Romania, Order no. 21/2004 of the National Authority for Child Protection to approve the minimum compulsory standards for residential type services for children ([Ordinul nr. 21/2004 al Președintelui ANPDC pentru aprobarea standardelor minime obligatorii pentru serviciile de protecție a copilului de tip rezidențial](#)), 26 February 2004.

³⁶⁵ Romania, Minimum quality standards of January 3, 2019 for social services with accommodation, organized as residential centers for children temporarily or permanently separated from their parents ([Standarde Minime din 3 ianuarie 2019 de calitate pentru serviciile sociale cu cazare, organizate ca centre rezidențiale pentru copilul separat temporar sau definitiv de părinții săi](#)) 11 February 2019, s.1.4.

³⁶⁶ Romania, Minimum quality standards of January 3, 2019 for social services with accommodation, organized as residential centers for children temporarily or permanently separated from their parents ([Standarde Minime din 3 ianuarie 2019 de calitate pentru serviciile sociale cu cazare,](#)

train the staff on the methods of approaching, communicating and relating with children, depending on their age, level of development and psycho-behavioural peculiarities. The social service provider that manages the centre supervises the staff, both individually and in teams. Supervision is carried out by specialists with higher socio-human education with training in supervision and at least two years of experience in child and family services in addition to the persons who are provided with that supervision. The management of the centre carries out annual staff evaluations.

Question	Yes	No	Comments
<p>4.5.11. Are children placed in alternative care allowed to <u>lodge complaints</u> against the personnel /foster parents and care workers and report abuse or violations of their rights? Are these procedures child-friendly and respective of confidentiality?</p> <p>If <u>yes</u>, briefly describe to whom and how children can lodge complaints.</p>	x		<p>Children have the right to file complaints regarding infringement of their rights.³⁶⁷</p> <p>Residential care institutions should establish their own procedure regarding children's complaints, specifying to whom it is addressed, how and where it is recorded, the method of response, resolution procedures. The centre should provide children with a mailbox type container located in a place accessible to all beneficiaries., in which they can submit written complaints regarding the negative aspects found. The contents of the box are checked weekly by the head of the centre, in the presence of two children. The complaints submitted in the container with this destination are recorded in a Registry of suggestions, notifications and complaints, with date and number. The register records how the complaint/report was resolved.³⁶⁸</p>
<p>4.5.12. What is the <u>assistance available to adolescents that leave alternative</u></p>	x		<p>When turning 18, adolescents can either opt to stay in the system for up to 2 years or if they are going to school until they turn 26, at the end of which they can receive a onetime payment that is three times the minimum wage.³⁶⁹ Or, if they want to leave the system when turning 18, they can</p>

[organizate ca centre rezidențiale pentru copilul separat temporar sau definitiv de părinții săi](#)) 11 February 2019, s.2.

³⁶⁷ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 34 (1).

³⁶⁸ Romania, Minimum quality standards of January 3, 2019 for social services with accommodation, organized as residential centers for children temporarily or permanently separated from their parents ([Standarde Minime din 3 ianuarie 2019 de calitate pentru serviciile sociale cu cazare, organizate ca centre rezidențiale pentru copilul separat temporar sau definitiv de părinții săi](#))

³⁶⁹ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 129 (4^1).

<p><u>care</u> to live independently?</p> <p>(e.g. financial, housing, vocational, educational, employment, life skills, mental health services, social or emotional)?</p> <p>Briefly describe who is responsible for such assistance?</p>		<p>receive a monthly shipment of 4,8 RSI (reference social indicator, approx. €1,150) until they turn 26, only if they are enrolled in school or work.³⁷⁰</p> <p>Child protection service providers (SPAS, DGASPC or CSO) should include services to help children looked after to acquire independent life skills. For instance, the case manager should plan measures to ensure the reinsertion of the child, once they leave care.³⁷¹</p> <p>Children who leave the special protection system are considered at risk of being socially marginalised and the local Employment Agency (<i>Agenția Județeană pentru Ocuparea Locurilor de Muncă, AJOFM</i>) should facilitate their access to the labour market by signing a solidarity contract based on which they provide information for these adolescents and help with the work placement.³⁷² Employers which contract young people who left the protection system receive a monthly allowance at the value of the basic salary established on the date of employment of the person, but not more than four times the value of the reference social indicator, in force on the date of employment, until the expiry of the duration of the solidarity contract.³⁷³</p> <p>Young people leaving the protection system have priority in obtaining social housing from the local councils.³⁷⁴</p>
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³⁷⁰ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 129 (4²).

³⁷¹ Order no.288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz in protectia copilului](#)), 6 July 2006.

³⁷² Romania, Law no. 76/2002 concerning unemployment benefits and stimulation of employment ([Legea nr. 76/2002 privind sistemul asigurărilor pentru șomaj și stimularea ocupării forței de muncă](#)), 16 January 2002, Art. 93¹.

³⁷³ Romania, Law no. 76/2002 concerning unemployment benefits and stimulation of employment ([Legea nr. 76/2002 privind sistemul asigurărilor pentru șomaj și stimularea ocupării forței de muncă](#)), 16 January 2002, Art. 93⁴.

³⁷⁴ Romania, Law no. 114 of 11 October 1996 on housing ([Lege nr. 114 din 11 octombrie 1996 privind locuințele](#)), 31 December 1997, Art. 43.

4.5.13. What assistance is provided to families - while the child is placed to alternative care - to support the return of the child in the family? By whom? Who coordinates the assistance? Please briefly describe.

The reintegration of the child in the family should observe the standards concerning the centre for preparing and supporting the return of the child in their family and the guide for the implementation of the standards.³⁷⁵ The child and family should receive psychological, social, educational and legal counselling, or any other services, depending on their needs.³⁷⁶ The family should have access to parenting programmes; meetings between the child and the family should be organised, in order to prepare the return.³⁷⁷

These services are offered by either: a centre for preparing and supporting the return of the child in their family (*centru de pregătire și sprijinire a reintegrării sau integrării copilului în familie, CRI*); another child protection service, such as the placement centre or the professional foster carer.³⁷⁸ A case supervisor will be appointed, if the service is offered by CRI; the case supervisor will be responsible for writing and implementing the specific intervention plan, as well as coordinating the

³⁷⁵ Romania, Order no.287/2006 of the National Authority for the Protection of the Rights of the Child approve the minimum compulsory standards concerning the centre for preparing and supporting the return of the child in their family and the guide for the implementation of the standards ([*Ordin nr. 287/2006 pentru aprobarea Standardelor minime obligatorii privind centrul de pregătire și sprijinire a reintegrării sau integrării copilului în familie, precum și a ghidului metodologic de implementare a acestor standarde*](#)), 6 July 2006.

³⁷⁶ Romania, Order no.287/2006 of the National Authority for the Protection of the Rights of the Child approve the minimum compulsory standards concerning the centre for preparing and supporting the return of the child in their family and the guide for the implementation of the standards ([*Ordin nr. 287/2006 pentru aprobarea Standardelor minime obligatorii privind centrul de pregătire și sprijinire a reintegrării sau integrării copilului în familie, precum și a ghidului metodologic de implementare a acestor standarde*](#)), 6 July 2006., s.3.

³⁷⁷ Romania, Order no.287/2006 of the National Authority for the Protection of the Rights of the Child approve the minimum compulsory standards concerning the centre for preparing and supporting the return of the child in their family and the guide for the implementation of the standards ([*Ordin nr. 287/2006 pentru aprobarea Standardelor minime obligatorii privind centrul de pregătire și sprijinire a reintegrării sau integrării copilului în familie, precum și a ghidului metodologic de implementare a acestor standarde*](#)), 6 July 2006, s.3.

