

# LIFE SENTENCE

A REPORT BY THE EUROPEAN ROMA RIGHTS CENTRE



## Romani Children in State Care in Romania

JUNE 2011

CHALLENGING DISCRIMINATION PROMOTING EQUALITY



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## 2 Introduction

Despite indications that Romani children are overrepresented in the Romanian social welfare system, the particular situation of Romani children in State care institutions has not been properly documented so far. Several national and international research projects on the situation of children in State care in Romania have been conducted since the collapse of the communist regime, but none have reflected fully on the numbers and situation of Romani children in the system.

Increased interest in the child welfare system in Romania was triggered in 1990 by international media through terrifying images of institutionalised children in Romania. Pro-nationalist State policies during communism prohibiting abortion<sup>1</sup> led to a high number of illegal abortions and an overwhelming number of abandoned children in maternity and hospital/paediatric wards.<sup>2</sup> During the same period, the State built a child welfare system based on institutionalisation with large, poorly equipped children's homes with low-skilled personnel.<sup>3</sup> Children institutionalised in State-run facilities were often subject to negligence and also physical, emotional and sexual abuse by staff; at times children were tied to their cribs, locked in rooms without heating, individual beds or electricity and left to starve.<sup>4</sup> Many suffered from several chronic diseases<sup>5</sup> such as HIV/AIDS or TB, others became physically and mentally disabled while in State care and some even died. According to the National Authority for the Protection of Child Rights (NAPCR) in 1989 there were more than 100,000 children in State care and 16,000 children in State care died per year.<sup>6</sup>

After 1990, the Romanian government drastically reformed the child welfare and protection system. However, despite various State reforms and changes in the national legislation on child rights, Romani children remain invisible within the child welfare system. In 2009 the United Nations Committee on the Rights of the Child (Committee) expressed concern about the overrepresentation of Romani children in State care and the lack of “special culturally sensitive programmes for children, family support and reintegration efforts.” It called on the Romanian State

- 1 According to Decree no. 770/1966, abortion was allowed only when pregnancy endangered the life of a woman, was the result of rape or incest or if the child was likely to have a congenital disease or deformity. In addition, an abortion could be performed if the woman was over 45 years of age or had given birth to at least four children who remained under her care. Any abortion performed for any other reason was considered a criminal offense, punishable by imprisonment between one and three years.
- 2 P. Stephenson, C. Anghelescu, E. Stative, S. Pasti, *Cauzele institutionalizării copiilor din România [The causes of institutionalisation of children from Romania]*, (Bucharest: UNICEF and International Foundation for Children and Families, 1997).
- 3 Caregivers not only lacked psychological and child development training but they were also generally emotionally and socially detached from the children, providing minimal physical contact.
- 4 USA Embassy, *Romanian Abandoned Children: Ten Years after Revolution* (February 2001), p. 7.
- 5 The Institute for Mother and Child and UNICEF, *The Causes of Child Institutionalisation in Shelters and Dystrophic Wards* (1990).
- 6 National Authority for the Protection of the Rights of the Child, *Child Welfare in Romania, The Story of the Reform Process* (2005), p. 7.

## INTRODUCTION

“to collect and analyse data on all areas covered by the Convention, and for all persons below 18, with a specific emphasis on vulnerable groups of children, including Romani children [...]”<sup>7</sup>

This study, for the first time, endeavours to provide an overview of the representation of Romani children in State care in Romania and the factors that contribute to the entrance of Romani children into State care, including the role of poverty and racism against Roma. It provides information on the situation of Romani children in State care from the perspective of child protection authorities and of Romani parents and children in and/or out of State care.

7 Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Romania* (2009), available at: <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ROM-CO-4.pdf>.



### 3 Methodology

Research for this study applied qualitative methodological approaches. The research was conducted in three stages.

The first stage included an analysis of relevant legislation and policies. All relevant laws and policies were mapped through desk research. In-depth interviews were conducted with the General Directorate for Child Protection (at that time the National Authority for Family and Child Rights Protection), the Romanian Adoption Office, the National Agency For Roma, the Ombudsman, the United Nations Children's Fund (UNICEF) and Save the Children.

Field research was conducted in five different locations, including four areas with a significant Romani population and one location where Roma represent a smaller portion of the population. Based on analysis of 2002 census data, the following counties were selected - Brasov, Constanta, Timisoara, Bucharest (districts 1, 3, 4 and 6) and Iasi (as the location with the lowest Romani population).<sup>8</sup> In-depth interviews were conducted with 123 representatives of county child protection agencies, Romani family members, formerly institutionalised Romani children and other stakeholders. This included interviews with 22 representatives of the General Directorates for Social Assistance and Child Protection from the selected counties;<sup>9</sup> 38 caregivers from 22 randomly selected children's homes; six representatives of local Romani and non-Romani NGOs, five Romani health and school mediators, two Romani workers in local public institutions, four social workers from Romani communities and four formerly institutionalised Romani children. Twenty-three Romani families were also interviewed and 22 group discussions with between two and ten participants were conducted with 104 institutionalised children between the ages of 7 and 24.

#### *Limitations of the research*

Due to the lack of official data disaggregated by ethnicity regarding institutionalised Romani children, the ERRC asked respondents to provide estimates about the number of Romani children in State care based on their perceptions. Most respondents provided estimates based on colour of skin, family name, language, traditional clothing and geographical representation.

In most of the counties, child protection workers provided estimates during the interview about the number of Romani children in State care; the main exception was in Bucharest where some respondents refused to do so. The data obtained from the institutionalised children was limited

<sup>8</sup> According to the 2002 census, the Romani population in the selected locations was: Brasov County 14,306, Bucharest 27,322, Constanta County 6,025, Iasi County 3,390 and Timis County 16,084. National Institute of Statistics, available at <http://www.insse.ro/cms/files/RPL2002INS/vol1/tabele/t40.pdf>.

<sup>9</sup> Representatives from two districts of Bucharest (2 and 5) which have the highest Romani population declined or did not respond to ERRC interview requests.

## METHODOLOGY

by several context-specific concerns and challenges. A significant number of children did not want to disclose the reasons behind their institutionalisation, or their ethnicity, and many felt inhibited when in the presence of a caregiver.

This research is not representative. Rather, it aims to present an accurate description of the situation of Romani children vis-à-vis State care in Romania based on a wide range of interviews with relevant stakeholders. The research focuses on the situation of children in children's homes: the research does not cover children in institutions for persons with disabilities or children in foster care or placed with extended families.

## 4 Executive Summary

According to estimates provided by child protection authorities, NGO estimates and the results of field research in children's homes, Romani children are overrepresented in State care in Romania. A lack of data disaggregated by ethnicity renders existing policy ineffective in reducing the overrepresentation of Romani children in State care.

There are a number of gaps in Romanian law and policy: there is no legal definition of child endangerment, although situations that may lead to the removal of parental rights are described. Clear methodological guidelines for assessing child endangerment are lacking, which may negatively impact Romani children and families.

Various factors contribute to the overrepresentation of Romani children in State care, including complex social and economic factors aggravated by ethnic discrimination and social exclusion of Roma. The most common factors are poverty-related, such as a lack of employment, inadequate housing and health care, household size, child abandonment in maternity wards and migration. There is also a dearth of preventative services at the community level and a lack of uniform implementation of such services across the regions. Standards applied in assessing the situation of parents are often unattainable for Romani parents; current preventative measures are not sufficient to help Romani families overcome entrenched poverty-related factors. Research also revealed problems related to the realisation of procedural rights of Romani parents, such as the right to information prior to and during child protection proceedings, bias and a lack of legal representation.

In State care, some Romani children are subjected to physical abuse, ill-treatment and various forms of discrimination. They also experience discrimination in access to public services outside the institutions, such as education and health care. Discrimination may be experienced on multiple grounds, including their ethnicity and their status as an institutionalised child. There is a lack of programmes to develop and promote a positive ethnic identity among Romani children in State care, which may manifest in the denial of ethnic identity by many Romani children in State care, rejection of their families and negative feelings towards Roma in general. There is also a lack of Romani professionals working in regional and local child protection services. Many prospective adoptive parents refuse to adopt Romani children. A significant number of Romani children in State care have been categorised as having a mental disability. Parents' decisions to place such children in institutions are influenced by the diagnosis and by a lack of available services in rural areas.

The majority of Romani children in State care are unlikely to return to their biological families. Thus a large number of Romani children spend their whole childhood in State care.



## 5 Socio-Economic Situation of Roma in Romania

Romania has the largest Romani population in the EU with an official count at 535,000 and unofficial estimates ranging from 1,800,000 to 2,500,000.<sup>10</sup> Despite the development of Roma inclusion policies and programming, Roma continue to be the most discriminated and disadvantaged ethnic minority group in the country. According to the results of a statistical survey on minorities and discrimination in the European Union published by the European Union Agency of Fundamental Rights (FRA), Roma are the most discriminated of seven minority groups in the EU in access to employment, housing, health care, education, social services and bank services.<sup>11</sup> Twenty-five percent of Roma in Romania reported having experienced discrimination based on their ethnicity in the 12 months prior to the survey. The same survey found that 81% of Roma in Romania do not report the vast majority of discrimination experiences.<sup>12</sup>

The World Bank has reported that 67% of Roma in Romania live below the poverty line and that 44% of working age Roma are unemployed.<sup>13</sup> It has been reported that Roma are five times more likely to experience absolute poverty than the national average.<sup>14</sup> According to the FRA's 2009 statistical survey findings, in Romania only about 30% of Roma have been able to find paid work in the past five years<sup>15</sup> and 23% of Roma in Romania reported discrimination when looking for work or at work.<sup>16</sup> A 2010 study found that 45% of Roma people do not have a stable job.<sup>17</sup> The jobs that Roma obtain are mainly as unskilled labourers, agricultural and seasonal labourers: poorly paid and vulnerable jobs.<sup>18</sup> Romani women face multiple discrimination in the labour market due to their ethnicity and gender.<sup>19</sup>

10 N Gheorghie and J.P. Liegeois, *Roma/Gypsies: A European Minority* (Minority Rights Group, UK, and Institute for Research of Quality of Life, 1995).

11 European Union Agency for Fundamental Rights, *European Union Minorities and Discrimination Survey: Main Report* (2009), available at: [http://fra.europa.eu/fraWebsite/attachments/eumidis\\_mainreport\\_conference-edition\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/eumidis_mainreport_conference-edition_en.pdf).

12 European Union Agency for Fundamental Rights, *Data in Focus: The Roma* (2009), available at: [http://www.fra.europa.eu/fraWebsite/eu-midis/eumidis\\_roma\\_en.htm](http://www.fra.europa.eu/fraWebsite/eu-midis/eumidis_roma_en.htm).

13 World Bank, *Roma at a Glance*, available at: [http://siteresources.worldbank.org/INTROMA/Resources/Roma\\_at\\_a\\_Glance.pdf](http://siteresources.worldbank.org/INTROMA/Resources/Roma_at_a_Glance.pdf).

14 "Romania says poverty reduction is impossible target", *EurActiv*, April 2010, available at: <http://www.euractiv.com/en/enlargement/romania-says-poverty-reduction-impossible-target-news-468172>.

15 European Union Agency for Fundamental Rights, *European Union Minorities and Discrimination Survey: Main Results Report* (2009), available at: [http://fra.europa.eu/fraWebsite/attachments/eumidis\\_mainreport\\_conference-edition\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/eumidis_mainreport_conference-edition_en.pdf).

16 European Union Agency for Fundamental Rights, *Data in Focus: The Roma* (2009), available at: [http://www.fra.europa.eu/fraWebsite/eu-midis/eumidis\\_roma\\_en.htm](http://www.fra.europa.eu/fraWebsite/eu-midis/eumidis_roma_en.htm).

17 See: [http://www.observatorul-social.ro/Barometrul\\_de\\_Incluziune\\_Sociala\\_2010\\_Populatie\\_si\\_Grupuri\\_vulnerabile.pdf](http://www.observatorul-social.ro/Barometrul_de_Incluziune_Sociala_2010_Populatie_si_Grupuri_vulnerabile.pdf).

18 Dena Ringold, Mitchell A. Orentstein and Erika Wilkens, *Roma in the Expanding Europe: Breaking the Poverty Cycle* (World Bank, 2004).

19 A 2005 study by the United Nations Development Program showed that 35% of Romani women aged 25-54 in Romania are unemployed, four times more than majority women, and that 41% of Romani women over the age

The education of Romani children in Romania is characterised by a high drop-out rates, low school attendance, poor quality of education and segregation. In Romania, data from 2008 reveals that only 31.7% of Romani children complete primary school and only 9.6% finish secondary school.<sup>20</sup> Among the main causes of school drop-out are extreme poverty among Romani families, early marriages of Romani girls from traditional communities, discrimination and doubt that the educational outcomes for Romani children are an effective means of improving their situation. The Ministry of Education and several non-Romani and Romani NGOs have focused their efforts on improving the education of Romani children, such as the Romanian Government's quota system for Romani students at university and secondary school. Despite these steps, illiteracy among Romani children remains very high and more than 80% of uneducated children in Romania are Romani children.<sup>21</sup> Data from a 2001 report indicated that Roma made up as many as 80% of the children in special schools in Romania.<sup>22</sup> Those that attend integrated schools are routinely bullied by non-Romani students and placed in the back of classrooms, where they are ignored by teachers.<sup>23</sup> In 2007, the Ministry of Education enacted the Order for Forbidding School Segregation of Romani Children<sup>24</sup> and in March 2010 a new notification on the segregation of Roma was adopted.<sup>25</sup> NGOs report that these measures have been mostly ignored: in 50% of segregated schools monitored by Romani CRISS, no desegregation measures were implemented.<sup>26</sup>

of 55 are unemployed compared to 19% in the general population. United Nations Development Program, *Faces of Poverty, Faces of Hope: Vulnerability Profiles for Decade of Roma Inclusion Countries* (2005), available at: <http://euro-peandcis.undp.org/governance/hrj/show/67D47F90-F203-1EE9-BB4A88AD1FF2FF8D>.