³⁷⁸ Romania, Order no.287/2006 of the National Authority for the Protection of the Rights of the Child approve the minimum compulsory standards concerning the centre for preparing and supporting the return of the child in their family and the guide for the implementation of the standards ([*Ordin nr. 287/2006 pentru aprobarea Standardelor minime obligatorii privind centrul de pregătire și sprijinire a reintegrării sau integrării copilului în familie, precum și a ghidului metodologic de implementare a acestor standarde*](#)), 6 July 2006.

assistance offered to the child and family.³⁷⁹ If the services are offered by another child protection service, the case manager for the respective child/family will write the specific intervention plan, monitor and coordinate its implementation.³⁸⁰ The specific intervention plan may be revised, if the needs of the child/family change.³⁸¹

<p>4.5.14. Is any <u>assistance</u> provided to children and families <u>upon return of the child in the family</u>? Briefly describe. Who is responsible</p>	x	<p>The assistance provided to children and families upon return of the child in the family should observe the standards concerning the centre for preparing and supporting the return of the child in their family and the guide for the implementation of the standards.³⁸² The child and family should receive psychological, social, educational and legal counselling, or any other services, depending on their needs, as well as support to overcome any ensuing crisis.³⁸³</p>
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³⁷⁹ Romania, Order no.287/2006 of the National Authority for the Protection of the Rights of the Child approve the minimum compulsory standards concerning the centre for preparing and supporting the return of the child in their family and the guide for the implementation of the standards ([Ordin nr. 287/2006 pentru aprobarea Standardelor minime obligatorii privind centrul de pregatire si sprijinire a reintegrarii sau integrarii copilului în familie, precum si a ghidului metodologic de implementare a acestor standarde](#)), 6 July 2006 S.1.

³⁸⁰ Romania, Order no.287/2006 of the National Authority for the Protection of the Rights of the Child approve the minimum compulsory standards concerning the centre for preparing and supporting the return of the child in their family and the guide for the implementation of the standards ([Ordin nr. 287/2006 pentru aprobarea Standardelor minime obligatorii privind centrul de pregatire si sprijinire a reintegrarii sau integrarii copilului în familie, precum si a ghidului metodologic de implementare a acestor standarde](#)), 6 July 2006, S.2.

³⁸¹ Romania, Order no.287/2006 of the National Authority for the Protection of the Rights of the Child approve the minimum compulsory standards concerning the centre for preparing and supporting the return of the child in their family and the guide for the implementation of the standards ([Ordin nr. 287/2006 pentru aprobarea Standardelor minime obligatorii privind centrul de pregatire si sprijinire a reintegrarii sau integrarii copilului în familie, precum si a ghidului metodologic de implementare a acestor standarde](#)), 6 July 2006.

³⁸² Romania, Order no.287/2006 of the National Authority for the Protection of the Rights of the Child approve the minimum compulsory standards concerning the centre for preparing and supporting the return of the child in their family and the guide for the implementation of the standards ([Ordin nr. 287/2006 pentru aprobarea Standardelor minime obligatorii privind centrul de pregatire si sprijinire a reintegrarii sau integrarii copilului în familie, precum si a ghidului metodologic de implementare a acestor standarde](#)), 6 July 2006.

³⁸³ Romania, Order no.287/2006 of the National Authority for the Protection of the Rights of the Child approve the minimum compulsory standards concerning the centre for preparing and supporting the return of the child in their family and the guide for the implementation of the standards ([Ordin nr. 287/2006 pentru aprobarea Standardelor minime obligatorii privind centrul de pregatire si sprijinire](#)

<p>for such assistance?</p> <p>Is there any monitoring and follow-up of such cases?</p> <p>Who is coordinating assistance and support?</p>		<p>These services are offered by either CRI or another child protection service, such as the placement centre or the professional foster carer.³⁸⁴ The CRI case supervisor or the case manager will coordinate assistance and support.</p> <p>SPAS staff will maintain constant contact with the CRI case supervisor or case manager, who are responsible for post-service monitoring and follow-up.³⁸⁵</p> <p>SPAS or DGASPC in the case of children residing in Bucharest, is responsible for monitoring the child and family after return and they will make a report every trimester for 2 years after the integration.³⁸⁶</p>
<p>4.5.15. Are decisions of placement in alternative care reviewed?</p> <p>If <u>yes</u>, please provide the applicable legislative provisions. How</p>	<p>x</p>	<p>The circumstances that lead to the special protection measures, must be verified quarterly by the DGASPC, which has to immediately notify the child protection commission or, as the case may be, the court, in order to modify or, as the case may be, for the termination of the measure.³⁸⁷ The same right is granted to the parents of the child, legal</p>

[*a reintegrării sau integrării copilului în familie, precum și a ghidului metodologic de implementare a acestor standarde*](#)), 6 July 2006 S.4.

³⁸⁴ Romania, Order no.287/2006 of the National Authority for the Protection of the Rights of the Child approve the minimum compulsory standards concerning the centre for preparing and supporting the return of the child in their family and the guide for the implementation of the standards ([*Ordin nr. 287/2006 pentru aprobarea Standardelor minime obligatorii privind centrul de pregătire și sprijinire a reintegrării sau integrării copilului în familie, precum și a ghidului metodologic de implementare a acestor standarde*](#)), 6 July 2006.

³⁸⁵ Romania, Order no.287/2006 of the National Authority for the Protection of the Rights of the Child approve the minimum compulsory standards concerning the centre for preparing and supporting the return of the child in their family and the guide for the implementation of the standards ([*Ordin nr. 287/2006 pentru aprobarea Standardelor minime obligatorii privind centrul de pregătire și sprijinire a reintegrării sau integrării copilului în familie, precum și a ghidului metodologic de implementare a acestor standarde*](#)), 6 July 2006, S.4.; Romania, Order no.288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului*](#)), 6 July 2006, S.8.

³⁸⁶ Romania, Law no. 272/2004 concerning the protection and promotion of the rights of the child ([*Legea nr. 272/2004 privind protecția și promovarea drepturilor copilului*](#)), 21 June 2004, Art. 74.

³⁸⁷ Romania, Law no. 272/2004 concerning the protection and promotion of the rights of the child ([*Legea nr. 272/2004 privind protecția și promovarea drepturilor copilului*](#)), 21 June 2004, Art. 72 (1) and (2).

<p>frequently is this done? By whom?</p>		<p>representatives of the child and to the children themselves, whom can ask for the measure to be terminated.³⁸⁸</p>
<p>Are the children's views taken into consideration?</p>		<p>The situation and development of the child placed in alternative care is assessed continuously and the DGASPC or the private service provider draw up a report every trimester or any time it is deemed necessary on the progress of the child's physical, mental, spiritual, moral or social development and the way in which it is cared for.³⁸⁹ If, after such an assessment, DGASPC considers that the circumstances which determined the child to go into care have changed, it will notify the Child Protection Commission or the court to change or cease the alternative protection measure.³⁹⁰</p>

4.5.16. Is there a legal framework regarding adoption? Briefly describe the core elements and responsible authorities, also considering differences between within-country and between-country adoptions. Is private adoption permitted in the country?

Adoption is regulated by Law no. 273/2004 which prescribes the procedure for internal and external adoption.³⁹¹

Children can be declared adoptable in one of the following cases:³⁹²

- Whenever the child has been taken out of the family for reasons not relating to any fault of the parents and **a year has passed** since a special measure was established and the child's natural parents, do not collaborate with the authorities in order to carry out steps for the reintegration or integration of the child;
- Whenever the child has been taken out of the family for reasons resulting from the fault of the parents and **6 months have passed** and the child's natural parents, do not collaborate with the authorities in order to carry out steps for the reintegration or integration of the child;
- After the establishment of the special protection measure, 6 months have passed and the natural parents could not be found;
- The child was registered from unknown parents. In this case, adoption can be proposed within a maximum of 30 days from the issuance of the birth certificate;

³⁸⁸ Romania, Law no. 272/2004 concerning the protection and promotion of the rights of the child ([Legea nr. 272/2004 privind protectia si promovarea drepturilor copilului](#)), 21 June 2004, Art. 72 (3).