- 20 Open Society Institute, *International Comparative Data Set on Roma Education, A Statistical Baseline for Central, Eastern, and South Eastern Europe* (2008), available at: [http://www.soros.org/initiatives/esp/articles\\_publications/publications/monitoring\\_20061218/table\\_2008.pdf](http://www.soros.org/initiatives/esp/articles_publications/publications/monitoring_20061218/table_2008.pdf).
- 21 Ministry of Education and Research, Institute for Educational Sciences, Institute for Research on the Quality of Life, *Romani Children School Participation: Problems, Solutions, Actors* (Bucharest: MarLink Publishing House, 2002), p. 47.
- 22 Save the Children, *Denied a Future? The right to education of Roma/ Gypsy and Traveller children, Volume 1: South-eastern Europe* (December 2001), available at: [http://www.savethechildren.org.uk/en/54\\_2317.htm](http://www.savethechildren.org.uk/en/54_2317.htm), p. 325.
- 23 United States Department of State, Bureau of Democracy, Human Rights, and Labor, *2008 Human Rights Report: Romania* (25 February 2009), available at: <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119100.htm>.
- 24 Ministry of Education, Research and Youth, *Order No. 1.540/19.07.2007 on forbidding school segregation of Romani children and the approval of the Methodology for the prevention and elimination of school segregation for Romani children*. The desegregation measures stipulated by the Order include mixing segregated classes, prohibiting of segregation on the ground of language, placing pupils enrolled late in existing classes, collaborating with school mediators to prevent late enrolment of Romani students, bussing pupils from residentially segregated schools, training teachers on intercultural and non-discrimination issues, introducing Romani language and history into the school curricula, and prohibiting the enrolment of Romani children in special schools based solely on their ethnicity etc.
- 25 *Notification no. 28463 / 3 March 2010 on prevention and elimination of segregation of Romani pupils within kindergartens and primary school, some measures for maintaining the classes in the minority languages/ study of the mother tongue in Romanian educational system*, available at: <http://www.edu.ro/index.php/legaldocs/13466>.
- 26 Mihaela Dumitrascu, "Inca exista segregare scolara/Romani CRISS [School segregation is still present/Romani CRISS]" *Divers*, available at: [http://www.divers.ro/focus\\_ro?func=viewSubmission&sid=9527&wid=37452](http://www.divers.ro/focus_ro?func=viewSubmission&sid=9527&wid=37452).

Housing for Roma in Romania is characterised by de facto residential segregation.<sup>27</sup> Customarily, Romani settlements are situated on the margins of the cities or villages, overcrowded and without access to utilities, such as water, gas, electricity, public waste collection, transportation services and roads.<sup>28</sup> Another characteristic of the Roma housing in Romania is a lack of security of tenure, sometimes resulting in forced eviction by public authorities because of unresolved ownership issues.<sup>29</sup>

Romani people in Romania suffer from very poor health conditions and experience several barriers in access to health care. The life expectancy of Roma is more than 10 years lower than that of the majority population.<sup>30</sup> The most affected are Romani children as some are lacking birth certificates, which are required to access health care; they are less frequently vaccinated and their families cannot afford medicine when they are sick. A 2010 report found that 40% of Romani children suffer from severe malnutrition and 45.7% of Romani children had never received vaccinations, while the infant mortality rate among Romani children is four times higher than the national average.<sup>31</sup>

27 According to European Union Agency for Fundamental Rights, 66% of Romani people are living in segregated settlements. European Union Agency for Fundamental Rights, *Data in Focus: The Roma* (2009), available at: [http://www.fra.europa.eu/fraWebsite/eu-midis/eumidis\\_roma\\_en.htm](http://www.fra.europa.eu/fraWebsite/eu-midis/eumidis_roma_en.htm).

28 Gabriel Badescu, Vlad Grigoras, Cosima Rughinis, Mălina Voicu and Ovidiu Voicu, *Roma Inclusion Barometer* (Bucharest: Open Society Foundation, 2007), p. 33-43.

29 Amnesty International, *Treated Like Waste: Roma Homes Destroyed and Health at Risk in Romania* (January 2010), available at: <http://www.amnesty.org/en/library/info/EUR39/001/2010>.

30 Mark Braham, *The Untouchables: A Survey of the Roma People of Central and Eastern Europe: a report to the Office of the United Nations High Commissioner for Refugees* (Geneva: UNHCR, 1993). See also: Society for Threatened Peoples, *Written Statement Submitted to the UN Commission on Human Rights, Integration of the Human Rights of Women and the Gender Perspective: Violence against Women. EU Eastern Enlargement Countries: Women Rights of the Roma Minority* (2004).

31 John Benet, *National Report on Social Inclusion during Early Development of Romani children*, (Open Society Institute, Roma Education Fund and Unicef: 2010), p. 7, available at: [http://medlive.hotnews.ro/wp-content/uploads/2010/12/Raportul-Na%C5%A3ional-IRSDTC-pentru-Rom%C3%A2nia\\_rezumato.pdf](http://medlive.hotnews.ro/wp-content/uploads/2010/12/Raportul-Na%C5%A3ional-IRSDTC-pentru-Rom%C3%A2nia_rezumato.pdf).





## 6 Legislative and Policy Framework of the Child Protection System in Romania

### 6.1 Child Protection

Article 20(3) of the Convention on the Rights of the Child (CRC) states that alternative care “for a child temporarily or permanently deprived of his or her family environment shall include, inter alia, foster placement [...] adoption, or if necessary, placement in suitable institutions for the care of children.” In correlation, the CRC obliges the Romanian State as the contracting party “to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.”<sup>32</sup> The best interests of the child shall be a primary consideration.

The Romanian Constitution, as revised in 2003, stipulates in Article 49 that “Children and young persons shall enjoy special protection and assistance in the pursuit of their rights.” It also recognises the duty of the State to provide social protection, including “state allowances for children and benefits for the care of sick or disabled children” and states that “other forms of social protection for children and young people shall be established by law.”<sup>33</sup> It guarantees that the State will take measures of economic development and social protection to ensure a decent living standard for its citizens, and protects the “right and duty of the parents to ensure the upbringing, education and instruction of their children.”<sup>34</sup>

The Family Code regulates the protection of the family, including children, based on the principle of equality between parents in fulfilling their parental obligations in the interest of the child. Further, this legal instrument embodies the norm that both parents have the same rights and duties towards their minor children, without differentiating if the children are from/outside the marriage or adopted.<sup>35</sup> Romanian law does not explicitly define child endangerment. However, the Family Code establishes that parental rights may be suspended or removed if the physical, mental, moral, spiritual or social development of the child is endangered by “abusive behaviour or grave negligence in the fulfilment of parental duties, or if the education or professional instruction of the child is not done in the spirit of devotion to Romania.”<sup>36</sup>

<sup>32</sup> Convention on the Rights of the Child, Article 3. Romania ratified the CRC on 28 September 1990.

<sup>33</sup> Law No. 429/2003 on *Constitution of Romania*, Article 49, available at: [http://www.cdep.ro/pls/dic/site.page?den=act2\\_2&par1=2#t2c2s0a49](http://www.cdep.ro/pls/dic/site.page?den=act2_2&par1=2#t2c2s0a49).

<sup>34</sup> *Ibid.*, Articles 47 and 48, respectively.

<sup>35</sup> The Family Code, Article 97, available at: [http://www.cdep.ro/pls/legis/legis\\_pck.frame](http://www.cdep.ro/pls/legis/legis_pck.frame).

<sup>36</sup> *Ibid.*, Article 109.

The Law 272/2004 on the Protection and Promotion of Child's Rights (PPCR Law) is the key legislation in the area of child protection.<sup>37</sup> According to this law responsibility for the upbringing and development of the child lies foremost with the parents and secondly with the local community which should provide support and assistance to the child and family in difficult situations. The law stipulates that the State is obliged to “ensure the protection of the child and guarantees the observance of all of the rights of the child, through a specific activity conducted by the state institutions and the public authorities responsible in this field”.<sup>38</sup> Article 3 stipulates that the law applies to children of Romanian citizenship located on the national territory or abroad, stateless and refugee children and children with foreign citizenship in case of emergency situations. Article 33 of the PPCR Law stipulates that “a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review” establish that the action is necessary for the best interests of the child. Article 39 of the PPCR Law establishes special protection measures, legal guardianship and the adoption of children to ensure uninterrupted educational development and a consistent ethnic, religious, cultural and linguistic environment.

Article 56 enumerates the groups of children that may benefit from special protection measures:

- the child whose parents are deceased, unknown, deprived of the exercise of parental rights or have been enforced the penalty of denial of parental rights, placed under interdiction, declared dead or missing by a court of law and for whom no legal guardianship could be established;
- the child who, in view of protecting his or her best interests, cannot be left in the care of the parents; for reasons for which the parents cannot be held accountable;
- the abused or neglected child;
- the foundling or the child who has been abandoned by the mother in a maternity ward; and
- the child who has committed an act stipulated by the criminal law and who is not criminally liable.

## **6.2 Adoption**

Law 273/2004 on the Legal Status of Adoption<sup>39</sup> regulates the situations and the procedures of domestic and international adoption. According to this law and the Family Code, adoption is a judicial measure of alternative care with full effects according to which the adopted child has the rights and obligations of a biological child in relation with his or her adoptive parents.<sup>40</sup> The categories of children that can be adopted are: children whose parents consented to adoption, are deceased, are

<sup>37</sup> Law 272/2004 on the Protection and Promotion of Child's Rights, as amended on 10 January 2008, Article 1, available at: [http://www.law.yale.edu/rcw/rcw/jurisdictions/euroe/romania/Rom\\_Ch\\_Prot\\_L\\_2004e.pdf](http://www.law.yale.edu/rcw/rcw/jurisdictions/euroe/romania/Rom_Ch_Prot_L_2004e.pdf).

<sup>38</sup> *Ibid.*, Article 5.

<sup>39</sup> Law 273/2004 on the Legal Status of Adoption, published in the Romanian Official Gazette on 23 June 2004.

<sup>40</sup> Interview with a representative of the Romania Office for Adoption. Bucharest, Romania: June 2010. Law 273/2004 on the Legal Status of Adoption, Article 1.

placed under interdiction or whose identity is unknown.<sup>41</sup> An exception is children whose parents are under the age of 14 years who must wait for the biological parent to reach adulthood.<sup>42</sup>

Article 4 stipulates that the person or persons who can adopt children from the Romanian State care system must be Romanian citizens that have lived uninterrupted in the country for more than one year, foreign citizens with permanent residence in Romania or Romanian citizens that re-established their domicile in the country in the last 12 months. As concerns international adoption, Romanian law unequivocally states that only grandparents, uncles and aunts of the adoptable child can apply for adoption.<sup>43</sup>

The commencement of adoption proceedings follows the compulsory consent of the biological parents or of the child of 12 years of age or older, the establishment of the child's "adoptable" status by child authorities and the certification as an adoptive person/family by person or persons who wish to adopt a child.<sup>44</sup>

## 6.3 Disability

In the area of protection of disabled children there are several legal documents, the most important being the following normative acts: Law 272/2004 on the protection and promotion of child's rights; Law 448/2006 regarding the Protection and Promotion of the Rights of Disabled Persons; and Law 1/2011 on National Education.

Article 2 of Law 448/2006 regarding the Protection and Promotion of the Rights of Disabled Persons, (PPRPD Law) defines disabled persons as "those persons who, due to a physical, mental or sensorial affliction, do not have the abilities for normally performing the day-to-day activities, requiring protection measures in support of their social recovery, integration and inclusion."<sup>45</sup> The definition is applicable to both adults and children. Four levels of disability are established for children:<sup>46</sup> mild, medium, accentuated and severe, which are assessed and established by the Child Protection Commission based on a specific methodological guide.<sup>47</sup>

41 Law 273/2004 on the Legal Status of Adoption, Article 5.

42 *Ibid.*, Article 6.

43 Law no. 49/2009 approving Emergency Ordinance 108/2008 amending Law 273/2004 on the Legal Status of Adoption. This provision was preceded by a moratorium on international adoptions in 2001 due to official corruption and a lack of proper assessment of adoption cases. Since 2005, Romanian authorities have not approved any international adoption. This provision raised complaints by international adoption agencies, civil society and international bodies; however, at present Romanian authorities refuse to amend the law, considering that the national adoption system is well developed and that it is necessary to ensure that the child is raised in his/her cultural and linguistic environment.

44 Law 273/2004 on the Legal Status of Adoption, Articles 12-18, 22-23 and Chapter III.

45 Law 448/2006 on the Protection and Promotion of the Rights of Disabled Persons, available at: [www.anph.ro/admin/doc/upload/eng/5/Law%20no.%20448-2006.doc](http://www.anph.ro/admin/doc/upload/eng/5/Law%20no.%20448-2006.doc).

46 Ministry of Health Order no. 725 and NACPA Order No. 12709/2002 on the Criteria used to Establish the Handicap Level for Children and to Establish Specialised Care Measures.

47 Ministry of Health Order 416/2003 on Methodological Guidelines for the Assessment of Disabled Children and Diagnosis of the Level of Handicap and NACPA Order No 18/2003 Approving the Methodological Guidelines for the Assessment of Disabled Children and Establishing the Level of Handicap.

Article 15 of the PPRPD Law provides that disabled children should have free and equal access to education, either special education or mainstream education. Further the PPRPD Law states that “the access to educational units of disabled children, including children with a handicap, and those with school adapting difficulties shall be made by the decision of the child protection commission, which issues the school and/or professional orientation certificate, based on a complex evaluation report drafted by the complex evaluation service within the General Directorates for Social Assistance and Child Protection (DGASPC).”<sup>48</sup>

Article 50(3) of the Law on National Education bans and sanctions the abusive assessment of children as children with special education requirements based on their nationality, ethnicity, language, religion or belonging to a vulnerable group, as well as any other criterion.<sup>49</sup>

## **6.4 National Policies**

Several national policies in the area of child protection have been developed in Romania.

The National Strategy for the Protection and Promotion of Children’s Rights 2008 – 2013 (Child Protection Strategy) and the Operational Plan 2008 – 2013 for the Implementation of the Strategy<sup>50</sup> aim to ensure effective and viable cooperation among all stakeholders to promote and protect children’s rights and to prevent the separation of the child from her/his parents. Romani children are included as a specific target group. It intends to meet this goal by supporting parents to fulfil their parental obligations through:

- the decentralisation of child protection services enabling local councils to provide several support services to families to end risky situations;
- the harmonisation of existing child protection policies developed by several national and regional institutions and coordinating the funds allocated for implementation; and
- the involvement of the community in preventative activities.

The National Strategy for Improving the Conditions of Roma 2001 – 2010 (Roma Strategy) addressed child welfare from several points.<sup>51</sup> The main priorities were focused on:

- non-discrimination among institutionalised Romani children;
- employing Roma among child protection authorities, especially in institutions with a high proportion of Romani children;

<sup>48</sup> Law 448/2006 on the Protection and Promotion of the Rights of Disabled Persons, Article 16(4).

<sup>49</sup> Law no. 1/2011 on National Education, available at: [http://www.dreptonline.ro/legislatie/legea\\_educatiei\\_nationale\\_lege\\_1\\_2011.php](http://www.dreptonline.ro/legislatie/legea_educatiei_nationale_lege_1_2011.php).

<sup>50</sup> Published in the Romanian Official Gazette on 10 September 2008, available at: <http://www.copii.ro/Files/Strategia%20Nationala%20in%20domeniul%20protectiei%20dreptu.pdf> and [http://www.copii.ro/Files/Planul%20operational%202008%20-%202013\\_2009195943671.pdf](http://www.copii.ro/Files/Planul%20operational%202008%20-%202013_2009195943671.pdf).

<sup>51</sup> National Strategy for Improving the Conditions of Roma 2001 – 2010, available at: [www.anr.gov.ro](http://www.anr.gov.ro).

- developing actions for improving the situation of Romani families at risk; and
- developing alternative services for children without parental care.