³⁸⁹ Romania, Law no. 272/2004 concerning the protection and promotion of the rights of the child ([Legea nr. 272/2004 privind protectia si promovarea drepturilor copilului](#)), 21 June 2004, Art. 73 (2).

³⁹⁰ Romania, Law no. 272/2004 concerning the protection and promotion of the rights of the child ([Legea nr. 272/2004 privind protectia si promovarea drepturilor copilului](#)), 21 June 2004, Art. 73 (2).

³⁹¹ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adoptiei](#)), 21 June 2004.

³⁹² Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adoptiei](#)), 21 June 2004, Art. 28.

- After the establishment of the special protection measure, the natural parents over the age of 18, who declared in writing that they do not want to take care of the child's upbringing and care, do not change their initial declaration within 45 days.

If any of these conditions are met, DGASPC can establish adoption as an objective for the child and informs people with whom the child had family like relationships for at least 6 months of this, so they can apply for an adoption certificate. DGASPC also addresses the court to initiate the adoption procedure at the end of which the court can declare the child adoptable.³⁹³

A division within the DGASPC is responsible with matching children and adoptive families after which it asks the court to approve entrusting the child to the matching family for 90 days during which time the DGASPC monitors the interaction between the family and the child.³⁹⁴ At the end of this period the adopting family or the DGASPC can ask the court to approve the adoption.³⁹⁵

For internal adoption, the adopting family or person need to apply at the DGASPC which conducts an evaluation and interview of the person or family, and can issue an adoption certificate that certifies the person/family is fit to adopt. The certificate is valid for 5 years.³⁹⁶

The international adoption of a child that lives in Romania by a person/family that lives abroad can only be approved in the following situations:³⁹⁷

- the adopter or one of the spouses of the adopting family is related up to the fourth degree including the child for whom the opening of the adoption procedure was approved – in which case there is no need for a matching procedure,
- the adopter or one of the spouses of the adopting family is also a Romanian citizen only if the child was not adopted within a year of when the child was declared adoptable and when there are no family members willing to adopt,
- the adopter is the spouse of the biological parent of the child whose adoption is requested.

Families living abroad wishing to adopt a child living in Romania must submit a request to ANPDCA through their national central body or accredited organisation, which will also verify the family.³⁹⁸ The

³⁹³ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Arts. 30, 31.

³⁹⁴ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Arts. 39 – 48.

³⁹⁵ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Art. 56.

³⁹⁶ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Arts. 18-27.

³⁹⁷ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Art. 60.

³⁹⁸ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Arts. 64, 65.

adopting family needs to come to Romania for at least 30 days for a matching procedure conducted by DGSAPC and then, if approved, the ANPDCA will ask the court to approve the adoption.³⁹⁹

Romanian legislation does not allow private adoption, only a court of law can rule over an adoption.⁴⁰⁰

Same-sex couples are expressly forbidden from adopting children.⁴⁰¹

4.5.17. What are the main challenges encountered and gaps at the policy and legislative level in relation to alternative care? *Please consider available studies reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.*

People who leave the special protection system face a number of problems: there are no adequate services of support, they have insufficient independent living skills and a lower level of education than children from families and have, in most cases, no chance to secure a sustainable existence on their own, especially considering that the average age of young people leaving the special protection system is 19.8 years, while the average age of young people leaving the home of their parents is 28.1 years.⁴⁰²

Children from state care are extremely vulnerable to human trafficking and abuse, sometimes at the hands of, or with the complicity of their caregivers. Also approximately 40% of all missing children reports concern children from state institutions.⁴⁰³

Some of the other issues are the overrepresentation of Roma children (between 10 and 30%) and children with disabilities (approx. 30%) in the special protection system; 55% of them have medical issues, around 67% have psycho-social development issues.⁴⁰⁴

³⁹⁹ Romania, Law no. 273/2004 concerning adoption ([Legea nr. 273/2004 privind procedura adopției](#)), 21 June 2004, Arts. 67 – 72.

⁴⁰⁰ Romania, Law no. 287/2009 on the Civil Code of 17 July 2009 ([Legea nr. 287/2009 privind Codul Civil din 17 iulie 2009](#)), republished on 15 July 2011, Art. 454.

⁴⁰¹ Romania, Law no. 287/2009 on the Civil Code of 17 July 2009 ([Legea nr. 287/2009 privind Codul Civil din 17 iulie 2009](#)), republished on 15 July 2011, Art. 462 (3).

⁴⁰² Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 19.

⁴⁰³ Romanian Parliament, [Report of the inquiry commission regarding missing children](#), from 19 November 2020.

⁴⁰⁴ Romanian Ombuds, Report on children's rights in Romania ([Raport privind respectarea drepturilor copilului în România](#)) 8 November 2019, p 137 -139.

4.6. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection care system in the past 8 years, incl. achievements and (persisting) gaps and challenges

One of the biggest achievements of the child protection system is that residential care shifted from large institutions to family like environment, with less children in the system, for example⁴⁰⁵:

- the total number of children in the special protection system has decreased from 58,103 (of which 9,840 children with disabilities) in June 2015 to 47,029 (of which 8,408 children with disabilities) in June 2021,
- the number of children in DGASPC residential services decreased from 17,453 in 2014 to 10,968 in 2020 (-37.2%). In parallel, the number of children in private centres decreased in turn, from 4,807 to 2,993 in the same interval.
- in the case of children with disabilities their number decreased to almost half compared to 2014, to 3,926 children in 2020.
- the number of children under 3 decreased by 60% between 2014 and 2020.

This was the result of a series of changes in legislation, as in 2014 existing legislation was modified to forbid placing children younger than 3 years old in residential care institutions, except for exceptional cases, and making it mandatory to place them with the extended family or family type facilities.⁴⁰⁶ The law was again modified in 2018 to raise the age up to which children should not be placed in residential care at 7.⁴⁰⁷

A media investigation looked at international placement of German children abroad.⁴⁰⁸ It showed that between 2013 and 2022, Romania received 154 requests for international placement, of which 134 were from Germany, 11 from Luxembourg, 3 from Great Britain, 1 from Belgium. The investigation started from the situation of a German child placed in Romania, in the care of a Romanian foster family. The child had a history of mental illness that was not communicated to the family. As a consequence of his

⁴⁰⁵ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 18.

⁴⁰⁶ Romania, Law no. 131/2014 for the amendment of para. (1) and (2) of art. 64 of Law no. 272/2004 regarding the protection and promotion of children's rights ([Lege nr. 131 din 8 octombrie 2014 pentru modificarea alin. \(1\) și \(2\) ale art. 64 din Legea nr. 272/2004 privind protecția și promovarea drepturilor copilului](#)) 8 October 2014.

⁴⁰⁷ Romania, Law no. 286/2018 for the amendment of para. (1) and (2) of art. 64 of Law no. 272/2004 regarding the protection and promotion of children's rights ([Lege nr. 131 din 8 octombrie 2014 pentru modificarea alin. \(1\) și \(2\) ale art. 64 din Legea nr. 272/2004 privind protecția și promovarea drepturilor copilului](#)) 29 November 2018.

⁴⁰⁸ Libertatea and Der Spiegel Investigation, How a problem child from Germany ended up in foster care with a Romanian family and then killed a woman from Mediaș ([Cum a ajuns în plasament la o familie din România un copil-problemă din Germania, care apoi a omorât o femeie din Mediaș](#)) 23 March 2023.

radicalization and joining of online groups promoting hate crimes, he murdered a woman he believed to be Roma. The investigation looks at the practice of international placement of children considered to be difficult and how this process is not properly overseen by both foreign and Romanian authorities.