As of 2009, the National Agency for Roma, which is responsible for implementing the Roma Strategy,<sup>52</sup> had not implemented any programmes for institutionalised Romani children. Since January 2011, a new strategy has been in the process of enactment. The new draft strategy is reported to include measures on the protection of institutionalised children from the former Roma Strategy.

<sup>52</sup> The implementation of the Strategy is provided by the National Agency for Roma, which was created in 2004 under the coordination of General State Secretary, Ministerial Commissions for Roma, with the support of Roma County Offices and Local Roma Experts.



## 7 Romania's Child Protection System

### 7.1 Institutional Framework

The Romanian child protection system includes several national and local institutions with child-related responsibilities in the fields of social, family, educational and health policies, which provide several services for the protection and fulfilment of children's rights. The child protection system functions at the national, county and local levels.

#### NATIONAL LEVEL

The Ministry of Labour, Family and Social Protection (MLFSP) is the key decision-maker concerning State policy on child protection. It coordinates and monitors national policies and strategies that promote the protection of children's rights<sup>53</sup> and is empowered to enact normative acts such as decisions, norms and legal instructions concerning the protection of children.<sup>54</sup> In June 2010, the Government established the General Directorate for Child Protection (GDPC).<sup>55</sup> The GDPC is responsible for collecting, storing and analysing data and information concerning children's rights; evaluating statistical data and information in the area of child protection; establishing the methodological standards for regional and local institutions which implement child protection legislation; and supervising respect for children's rights during the provision of special protection measures.

The Romanian Office for Adoption (ORA) established in 2004 under the General Secretariat of the Government, is responsible for overseeing the implementation of the adoption law in Romania. It is also tasked with the development of adoption services, coordination of local adoption services, observation of adoption procedures, creation of a national database of adoptable children and adoptive families, development of recommendations to authorise private foreign or national organisations to carry out adoption activities, the promotion of internal adoption and implementation of State obligations in the field of adoption through the international treaties to which Romania is a party.

The Deputy Ombudsman for Child Protection, located within the Office of the Ombudsman, solves complaints about rights violations submitted by children, parents or legal representatives *ex officio* or upon request.<sup>56</sup> When a violation is found, the Deputy Ombudsman may make

<sup>53</sup> Government Decision no. 11/2009 on the Organisation and Function of Ministry of Labour, Family and Social Protection, published in the Romanian Official Gazette on 23 January 2009.

<sup>54</sup> Governmental Decision no. 11/2009, Article 12.

<sup>55</sup> This resulted from the restructuring of the former National Authority for the Protection of Family and the Rights of the Children. Emergency Ordinance 68/2010 on Several Restructuring Measures Concerning the Ministry of Labour, Family and Social Protection and the Activities of Bodies under its Subordination, Coordination or Authority.

<sup>56</sup> The Committee on the Rights of the Child, *Concluding observations of the Committee on the Rights of the Child: Romania* (2009), available at: <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ROM-CO-4.pdf>.

non-binding recommendations to revoke the respective administrative act, to ensure compensation for the damage and to recreate the situation that existed before the violation.<sup>57</sup>

### COUNTY LEVEL

The main child protection authorities at the county-level are the County Council, Child Protection Commissions (CPC) and General Directorates for Social Assistance and Child Protection (DGASPC). The relationship between central bodies and county bodies is collaborative, not subordinate. At the county level, the County Council is the central authority which makes decisions on structure, policies and funding of the CPC and DGASPC.<sup>58</sup>

The Child Protection Commission is composed of representatives of several regional institutions with a role in child protection: it establishes the degree of a child's disability and their educational orientation; rules, revokes or replaces (as an administrative instance) special protection measures; and solves children's complaints.<sup>59</sup>

The General Directorates for Social Assistance and Child Protection are established under County Councils. They ensure and monitor special child protection measures, coordinate the activity of local institutions which provide social assistance and child protection services, coordinate removal prevention activities, conduct trainings, employ maternal assistants and monitor institutional and family care services.<sup>60</sup> In addition, they initiate adoption procedures, evaluate and certify prospective adoptive families and monitor adoption procedures.<sup>61</sup>

### LOCAL LEVEL

Mayors are responsible for decision-making that concerns the provision of local child protection services. Local councils plan and establish social services, employ staff and approve and control the local budget.<sup>62</sup>

57 According to Save the Children Romania, "The number of received petitions and actions taken ex officio regarding children rights is extremely low due to the insufficient information [...] with regard to the existence and role of this institution." Save the Children Romania, *Report: Children's Rights in Romania, submitted to the Universal Periodic Review 2nd session Romania (2008)*, p. 1.

58 In accordance with Law 272/2004 on the Protection and Promotion of Child's Rights and Law No 215/2001 on Local Public Administration as amended by Law 286/2006, "the organisational structure, the number of employees and funds of the general department for social care and child protection shall be approved by decision of the county council, of the Bucharest district local council respectively, that has set it up, to guarantee proper completion of all its attributions as well as full respect and real exercise of the rights of the child."

59 The CPC includes: paediatric doctors nominated by County Health Directorates, psycho-pedagogues nominated by County School Inspectorates and representatives of the Territorial Police Inspectorate and local NGOs. Government Decision no. 1437/2004 of 2 September 2004 on the Organisation, Methodology and Functioning of the Child Protection Commission.

60 Law 272/2004 on the Protection and Promotion of Child's Rights, Article 105 (2).

61 Government Decision no. 1434/2004 of 2 September 2004 on the Responsibilities and Framework Regulation on Organisation and Functioning of General Directorates for Social Assistance and Child Protection, Article 1.

62 Law 215/2001 on Local Public Administration amended by law 286/2006, Article 69.



The Guardianship Authority (GA) is a local administrative body whose responsibilities are carried out by the Mayor. The GA has decision-making power and acts as the protector and guardian of minors.<sup>63</sup> The GA establishes legal guardianship for children whose parents are dead, unknown, missing or have had parental rights terminated or suspended;<sup>64</sup> monitors children under legal guardianship established through a court decision; evaluates families in cases of suspected abuse; and refers cases of children at risk to court.

Social Assistance Public Services (SPAS) identify and assess the status of children in risky situations, monitor the observance of child rights, inform families about parental rights and obligations and child rights, provide preventative services to at risk families,<sup>65</sup> make recommendations to the Mayor concerning protection measures and cooperate with the General Directorate for Social Assistance and Child Protection.<sup>66</sup>

Consultative Community Councils should identify community needs and solve social problems that involve children. They comprise local businessmen, educational staff, doctors, police, priests and NGO representatives and collaborate with local social workers to address the needs of families at risk of separation by offering financial, material or other immediate aid. According to some studies, these councils do not function in practice.<sup>67</sup> They were identified in only two of eight communities visited during research; neither was active.

## 7.2 Child Protection Services

Preventative measures are set out in an Individual Plan of Services (IPS) which aims to remedy high-risk situations which may result in the removal of a child from his/her parents and consists of financial aid, parenting education, information about the risk of separation, housing assistance, psychological and legal counselling, therapy or mediation and access to day care centres.<sup>68</sup>

ERRC research revealed that these services are lacking in many rural communities due to insufficient financial resources, insufficient numbers of social workers and lack of interest among local authorities in developing and implementing child-centred policies.<sup>69</sup> The result is the maintenance of “a high level of children entering the child protection system.”<sup>70</sup>

63 Family Code, Articles 158 and 159.

64 Family Code, Article 113.

65 Law 272/ 2004 on the Protection and Promotion of Child's Rights, Article 106(1).

66 In the first semester of 2008 there were 623 functioning Social Assistance Services with approximately 7,000 employees. Ministry of Labour, Family and Equal Opportunities and National Authority for Protection of Child's Rights, *Romania Report on National Policies for the Prevention of Violence against Children submitted to Council of Europe* (2008).