4.7. Promising practices

Please list and briefly describe any promising practice in the child protection care system that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

ANPDCA is implementing a project by which it seeks to provide training and support to 1 5,000 foster families in Romania, who will also receive a tablet and will have access to online learning tools about children's rights and child care.⁴⁰⁹

The Romanian Institute for Human Rights (*Institutul Român Pentru Drepturile Omului, I.R.D.O.*) developed a guide for institutionalised children on how to identify abuses and how to report them, the guide also explains the main rights children have and it also includes a section on the rights prescribed by the EU Charter on Fundamental Rights and the relevant provisions on children's rights.⁴¹⁰ The guide was developed together with civil society organizations and it provides information for children who are in residential care and it also has a section for workers from these institutions the guide is available online and it was distributed to residential care institutions.⁴¹¹

⁴⁰⁹ As explained in a [press-release](#) of the Ministry of Family, Youth and Equal Opportunities from 9 June 2022.

⁴¹⁰ Romanian Institute for Human Rights (*Institutul Român Pentru Drepturile Omului I.R.D.O.*) Guide on the prevention of situations of violence against children and young people from residential centers ([Ghid privind prevenirea situațiilor de violență asupra copiilor și tinerilor din centrele rezidențiale](#)) 2022.

⁴¹¹ As explained in a press-release issued by the Romanian Institute for Human Rights (*Institutul Român Pentru Drepturile Omului I.R.D.O.*) available on its [website](#).

5. Accountability, data collection, and monitoring mechanisms

5.1. Accountability mechanisms

5.1.1. Are there accountability mechanisms in place regarding the functioning of the child protection system? Is there any independent monitoring or reporting mechanisms on the performance of the child protection system? What is the role of child's ombudspersons, child commissioners or other independent national human rights institutions in monitoring child protection?

The activity of foster families is monitored by the social service provider, which is a local-level authority and which also pays house visits to 10% of the foster families monitored. ⁴¹²

ANPDCA also monitors whether children's rights are respected by any public and private institutions or individuals. ⁴¹³ Its controls are mostly organised in response to complaints received and in 2021 it carried out controls at 88 social services and structures belonging to DGASPC, as well as at 3 NGOs. ⁴¹⁴

The National Agency for Payments and Social Inspection (*Agenția Națională pentru Plăți și Inspecție Socială*) carries out reviews and inspections of social service providers and according to its activity report in 2021 it verified 1,174 social services for children and families, of which 772 were public and 402 private. ⁴¹⁵

The Child's Ombuds answers to petitions and complaints regarding the respect of children's rights and organises ad-hoc visits to place where children are held, including at residential facilities, foster families. ⁴¹⁶ In 2022 carried out just one monitoring visit to an NGO and one investigation in a night shelter for homeless children. ⁴¹⁷

⁴¹² Romania, Minimum quality standards of January 3, 2019 for family-type social services intended for children in the special protection system (*Standarde Minime din 3 ianuarie 2019 de calitate pentru serviciile sociale de tip familial destinate copiilor din sistemul de protecție specială*) 11 February 2019.

⁴¹³ Romania (2022) Government Decision no. 233 from 16 February 2022 regarding the powers, organization and operation of the National Authority for the Protection of Children's Rights and Adoption (*Hotărâre nr. 233 din 16 februarie 2022 privind atribuțiile, organizarea și funcționarea Autorității Naționale pentru Protecția Drepturilor Copilului și Adopție*) 18 February 2022.

⁴¹⁴ Romania, Annual report for 2021 of the National Authority for the Protection of Children's Rights and Adoption (*Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție*) p. 29.

⁴¹⁵ The National Agency for Payments and Social Inspection (Agenția Națională pentru Plăți și Inspecție Socială) *2021 Activity report*, published on 20 April 2022, p. 10.

⁴¹⁶ Romania (1997) Law no. 35 of 13 March 1997 regarding the organization and operation of the People's Advocate (*Law Legea nr. 35 din 13 martie 1997 privind organizarea și funcționarea instituției Avocatul Poporului*), republished 27 February 2018, Art 14.

⁴¹⁷ Romanian People's Advocate *annual report for 2022*, published on 31 January 2023, p. 25.

Their coordination and exchange of information is carried out through the DGASPC which is entrusted with coordinated and monitors the application of children’s services. ⁴¹⁸

5.1.2. How is the implementation of national action plans and strategies or other policy actions on child protection monitored? Briefly describe the established procedures and mention the actors involved and their roles.

For the 2014-2020 child protection strategy the overall monitoring of the implementation process was entrusted to the National Authority for the Protection of Children's Rights and Adoption, which used an evaluation and monitoring plan created for this purpose, following the indicators from the action plan. ⁴¹⁹ In practice however the evaluation process had some shortcomings, the Coordination Council only met once between 2014-2020, the indicators were too vaguely formulated and it was hard to trace their implementation and there was no mechanism in place for a systematic monitoring of the measures. ⁴²⁰

For the draft strategy for 2022-2027 that evaluation and monitoring process will consist of yearly progress reports, following the implementation of quantitative and performance indicators, also all relevant actors will receive progress sheets with the activities they are responsible with implementing and the draft strategy envisions setting up a separate document setting out concrete responsibilities in collecting and providing data and developing specific indicators. ⁴²¹

Question	YES	NO	Comments
5.1.3. Is there a child rights assessment existing or foreseen? Please note that child rights’ assessment stands for the measurement of the impact of proposed or	x		The Ombuds issued a report in 2019 on the rights of the child in Romania. ⁴²² There are also specific reports on aspects relating to children’s rights. For example a special parliamentary committee was convened

⁴¹⁸ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 117.

⁴¹⁹ Romania (2014) National strategy on children rights for 2014-2020 ([Strategia națională pentru protecția și promovarea drepturilor copilului pentru perioada 2014-2020, din 12 decembrie 2014](#)) 15 January 2015.

⁴²⁰ Pluriconsult , Evaluation of the implementation of the National Strategy for the Protection and Promotion of Children's Rights 2014-2020 ([Evaluarea implementării Strategiei Naționale pentru Protecția și Promovarea Drepturilor Copilului 2014-2020](#)) May 2021.

⁴²¹ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului “Copii Protejați, România Sigură” 2022-2027](#)) p. 51, 52.

⁴²² Romanian People’s Advocate, Report on children’s rights in Romania ([Raport privind respectarea drepturilor copilului în România](#)) 8 November 2019.

<p>adopted legislation on children as a group. It is usually done at the parliamentary or ministerial level.</p>		<p>looking into the issue of disappearing children and it drew a report on the topic.⁴²³</p> <p>Legislative proposals, draft laws and other draft normative acts must be accompanied by a preliminary assessment of the impact of the new regulations on fundamental human rights and freedoms.⁴²⁴ However, in practice this is not always done or when it is done it is done in a superficial manner.⁴²⁵</p> <p>At the ministerial level the situation on the rights of the child was analysed within the evaluation report for the 2014-2020 children's rights strategy⁴²⁶ and within the draft 2020-2027 children rights strategy, both of which include an in-depth analysis of the situation on children's rights.⁴²⁷</p>
<p>5.1.4. Are there quality standards for child protection services set in the legislation (including prevention programmes)? (e.g. number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms) Please describe.</p>		
<p>There is ample legislation on minimum quality standards for child protection services, including for:</p> <ul style="list-style-type: none"> - Day centres for children and families designed to prevent the separation and/or institutionalisation of children,⁴²⁸ 		

⁴²³ Romanian Parliament, [Report of the inquiry commission regarding missing children](#), from 19 November 2020.