67 Stefan Cojocariu, “Child rights based analysis of children without parental care or at risk of losing parental care in Romania”, *Research and Social Intervention Magazine* Vol. 24 (2009): 41-71.

68 Law 272/2004 on the Protection and Promotion of Child's Rights, Articles 34 and 35.

69 ERRC interviews with representatives of DGASPC Iasi, Timis, Brasov and Constanta counties: August – September 2010.

70 ERRC interview with representatives of the DGASPC. Brasov County, Romania: September 2010.

**Table 1: Total Number of Institutionalised Children in the Counties Visited<sup>71</sup>**

County	Number of institutionalised children December 2008	Number of institutionalised children December 2009	Number of institutionalised children June 2010
Brasov	2025	2042	2027
Constanta	2281	2310	2273
Iasi	4577	4312	4279
Timis	2767	2727	2705
Bucharest District 1	972	935	756
Bucharest District 3	646	621	590
Bucharest District 4	455	451	427
Bucharest District 6	586	541	536

If the preventative measures outlined in the IPS fail, children are removed from their parents care and placed in one of the special protection measures outlined in the law. There are three main deliberative bodies on placement, namely the CPC (can decide placement with the consent of the parents, legal representative and for children aged above 14); the DGASPC (can decide on urgent placement in cases of abandonment or abuse and must inform the court within 48 hours which then decides the next steps);<sup>72</sup> and the Tribunal (makes decisions when placement is contested or when parents are deceased/unknown/dead/missing, when parental rights are removed and when legal guardianship can not be established).<sup>73</sup>

Placement is established in three stages: first social workers should try to place the child with the extended family, then foster care and finally institutional care as a last resort.<sup>74</sup>

Institutional settings can be run by the State or by NGOs,<sup>75</sup> and can include: classic placement centres with more than 100 places; rehabilitated placement centres; family-type homes; maternal baby centres and emergency centre services for mother and child and for abused, abandoned and street children.

Child protection workers are obliged to implement an Individualised Protection Plan (IPP) aimed at the reintegration of the child with his or her biological family. The plan may contain psychological, social, medical, legal or educational services for the child and family.<sup>76</sup>

71 See: [http://www.copii.ro/alte\\_categorii.html](http://www.copii.ro/alte_categorii.html) and data provided during research by the DGASPC for 2010.

72 Law 272/2004 on the Protection and Promotion of Child's Rights, Article 65.

73 According to Law 304/2004 on Judicial Organization, the Tribunal is the court with legal personality organised at the county level (or district level in Bucharest) with the competence of a first instance court, appeal court and final appeal court for decisions of first instance courts.

74 ERRC interview with representatives of DGPC. Bucharest, Romania: June 2010.

75 Private children's homes must obtain approval and accreditation to operate from the DGASPC based on a report drafted by the CPC regarding the fulfillment of the minimum standards as required by law. In 2009 376 private children's homes in Romania were operating, representing one third of all homes for children.

76 Law 272/2004 on the Promotion and Protection of Child's Rights, Article 54.

### 7.3 Gaps in the Child Protection System

Several representatives of the DGASPC reported that reforms were implemented by the Romanian government with the sole purpose of fulfilling criteria imposed for EU accession rather than adjusting to the new Romanian reality,<sup>77</sup> “without any justification and real applicability [...] creating an incoherent child protection system.”<sup>78</sup> According to UNICEF, the new system creates difficulties “as the pace of reforms in other areas is inconsistent, and the responsibilities of the individual institutions are not always clearly defined.”<sup>79</sup> The decentralisation of child protection structures is noted to be a step forward in improving actions in the protection of child rights. Nevertheless, the manner in which it was accomplished, including the unnatural speed, lack of prior consultation with local authorities and inadequate preparation of local workers, has resulted in an untenable burden for poor local governments, negatively affecting the quality of services provided and the situation of families and children at risk of separation.

During the research, several sources pointed out poor inter-institutional cooperation and a lack of fulfilment of responsibilities by all actors due to the heavy workloads, lack of reactive and proactive involvement, lack of financial resources and lack of political priority given to social assistance for children. The impact is deepening the risk of families losing their children and contributes to an increased number of children entering the child protection system. The implementation of national policies on child protection across counties is reported to lack uniformity, which creates discrepancies in the qualitative services.<sup>80</sup>

77 ERRC interview with representatives of DGASPC from Constanta, Brasov and Timis counties, September 2010.

78 ERRC interview with a representative of the DGASPC, Timis county, Romania: September 2010.

79 UNICEF, *Romania Child Care System Reform* (2006), p. 32.

80 ERRC interview with representatives of DGPC and ORA, Bucharest, June 2010.



## 8 Overrepresentation of Roma in the Child Protection System

### 8.1 Availability of Data and Data Protection

In Romania, Law no. 677/2001 on the protection of individuals regarding the procession of personal data and free movement of such data prohibits the processing of data concerning racial or ethnic origin, unless the data subject has expressly given his or her consent or where there is a specific legal provision regarding the protection of an important public interest.<sup>81</sup>

The General Directorate for Child Protection and the Romanian Office for Adoption are responsible for collecting and assessing child related statistical data; disaggregated data about children is gathered by sex, age, social, legal and economic situation, education and family background. Ethnic data is not collected. Representatives of the child protection bodies reported during research that such data is not collected because of the belief that the data protection law prohibits its collection and the lack of clear indicators based on which Romani ethnicity can be established except for self-identification.<sup>82</sup>

In practice, some tools for gathering ethnic data do exist; for example the assessment forms used by social workers include a box for indicating ethnicity. However, this data did not appear to be collected systematically and it is not transferred to national authorities.<sup>83</sup> ORA informed the ERRC that social workers unofficially provide information on the ethnicity of children.<sup>84</sup>

### 8.2 The Proportion of Romani Children in Institutional Care

In Romania, Roma constitute approximately 9% of the total population;<sup>85</sup> estimates of Roma among the child population are not available. Thirteen out of 22 children's homes visited during research provided relevant data:<sup>86</sup> 28% of children residing in the homes were reported by caregivers to be Romani; discussions with children in the homes indicated that 49% of the children were Romani. According to a 2005 study by UNICEF concerning child abandonment, over 60% of children abandoned in medical institutions are of Romani origin.<sup>87</sup>

81 Law no. 677/2001 on the protection of individuals regarding the procession of personal data and free movement of such data, Article 7, available at: [http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro\\_law\\_677\\_2001\\_en\\_unofficial.pdf](http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf).

82 ERRC interviews with representatives of GDCP Brasov, Bucharest, Constanta, Iasi, Timis counties: August, September and November 2010.

83 ERRC interviews with child protection workers. Iasi, Romania: August 2010.

84 ERRC interview with representative of ORA. Bucharest, Romania: June 2010.

85 Claude Cahn and Professor Elspeth Guild, *Recent Migration of Roma in Europe* (OSCE/CoE, December 2008), available at: <http://www.osce.org/hcnm/78034>.