⁴²⁴ Romania, Law no. 24 of March 27, 2000 regarding the rules of legislative technique for the elaboration of normative acts ([Lege nr. 24 din 27 martie 2000 privind normele de tehnică legislativă pentru elaborarea actelor normative](#)) republished on 21 April 2010, art. 7, para 3[^]1.

⁴²⁵ As confirmed through desk research.

⁴²⁶ Pluriconsult , Evaluation of the implementation of the National Strategy for the Protection and Promotion of Children's Rights 2014-2020 ([Evaluarea implementării Strategiei Naționale pentru Protecția și Promovarea Drepturilor Copilului 2014-2020](#)) May 2021.

⁴²⁷ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)).

⁴²⁸ Romania, Minimum quality standards from 3 January 2019 for social services organized as day care centers for children in families and/or children separated or at risk of separation from their parents ([Standarde minime din 3 ianuarie 2019 de calitate pentru serviciile sociale organizate ca centre de zi pentru copiii în familie și/sau copiii separați sau în risc de separare de părinți](#)), 28 February 2019.

- Residential services for children placed under special protection with specific rules for including children who are separated from their parents, abused, who are living on the streets and children who have committed criminal offences without being criminally liable;⁴²⁹
- Minimum standards on case-management in the child protection children;⁴³⁰

There is also a general law on the quality of social services that includes applicable sanctions and control mechanisms⁴³¹ and a general framework regulation on the functioning of social services and the indicative number of personnel for such services.⁴³²

Question	YES	NO	Comments
<p>5.1.5. Is consultation with children and families foreseen and/or taking place in the process of the evaluation of services and measures and in the development of child protection policies and legislation?</p> <p><u>If yes</u>, at what level is this done? Please provide indicative examples.</p>	x		<p>One of the main processes by which children and families can share their opinion on services designed for them is by filing petitions and complaints.</p> <p>The draft strategy for children for 2020-2027 is based on a large-scale consultation process by which 21 children representatives of structures and organisations that promote respect for children's rights and children's participation in decision-making (National Council of Students, UNICEF, Children's Board of Romania, Save the Children, World Vision, Council of Institutionalised Youth, Terre des Hommes) have participated directly in the development of the strategy and almost 1,500</p>

⁴²⁹ Romania, Order no. 25 of 3 January 2019 regarding the approval of minimum quality standards for residential social services intended for children in the special protection system ([*Ordin nr. 25 din 3 ianuarie 2019 privind aprobarea standardelor minime de calitate pentru serviciile sociale de tip rezidențial destinate copiilor din sistemul de protecție specială*](#)), 11 February 2019.

⁴³⁰ Romania, Order no.288/2006 of the National Authority for the Protection of the Rights of the Child to approve the minimum compulsory standards for case management in child protection ([*Ordin nr. 288/2006 pentru aprobarea standardelor minime obligatorii pentru managementul de caz în protecția copilului*](#)), 6 July 2006.

⁴³¹ Romania (2012) Law no. 197 of 1 November 2012 regarding quality assurance in the field of social services ([*Lege nr. 197 din 1 noiembrie 2012 privind asigurarea calității în domeniul serviciilor sociale*](#)), 9 November 2012.

⁴³² Romania (2017) Government Decision no. 797 of 8 November 2017 on the framework regulations for the organization and operation of public social assistance services and the indicative personnel structure ([*Hotărâre nr. 797 din 8 noiembrie 2017 pentru aprobarea regulamentelor-cadru de organizare și funcționare ale serviciilor publice de asistență socială și a structurii orientative de personal*](#)), 23 November 2017.

		children from Romania shared their opinions and suggestions. ⁴³³
5.1.6. Is the responsibility for data collection on child protection determined in the legislative framework?	x	<p>The ANPDCA is the authority entrusted with setting up and managing data bases on children's right and adoption.⁴³⁴ It receives its data from DGASPCs which are also responsible with collecting all data on social services providers, costs and staff, their beneficiaries, children placed in the special protection system and families at risk and is under the obligation to report them to the ANPDCA which has the centralised data for the whole country⁴³⁵</p> <p>There is a national data collection system, CMTIS – Child Welfare Monitoring and Tracking System where the DGASPCs have the obligation to permanently enter all information regarding the child protection system in all modules (Child, Personal, Financial) of the database.⁴³⁶ The data collected in this form includes name of child, address, date of birth, sex, parents and/or legal representatives, school registration, name of family doctor, social services plan, services offered.⁴³⁷</p> <p>However, a report from 2018 shows that most DGASPCs and social protection services hardly use specialised software, like the CMTIS, most are using their own databases in excel sheets or even papers</p>

⁴³³ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 3.

⁴³⁴ Romania (2022) Government Decision no. 233 from 16 February 2022 regarding the powers, organization and operation of the National Authority for the Protection of Children's Rights and Adoption ([Hotărâre nr. 233 din 16 februarie 2022 privind atribuțiile, organizarea și funcționarea Autorității Naționale pentru Protecția Drepturilor Copilului și Adopție](#)), 18 February 2022, Art. 4 (1) f.

⁴³⁵ Romania (2017) Framework Regulation of 8 November 2017 for the organization and operation of the General Directorate of Social Assistance and Child Protection ([Regulament-Cadru din 8 noiembrie 2017 de organizare și funcționare al Direcției generale de asistență socială și protecția copilului](#)), 23 November 2017.

⁴³⁶ Romania, Order no.280/2006 of the National Authority for the Protection of the Rights of the Child concerning the input of information from the child protection system in the Child Welfare Monitoring and Tracking Information System data base ([Ordinul nr. 280/2006 privind introducerea informației din sistemul de protecție a copilului în baza de date CMTIS](#)), 6 July 2006.

⁴³⁷ Romania, Methodological Norms of July 6, 2006 regarding the preparation of the individualized protection plan ([Norme Metodologice din 6 iulie 2006 privind întocmirea Planului individualizat de protecție](#)) 28 July 2006.

		<p>records, this is why the report suggests using only one platform, for all social services, investing in IT equipment and hiring IT support personnel.⁴³⁸</p> <p>The National Authority for the Protection of Children Rights and Adoptions is implementing a national project called "SINA – National Informatic System for Adoption" which represents a centralized national informatic system which will provide a number of electronic services aimed at improving the adoptions process as well as the monitoring of the children at risk or in vulnerable situations, from the they will enter into the special protection system, until they will leave the system either by being reintegrated within their families, social-professional integration or adoption.⁴³⁹</p>
<p>5.1.7. Is there a single authority responsible for monitoring data collection and centralised coordination and data sharing at national level?</p> <p><u>If yes</u>, Is there a national database (a joint database for monitoring and tracking children) for collecting data in the child protection area at the national, regional, or local level?</p>	x	<p>The main authority entrusted with centralizing, interpreting and disseminating data on children's rights is the ANPDCA.⁴⁴⁰</p> <p>Data is collected locally by the DGASPC and it is reported to the ANPDCA.⁴⁴¹</p> <p>A new information system is being set up a National Child Observatory administered by ANPDCA and which would include all information and measures</p>

⁴³⁸ Romania, Dynamic Information System, [Final report of Project SRSS/C2018/016](#) "Support the consolidation of the institutional capacity of the Ministry of Labour and Social Justice of Romania (MMSJ) to develop an integrated Management Information System in social services domain", 20 August 2018, p. 55

⁴³⁹ According the the project [press-release available](#) on the website of the National Authority for the Protection of Children Rights and Adoptions.

⁴⁴⁰ Romania (2022) Government Decision no. 233 from 16 February 2022 regarding the powers, organization and operation of the National Authority for the Protection of Children's Rights and Adoption ([Hotărâre nr. 233 din 16 februarie 2022 privind atribuțiile, organizarea și funcționarea Autorității Naționale pentru Protecția Drepturilor Copilului și Adoptie](#)), 18 February 2022.

⁴⁴¹ Romania (2017) Framework Regulation of 8 November 2017 for the organization and operation of the General Directorate of Social Assistance and Child Protection ([Regulament-Cadru din 8 noiembrie 2017 de organizare și funcționare al Direcției generale de asistență socială și protecția copilului](#)) 23 November 2017.

			relating to children at risk of being separated by their families. ⁴⁴²
5.1.8. Are there common indicators in place to monitor the performance of the child protection system?	x		<p>The main indicators presented in the statistics released by ANPDCA refer to the number of children which are in the special protection system, based on different facility types, the number of children that access preventive measures like day care services and number of employees of the DGASPC.⁴⁴³</p> <p>Social services providers are awarded a license and their performance is evaluated based on the following general criteria: specific services provided, needs of the beneficiaries, quality of life and safety of beneficiaries, competence of staff providing services and management skills, adherence to financial rules and regulations.⁴⁴⁴</p>
5.1.9. Are there data protection protocols in place and adhered to?	x		The ANPDCA has developed a protocol, guide and information note on data protection which are available on its website. ⁴⁴⁵ The protocol explains what data ANPDCA collects from the website visitors and from people who contact the institutions, through letters and petitions, how this data is used and stored and how to report any issued with it.
5.1.10. Are there any gaps in the data collection system related to child protection in the country, which have been identified by relevant child protection authorities/institutions, civil society organisations or other institutions active in the child protection field? Is there a systematic and consistent collection of data related to child protection at national, regional, or local level? Please mention if efforts are made to address these gaps.			
The evaluation of the 2014-2020 children’s rights strategy shows that data on child protection is collected in different databases and they should be interconnected to allow easy access to all relevant data on children, to allow for a good overview and analysis; also there is need for allocating more staff and training for better data collection and analysis; the draft strategy also shows there are issues with			

⁴⁴² Romania, draft law L8/2023 on preventing the separation of children from their family ([Proiect de lege privind organizarea activității de prevenire a separării copilului de familie](#)).

⁴⁴³ ANPDCA list available at [link](#) .

⁴⁴⁴ Romania, Law no. 197 of November 1, 2012 regarding quality assurance in the field of social services ([Lege nr. 197 din 1 noiembrie 2012 privind asigurarea calității în domeniul serviciilor sociale, 9 November 2012](#)), Art. 9

⁴⁴⁵ ANPDCA website, available at [link](#).

how data is collected, that not all social service providers provide accurate data which in turn limits the ability of the DGASPC to collect data and send it further.⁴⁴⁶

A report from 2018 shows that most DGASPCs and social protection services hardly use specialised software, like the CMTIS, most are using their own databases in excel sheets or even paper records.⁴⁴⁷ The report shows that there are various databases developed by NGOs, private companies which are used across the country in an inconsistent manner and the report suggests using only one platform, for all social services, investing in IT equipment and hiring IT support personnel.⁴⁴⁸

The National Authority for the Protection of Children Rights and Adoptions is implementing a national project called "SINA – National Informatic System for Adoption" which represents a centralized national informatic system which will provide a number of electronic services aimed at improving the adoptions process as well as the monitoring of the children at risk or in vulnerable situations, from the they will enter into the special protection system, until they will leave the system either by being reintegrated within their families, social-professional integration or adoption.⁴⁴⁹ This system is expected to be operational by the end of 2023.⁴⁵⁰

5.2. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of child protection accountability in the past 8 years, incl. achievements and (persisting) gaps and challenges.

The data collecting system did not develop consistently, the main change which is expected comes from the law adopted by the Romanian Parliament, on preventing the separation of a child from the family, which would set up a National Children's Observatory which would collect allow to identify all children at risk of family separation and would allow to monitor their situation.⁴⁵¹ The Observatory will be a

⁴⁴⁶ Pluriconsult , Evaluation of the implementation of the National Strategy for the Protection and Promotion of Children's Rights 2014-2020 ([Evaluarea implementării Strategiei Naționale pentru Protecția și Promovarea Drepturilor Copilului 2014-2020](#)) May 2021, p. 98, 44.

⁴⁴⁷ Romania, Dynamic Information System, [Final report of Project SRSS/C2018/016](#) "Support the consolidation of the institutional capacity of the Ministry of Labour and Social Justice of Romania (MMSJ) to develop an integrated Management Information System in social services domain", 20 August 2018, p. 55.

⁴⁴⁸ Romania, Dynamic Information System, [Final report of Project SRSS/C2018/016](#) "Support the consolidation of the institutional capacity of the Ministry of Labour and Social Justice of Romania (MMSJ) to develop an integrated Management Information System in social services domain", 20 August 2018, p. 64, 65.

⁴⁴⁹ According to the project [press-release available](#) on the website of the National Authority for the Protection of Children Rights and Adoptions.

⁴⁵⁰ According to the information provided by the National Authority for the Protection of Children's Rights and Adoption ([Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție](#)) from July 2023.

⁴⁵¹ Romania, Law no. 156 of 30 May 2023 regarding the organization of activities for the prevention of child separation from the family ([Legea nr.156/2023 privind organizarea activității de prevenire a separării copilului de familie](#)) 31 May 2023.

centralised information system managed by the ANPDCA which would collect all existing data on children at risk, data to be included by DGASPC and social services provides, according to a methodology which should be adopted within 90 days from when the law is passed.⁴⁵²

Also, there have been new databases set up. One such example is a new Special Registry for victims of crimes, which collects existing data from all relevant ministries and bodies on victims of crimes, including children who are victims of crimes, with data on their age, gender, whether or not they have a disability, data about the crimes they were a victim of and the services they received as a victim.⁴⁵³

There is an increasing amount of data on children's rights that is being collected and disseminated however, as the research for this report has shown data is collected by a number of different actors involved, which collect data based on different indicators and periods which makes it hard to compare.

The ANDPCA was appointed as the central authority entrusted with centralising, analysing and reporting on figures relating to children's rights but its capacity to do so is determined by the data it is provided and it depends on data collected by DGASPC and collected from social service providers.⁴⁵⁴

A report from 2018 shows that most DGASPCs and social protection services hardly use specialised software, like the CMTIS, most are using their own databases in excel sheets or even papers records, this is why the report suggests using only one platform, for all social services, investing in IT equipment and hiring IT support personnel.⁴⁵⁵

⁴⁵² Romania, Law no. 156 of 30 May 2023 regarding the organization of activities for the prevention of child separation from the family ([Legea nr.156/2023 privind organizarea activității de prevenire a separării copilului de familie](#)) 31 May 2023.

⁴⁵³ Romania, Order no. 2.084/20.910/188/2022/70/C/2023 regarding the amendment and completion of the Multidisciplinary and interinstitutional evaluation and intervention methodology in the provision of support and protection services for crime victims, approved by the Order of the Minister of Labor and Social Protection, of the Minister of Internal Affairs and of the Minister of Justice no. 173/65/3.042/C/2021 ([Ordin nr. 2.084/20.910/188/2022/70/C/2023 privind modificarea și completarea Metodologiei de evaluare și intervenție multidisciplinară și interinstituțională în acordarea serviciilor de sprijin și protecție pentru victimele infracțiunilor, aprobată prin Ordinul ministrului muncii și protecției sociale, al ministrului afacerilor interne și al ministrului justiției nr. 173/65/3.042/C/2021](#)).

⁴⁵⁴ Pluriconsult , Evaluation of the implementation of the National Strategy for the Protection and Promotion of Children's Rights 2014-2020 ([Evaluarea implementării Strategiei Naționale pentru Protecția și Promovarea Drepturilor Copilului 2014-2020](#)) May 2021, p. 98, 44.