86 Representatives of the homes visited in Bucharest refused to provide such information.

87 UNICEF, *The Situation of Child Abandonment in Romania* (Bucharest, March 2005), p. 77.

**Table 3: Estimated Proportion of Romani Children in Homes Visited During Research**

Location	Number of children in the homes visited	Estimated percentage of Romani children provided by staff	Estimated percentage of Romani children provided by children
<b>Brasov County</b>	<b>238</b>	<b>32%</b>	<b>70%</b>
Services Complex Magura – Codlea	100	68%	50%
Placement Centre Fagaras	86	17%	60%
Placement Complex Herman	52	10%	100%
<b>Constanta County</b>	<b>196</b>	<b>18%</b>	<b>18%</b>
Delfin Placement Centre Agigea	63	10%	15%
Antonio Placement Centre	71	20%	20%
Cristina Centre	62	24%	No estimate provided
<b>Iasi County</b>	<b>379</b>	<b>17%</b>	<b>55%</b>
Placement Centre Ion Holban	200	20%	70%
Bogdana Centre	94	10%	40%
Mihail Sadoveanu Centre-Pascani	85	20%	No estimate provided
<b>Timis County</b>	<b>197</b>	<b>45%</b>	<b>53%</b>
Gavojdia Specialised Services Complex	81	15%	20%
Specialized Complex Lugoj	78	70%	80%
Centre for Supporting the Family and Professional Integration of Young People	38	30%	60%
Centre for Recuperation and Rehabilitation of Disabled Child Timisoara		63%	No estimate provided
<b>Total</b>	<b>1,010</b>	<b>28%</b>	<b>49%</b>

- Estimates provided by the child protection workers and children interviewed based on their perceptions. The data contained in this table refers to the average of the responses given by all individuals in a particular location

Representatives of the General Directorates for Social Assistance and Child Protection (DGASPC) estimated that Romani children account for 80% of children in institutional care in Brasov County, around 10% in Constanta County, about 20% in Iasi County and 40% in Timis County.<sup>88</sup> Based on information provided by caregivers, the average representation of Romani children in the homes visited during research was 32% in Brasov County, 18% in Constanta County, 17% in Iasi County and 45% in Timis County. A DGASPC representative

<sup>88</sup> See: [http://www.copii.ro/alte\\_categorii.html](http://www.copii.ro/alte_categorii.html).

in Timis County reported that Roma represent around 30-35% of all children in foster care and 60-65% of all children placed with extended family members.<sup>89</sup>

Estimations provided by children may be low due to reluctance of the children to talk about ethnic identity. One social worker explained: “Romani children refuse to identify themselves [as Romani] because they suffer from rejection in school on the ground of being Romani or because they are living in a children’s home.”<sup>90</sup> A young Romani man from a children’s home explained that the estimates provided by children may not be entirely correct: “there are so many Stanesclus with dark skin that you know are Romani, but children do not speak easily about their ethnicity or anything related to their background because they are scared of being isolated by others or because it is painful to remember where they came from.”<sup>91</sup> Social workers reported that 71 of 104 (68.3%) children interviewed in children’s homes were Romani, while only 18 (17.3%) of the children identified themselves as Romani.

## **8.3 Factors Contributing to the Overrepresentation of Romani Children in State Care**

Field research findings highlighted that the removal of Romani children from their families is caused by a variety of factors including poverty, inadequate housing, household structures (large family size or single parents), abandonment of children in maternity wards/paediatric hospitals, internal and external migration due to economic reasons, abuse and inadequate preventative measures.

The ERRC interviewed 24 Romani families with children in the child protection system: 12 (50%) reported poverty and related factors (lack of adequate housing, unemployment, large family size) to be the main reason for the removal of their children; six (21%) indicated separation of the parents; two (8%) indicated abandonment in the hospital at birth due to health problems; two (8%) indicated substance abuse by parents; one (4%) indicated parental imprisonment and one (4%) indicated abandonment in the context of migration.

### **8.3.1 POVERTY AND RELATED FACTORS**

During research, children’s homes representatives estimated that around 70% of Romani children are placed in State care due to poverty. It was noted that, in recent years, the number of children entering State care has been higher due to increased poverty in the context of the international economic crisis.<sup>92</sup> Poverty-related factors referred to lack of employment, inadequate housing, poor health conditions and family structure. Institutionalised racism appeared to play a role. Several child protection workers and NGO representatives underlined

<sup>89</sup> ERRC interview with a representative of DGASPC Timis. Timisoara, Romania: August 2010.

<sup>90</sup> ERRC interview with a social assistant at the Centre for Support, Family and Professional Integration of Young People. Timisoara, Romania: August 2010.

<sup>91</sup> ERRC interview with young Romani man from the Ion Holban Centre. Iasi County, Romania: September 2010.

<sup>92</sup> ERRC interview with a worker from the Specialised Services Complex Lugoj. Timis County, Romania: August 2010.

that poverty is not ethnicity neutral: the economic and social situation of Roma is deeply influenced by racial discrimination:

The main problem is that society rejects Roma and their children, pushing them to fall very easily into the trap of the child protection system. It is well-known that Roma are discriminated [...] if they want to work, no one will give them a job and thus they are forced into poverty. No one gives them a chance to get out of misery and then the child protection people come and tell them that they need to give their children away because they are incapable of taking care of them and that they can take them back later; without knowing that will they lose them forever emotionally and physically.<sup>93</sup>

Romani children are at times placed in State care due to negligence stemming from poverty, which according to a child protection worker from Timis County results when “parents are working in low paid jobs, they do not have child care and are forced to leave their children at home alone or not feed them on time. This will end up with a charge that they are neglecting their children.”<sup>94</sup> During research, cases were reported when, due to poverty, Romani parents gave up one child in order to raise the rest.<sup>95</sup> Some Romani families living in poverty reported that the support available from local authorities was simply insufficient to help them address the problems that they encountered:

A few years ago my house burned down and two of my children died. I had five children. For a few months I stayed with my sister and her family. She has four children. All of us lived in a small room without heating or food. Many times we had to go to sleep without food. One day I went to the Mayor’s Office to ask for help. A lady there told me that she could give me some cooking oil or some food. I told her that I want a house or some money. She said that the Mayor does not have any house or money available. She told me that I could place my children temporarily in a children’s home or in foster care. When I heard that the first time I said, “No”. I later agreed because they could stay for only a few months while I was looking for a house; I signed some papers.<sup>96</sup>

Social workers and Romani parents reported that substandard housing affects Romani communities disproportionately and represents one of the main reasons that Romani children are placed in State care. Twenty percent of Romani parents interviewed reported that the removal of their children was due to a lack of or poor housing. Most Romani families with housing problems declared housing support had not been offered by the local authorities. Several social workers stated that housing support is the least likely to be provided because it depends on the will of local authorities and the availability of dwellings.<sup>97</sup> Some Romani children enter State care in the context of forced eviction: rather than making their children homeless, Romani parents agreed to their placement in

93 ERRC interview with the head of the Iustina Charity Association. Brasov, Romania: September 2010.

94 ERRC interview with a representative of DGASPC. Timis County, Romania: September 2010.

95 ERRC interview with a representative of the Bethany Foundation. Iasi, Romania: August 2010.

96 ERRC interview with a Romani woman. Targu Frumos, Romania: August 2010.

97 ERRC interview with a social worker. Constanta, Romania: September 2010.



children's homes.<sup>98</sup> Most cases were identified in Constanta County. Other Romani children were removed from their families because no social housing had been made available despite waiting on lists for five or 10 years. In Iasi County, the ERRC recorded the case of a Romani woman who waited 10 years to obtain social housing; in the meantime three of her children had been removed:

I have seven children; two are in foster care, one was adopted and four are with me. I lost my children because I did not have a house or a job. I began receiving social housing only after 10 years; meanwhile I lost three of my children and I cannot take them back because they asked me to have a bed for each child [...]. For 10 years I tried to get this house to fulfil the conditions set to be reunited with my children [...] and I am still waiting for my children to come back to me. They [child protection authorities] said that if I have a house they will give the children to me; now they want me to have three beds when I have only one bed for all of the children.<sup>99</sup>

The research findings assert that household size combined with poverty is another important factor enabling the entrance of Romani children to the child protection system. Romani children from large families experience an increased risk of poverty and are more likely to be removed from their families. Furthermore, single mothers with multiple children are more often in deep poverty and face even greater difficulties as they are more likely to be unemployed and often have a low level of education.