⁴⁵⁵ Romania, Dynamic Information System, [Final report of Project SRSS/C2018/016](#) "Support the consolidation of the institutional capacity of the Ministry of Labour and Social Justice of Romania (MMSJ) to develop an integrated Management Information System in social services domain", 20 August 2018, p. 55.

5.3. Promising practices

Please list and briefly describe any promising practice in child protection accountability that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

A new information system is currently being set up by the National Child Observatory administered by ANPDCA and which would include all information and measures relating to children at risk of being separated by their families.⁴⁵⁶

⁴⁵⁶ Romania, draft law L8/2023 on preventing the separation of children from their family ([Proiect de lege privind organizarea activității de prevenire a separării copilului de familie](#)).

6. General education, promotion, and awareness raising

6.1. Education on child rights

6.1.1. Does education on child rights form part of the (national) formal school curricula? If yes, please provide details such as in which types of school and targeting which grade(s) (age group), as part of which school subject and for how many periods in a pupil's school career.

Children in the 5th grade, during their social education class, focus on critical thinking and children's rights.⁴⁵⁷ In high-school, during the 9th and 10th grades schools can offer an elective class for students on inclusive education and critical thinking when they learn about children's rights including applicable international standards on children's rights.⁴⁵⁸ The Charter of Fundamental Rights of the European Union does not appear to be an explicit part of these courses.⁴⁵⁹

6.1.2. Please provide an overview of the most important national and/or sub-national implemented programmes and activities aiming at educating children, parents, teachers, and/or society at large about child rights and/or child protection at national or sub-national level. By which actors were those commissioned, funded, and implemented?

In Romania approximately 88% of children declared that they had heard about children's rights and the most frequent sources of information were school (69%), family (40%) and the online environment (40%), with smaller percentages mentioning books (16%), friends, different people, NGOs working with children and young people (9-11% each).⁴⁶⁰ This would indicate that the most successful information programs are those included in school curricula. Children in the 5th grade, during their social education class, focus on critical thinking and children's rights.⁴⁶¹ In high-school, during the 9th and 10th grades schools can offer an elective class for pupils on inclusive education and

⁴⁵⁷ Romania, Ministry of Education Order no. 3.590 of 5 April 2016 regarding the approval of educational framework plans for secondary education ([Ordin nr. 3.590 din 5 aprilie 2016 privind aprobarea planurilor-cadru de învățământ pentru învățământul gimnazial](#)), 15 June 2016.

⁴⁵⁸ Romania, School curriculum for the optional subject inclusive education and the development of critical thinking ([Programa școlară pentru disciplina opțională educație incluzivă și dezvoltarea gândirii critice](#)).

⁴⁵⁹ As confirmed through desk research and by analyzing the course books available in electronic format at <https://www.manuale.edu.ro/>.

⁴⁶⁰ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 43.

⁴⁶¹ Romania, Ministry of Education Order no. 3.590 of 5 April 2016 regarding the approval of educational framework plans for secondary education ([Ordin nr. 3.590 din 5 aprilie 2016 privind aprobarea planurilor-cadru de învățământ pentru învățământul gimnazial](#)), 15 June 2016.

critical thinking when they learn about children’s rights including applicable international standards on children’s rights.⁴⁶²

Additionally, there have been ad hoc sporadic information campaigns, for example the National Council for Pupils (*Consiliul Național al Elevilor*) and UNICEF Romania developed an illustrated guide on children’s rights, explaining in accessible language the rights and obligations of pupils.⁴⁶³

6.2. Promotion and awareness raising

6.2.1. Please provide information on awareness raising and/or promotion campaigns or relevant activities on child rights (possibly including on the EU Charter of Fundamental Rights) and/or protection issues targeting the general public or children in general at national or sub-national level. Please provide information on the most recent and representative awareness raising campaigns, including information on the target groups, the thematic areas covered, the actors involved, funding, the method of dissemination chosen and the impact of the campaign, if assessed.

The National Bar Association of Romania implemented a project on legal education in primary and secondary schools across Romania in which over 1,000 lawyers volunteered and held legal education classes to approximately 20,000 children, from March to June 2022, in which they talked about basic legal concepts, about rights and obligations of children and about some of the more relevant legal provisions for them.⁴⁶⁴

Save the Children is organizing in 2023 a national competition on children’s rights in which it calls on teams of up to 3 children to create digital art/vlogs explaining children’s rights.⁴⁶⁵ Previously Save the Children organized a communication campaign with a communication agency in which it developed posters, made in accessible language in which it explained the main rights children have.⁴⁶⁶ Save the Children also organized in 2022, together with UiPath Foundation 10 sessions for approximately 200 children on how to detect fake news.⁴⁶⁷ The city council for district 6 of Bucharest organized in 2019 an awareness raising campaign in which it organized presentations and interactive games for approximately 200 children, informing them on their rights, including right to education, safety, affection and health.⁴⁶⁸

A Romanian NGO called ExpertForum is organizing since 2013 a school for democracy in which it provides trainings and support to school teachers and pupils on learning about democracy and civic participating and from 2020 it also organizes a specialised project for youth titled Let’s talk about

⁴⁶² Romania, School curriculum for the optional subject inclusive education and the development of critical thinking (*Programa școlară pentru disciplina opțională educație incluzivă și dezvoltarea gândirii critice*).

⁴⁶³ Council for Pupils (*Consiliul Național al Elevilor*) and UNICEF Romania, Illustrated guide for pupils (*Ghidul ilustrat al elevilor*) 2018.

⁴⁶⁴ According to the [press-release](#) of the Romanian Nations Bar Association from 16 June 2022.

⁴⁶⁵ As explained on the Save the Children [website](#).

⁴⁶⁶ As covered in a press article from 19 November 2018 on <https://www.iqads.ro>.

⁴⁶⁷ As covered in a press article from 9 March 2022 on <https://oradenet.ro>.

⁴⁶⁸ [Press-release](#) issued by the local municipality of District 6 of Bucharest from 18 November 2019.

youth in which it assists pupils in identifying problems within their local communities and finding ways to address them. So far there have been 450 children participating in these activities.⁴⁶⁹

The Romanian Institute for Human Rights (*Institutul Român Pentru Drepturile Omului, I.R.D.O.*) developed a guide for institutionalised children on how to identify abuses and how to report them, the guide also explains the main rights children have and it also includes a section on the rights prescribed by the EU Charter on Fundamental Rights and the relevant provisions on children's rights.⁴⁷⁰ The guide was developed together with civil society organizations and it provides information for children who are in residential care and it also has a section for workers from these institutions the guide is available online and it was distributed to residential care institutions.⁴⁷¹

Also, preventive actions regarding child rights, such as information sessions in schools and communities, awareness activities for children, parents, professionals and general public, are organized annually by the Intersectoral County Teams (ICTs) for the prevention and countering of violence against children. In 2022, 58 activities regarding child rights were organized by ICTs, having 111,969 beneficiaries, out of which 89,901 children; 18 activities of parental education were organized by ICTS, having 6,275 beneficiaries (parents).⁴⁷²

6.2.2. Are there any awareness raising activities regarding complaint mechanisms at national or sub-national level, e.g. for the Optional Protocol to the Convention on the Rights on a communications procedure⁴⁷³? Please briefly describe.

There have been several awareness raising campaigns on the new phone number for reporting children's rights abuses, the 119 number; one such campaign consists of posters people are invited to print and pin in public places to encourage people to call in case they witness any abuses.⁴⁷⁴

⁴⁶⁹ As explained on the project website available at <https://scoalapentrudemocratie.ro/>.

⁴⁷⁰ Romanian Institute for Human Rights (*Institutul Român Pentru Drepturile Omului I.R.D.O.*) Guide on the prevention of situations of violence against children and young people from residential centers (*Ghid privind prevenirea situațiilor de violență asupra copiilor și tinerilor din centrele rezidențiale*) 2022.

⁴⁷¹ As explained in a press-release issued by the Romanian Institute for Human Rights (*Institutul Român Pentru Drepturile Omului I.R.D.O.*) available on its [website](#).

⁴⁷² According to the information provided by the National Authority for the Protection of Children's Rights and Adoption (*Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție*) from July 2023.

⁴⁷³ URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-communications> [12/12/2022].

⁴⁷⁴ More info on the national support program for children [website](#).

6.2.3. Are there any awareness raising or training activities at national or sub-national level on digital literacy, privacy and online safety for children, parents, teachers, and other relevant professionals?

Save the Children is running a long-time project on children's safety online, it organizes trainings, it offers counselling, it developed tools and information packages for students and teachers.⁴⁷⁵

The Romanian Police together with private partners held a number of sessions in schools on safety of children in schools and developed a series of online tools including two comic books showing risks that children are exposed to online, a quiz testing the knowledge of children with specific situations.⁴⁷⁶

6.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child rights and/or child protection outreach activities/measure targeting relevant groups of society or society at large that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

There is a relatively low level of awareness and respect for the rights of the child by adults, with only one in five children believing that their rights are respected by professionals who work with children (doctors, social workers, policemen, judges, etc.), and this lack of information and training in the field of children's rights leads to the perpetuation of an interaction model based on patriarchal values, with a power imbalance between adults and children, with the latter's inability to claim and enjoy their rights.⁴⁷⁷

⁴⁷⁵ More information on the Save the children [website](#).

⁴⁷⁶ As explained in a press-release from of the Romanian Police from 10 November 2022 available on their [website](#).

⁴⁷⁷ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 (*Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027*) p. 43.

7. Child participation and community engagement

7.1. Complaint procedures

Question	YES	NO	Comments
7.1.1. Are there independent child complaints procedures (e.g. an ombuds institution) that are fully compliant with the Paris Principles ⁴⁷⁸ in place, with an ability to hear, review and enforce individual complaints from children?		x	<p>The Child's Ombuds answers to petitions and complaints regarding the respect of children's rights and organizes ad-hoc visits to places where children are held, including at residential facilities, foster families.⁴⁷⁹ The Peoples Advocate (Ombuds) has the power to formulate recommendations, in case of infringements of human rights.⁴⁸⁰ In practice if a public institution fails to observe the recommendations made, the Peoples Advocate can notify the county prefect office which is entrusted with making sure local authorities observe the law and has the power to notify competent courts in case of acts which are in contradiction with the law.⁴⁸¹</p> <p>The Ombuds is however <u>not</u> accredited by the Global Alliance of National Human Rights Institutions. The only institution from Romania that was accredited was the Romanian Institute for Human Rights, which received a C status.⁴⁸²</p>
7.1.2. Are there specialised Courts and compliant procedures with international standards in place for children in contact	x		In terms of the infrastructure and procedures regarding ensuring children's participation in judicial proceedings in cases involving child victims or criminals, there is still only one court

⁴⁷⁸ URL: [https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20\(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness](https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness) [12/12/2022].

⁴⁷⁹ Romania (1997) Law no. 35 of 13 March 1997 regarding the organization and operation of the People's Advocate (*Law Legea nr. 35 din 13 martie 1997 privind organizarea și funcționarea instituției Avocatul Poporului*) 27 February 2018, Art 14.

⁴⁸⁰ Romania (1997) Law no. 35 of 13 March 1997 regarding the organization and operation of the People's Advocate (*Law Legea nr. 35 din 13 martie 1997 privind organizarea și funcționarea instituției Avocatul Poporului*) 27 February 2018, Art 24.

⁴⁸¹ Romania, Emergency Ordinance no. 57/2019 regarding the Administrative Code (*Ordonanță de Urgență nr. 57 din 3 iulie 2019 privind Codul administrativ*) 3 July 2019, art. 249

⁴⁸² Global Alliance of National Human Rights Institutions, [Accreditation status as of 29 November 2022](#).

<p>with the law and for children to access justice and seek redress and remedies for violations of the child protection rights?</p>		<p>and only one specialised prosecutor's office, at Braşov.⁴⁸³ There also are 131 specialised chambers to question children with police stations, across the country, as well as specialised rooms with several courts and with the DGASPC.⁴⁸⁴</p> <p>There are 11 specialised questioning rooms within the prosecutor offices across the country and 30 more are being set up.⁴⁸⁵</p>
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7.2. Feedback mechanisms

Question	YES	NO	Comments
<p>7.2.1. Are there government support fora such as children's groups established at local/community level, and is a formal mechanism in place through which national/sub-national/local government receive and respond to the feedback and ideas from children and children's groups who have received child protection services?</p>		x	<p>Local public administration authorities have the obligation to involve the local community in the process of identifying the needs of the community and solving social problems affecting children at the local level, and for this purpose they <u>can</u> set up consultative community structures which would include local businessmen, priests, teachers, doctors, local councillors, policemen.⁴⁸⁶</p> <p>The law does <u>not</u> require these bodies to include children as well and there is no information on whether children are included or not.⁴⁸⁷</p>

⁴⁸³ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 38.

⁴⁸⁴ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 ([Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027](#)) p. 38.

⁴⁸⁵ According to a presentation of Romania's General Prosecutor from 22 September 2022, available at [link](#).

⁴⁸⁶ Romania (2004) Law no. 272/2004 on the protection and promotion of children's rights ([Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului](#)), republished 5 March 2014, Art. 114.

⁴⁸⁷ As confirmed through desk research.

7.2.2. Are community-based mechanisms functional across the country where necessary and per applicability and per protocols and procedures? Is their effectiveness monitored by independent accountability mechanisms?	x	At national level, in 2020, 64% of all local administrations had consultative community structures but there is <u>no</u> information on how many of those are actually functional and actively participating in addressing children's needs. ⁴⁸⁸
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7.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child participation and community engagement that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In 2020, the Ciugud commune organized a project by which children were invited to choose children representatives, a mayor and local councillors and were invited to choose local projects for children to be financed, having set aside RON50 000 (approx. €10,000) for projects chosen by children.⁴⁸⁹

The Brasov municipality announced it is setting up a Local Children's Council as a consultative structure made up of 20 children between the ages of 11 and 17, representative of their communities, including children with disabilities, children living in poverty, institutionalized children, children of different ethnicities.⁴⁹⁰

UNICEF is implementing a project on Child Friendly Cities by which it offers support to local administrations to better understand and respond to the needs of children and it also empowers children to formulate their needs and demand they are met by local administrations.⁴⁹¹

During the Romanian presidency of the Council of the EU, UNICEF together with ANPDCA and the Romanian Ministry of Foreign Affairs together with children's groups and representatives developed the "Bucharest Declaration of the Children of the European Union" which is an urgent appeal addressed to the European Union and its Member States to ensure that children's participation becomes a priority and a reality. The document was disseminated throughout Europe to attract support and feedback from children and civil society organizations in the Member States of the European Union.⁴⁹²

⁴⁸⁸ Romania, Proposed National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2022-2027 (*Strategia Națională Pentru Protecția și Promovarea Drepturilor Copilului "Copii Protejați, România Sigură" 2022-2027*) p. 16.

⁴⁸⁹ According to a press-release from 6 February 2020 posted on the Ciugud commune [website](#).

⁴⁹⁰ According to information available on the City of Brasov [website](#).

⁴⁹¹ According to information available on the UNICEF Romania [website](#)

⁴⁹² The manifesto and drafting process are available on UNICEF's website [unicef.org](#)