### **8.3.2 ABANDONMENT OF ROMANI CHILDREN IN MATERNITY/PAEDIATRIC HOSPITALS**

Some Romani parents abandon their children in paediatric/maternal hospitals. The interviews with child protection workers indicated that the abandonment rate decreased in the last 5 years in some regions such as Iasi County, Bucharest and Timis County. Child abandonment among Roma was reported to result from poverty due to lack of education and unemployment, migration of parents, lack of information regarding the health condition of a newborn, early marriage resulting in young maternal birthing age,<sup>100</sup> lack of inter-institutional collaboration between hospital workers and child protection workers and the failure of local authorities to provide preventative measures.<sup>101</sup> Romani children born with malformations are also reportedly abandoned in hospital because parents lack information and understanding about the health condition, available financial assistance and services, especially in rural areas, or they fear of exclusion by their community.<sup>102</sup>

<sup>98</sup> ERRC interview with a Romani parent. Constanta, Romania: September 2010.

<sup>99</sup> ERRC interview with a Romani parent. Iasi, Romania: August 2010.

<sup>100</sup> ERRC interview with a social worker from the Bogdana Centre. Iasi County, Romania: August 2010.

<sup>101</sup> One Romani respondent recounted: "One day I saw the ambulance in front of our house and a nurse asked if my sister's daughter-in law lives here. I told her that she lives in another village; she is only registered here for her ID. Later that evening I found out that they came to bring her the child that she had left in the hospital. After that, no one from the child protection or social services at the Mayor's Office went to find her. After two months, she again left her baby in the hospital because the family is very poor and has no money to raise the child." ERRC Interview with a Romani man, Medgidia, Constanta County, Romania: September 2010.

<sup>102</sup> ERRC interview with a Romani man, Periam, Timis County, Romania: September 2010.

### 8.3.3 MIGRATION OF ROMANI PARENTS

Some child protection workers reported that some Romani children enter State care in the context of migration. The heads of some children's homes reported that Romani parents leave their children in the care of relatives, who later place the children in State care for a period of time because they cannot provide for them. This was reported to mostly affect children between the ages of two and 15 years of age.<sup>103</sup> It was noted, however, that the family reunion rate for children in this situation is higher compared to other institutionalised Romani children because their "placement is temporary until the parents return home or take them abroad."<sup>104</sup>

It was not possible during the research to establish the proportion of Romani children left in State care due to migration. However, in 2008 UNICEF reported that in general 16% of such children were left at home for more than one year and 3% for more than four years.<sup>105</sup> National data indicates that in the counties included in this study, 10% of children are left at home by their only parent while in Bucharest the percentage increases to about 25%.<sup>106</sup>

### 8.3.4 ABUSE

Representatives of the DGASPC and children's home workers reported that child abuse was the least significant factor contributing to the placement of Romani children in State care, and low in comparison to non-Romani children. All interviewees underlined that "Roma have strong family values and for them children are the most important thing. If they leave the children in institutional care it is because of poverty. Rarely are cases of violence by Romani parents against their children identified, especially sexual abuse."<sup>107</sup>

Several cases of abuse and eventual child removal referenced by authorities during interviews related to the involvement of Romani children in begging,<sup>108</sup> while the controversial practice

<sup>103</sup> ERRC interviews with the social assistant of the Ion Holban Centre in Iasi County; a social worker from the Bogdana Centre in Bogdanesti; the head of the C.A. Rossetti children's home in Iasi; the head of the Specialised Services Complex Gavojdia in Timis County; a social worker from the Ioan Rupea Centre in Brasov County; the the head of Specialised Service Complex Magura in Coltea; the head of the Specialised Services Complex Fagaras in Brasov County; the head of the Antonio Centre in Constanta County; the head of Ovidiu Centre in Constanta County; the head of the Robin Hood Placement Centre in Bucharest's District 4; and the head of the Sf. Nicolae Placement Centre in Bucharest's District 1: August - November 2010.

<sup>104</sup> ERRC interview with a child protection worker at the Fagaras Child Home. Brasov, Romania: September 2010.

<sup>105</sup> See: [http://www.unicef.org/romania/ro/media\\_8657.html](http://www.unicef.org/romania/ro/media_8657.html).

<sup>106</sup> DGPC, *Situation of Children in the Protection System Disaggregated by County and Situation of Children Left Home* (June 2010), available at: [http://www.copii.ro/alte\\_categorii.html#](http://www.copii.ro/alte_categorii.html#).

<sup>107</sup> ERRC interviews with representatives of the DGASPC in Iasi, Brasov, Constanta, Timis counties and Bucharest districts; the head of the Specialised Services Complex Gavojdia in Timis County; the head of the Specialised Services Complex Lugoj in Timis County; the head of the Specialised Services Complex Coltea in Brasov; social workers at the Ion Holban Centre in Iasi; a social worker at the Bogdana Centre in Iasi; the head of the Antonio Placement Centre in Constanta County; and the head of the Delfin Placement Centre in Constanta County. Romania: July - October 2010.

<sup>108</sup> ERRC interviews with the head of the DGASPC in Bucharest District 6 and the head of the Specialised Services Complex Coltea in Brasov: July - October 2010. As amended by Law 286/2009, Articles 214 and 215 of the Romanian Criminal Code which will enter into force from 1 October 2011 prohibits violence and abuse against

of early marriage in some Romani communities was not identified as a reason for child removal by research respondents.<sup>109</sup> Respondents indicated that child protection authorities do not recognise early marriage as an infringement of the child protection law: “[early marriage] cannot be considered a marriage because the law establishes that the minimum age for marriage is 16 years of age.”<sup>110</sup> Further, the lack of action was justified with the excuse that early marriage “is a Romani cultural custom with which we cannot interfere.”<sup>111</sup>

### 8.3.5 LACK OF PREVENTATIVE SERVICES

Research findings indicate that services provided under the child protection law are practically nonexistent at the community level, exacerbating the rate of removal of children from their families. In eight rural communities visited during the research,<sup>112</sup> only two Consultative Community Councils were established, but neither was active,<sup>113</sup> and in only three communities were day care centres established.<sup>114</sup> None of the available services had been financed by the local authorities.

The existing situation is the result of the failure to transfer of responsibilities for preventative services to the local authorities, lack of experience and insufficient human resources and funds of the local authorities in providing preventative services.<sup>115</sup> In addition, many local authorities were unprepared or unwilling to take on these responsibilities, which negatively affected the efficiency of preventative measures, as does the relative financial position of the local community. Poorer communities are less likely to be able to afford quality services: as Romani communities represent 60% of the poor communities in Romania,<sup>116</sup> Romani children are less likely to benefit from effective preventative measures. The low number of social workers and the lack of requisite skills and training among social workers were also found to be a problem.<sup>117</sup>

children, such as begging or using children for the purpose of begging. As a form of violence against children, involvement in begging is a ground for child removal by a judge through Presidential Ordinance (at 581 and 582 of the Civil Procedural Code). See case law of the Timis Appeals Court: Decision no. 10 from 15 January 2008, available at: <http://jurisprudencedo.com/Admiterea-recursului-astfel-cum-a-fost-formulat-aratand-cadoresteca-cei-doi-copii-sa-fie-dati-in-plasament-intr-un-centru-din-Judetul-Parata-intimata.html>.

109 ERRC interviews with representatives of the DGASPC. Iasi, Brasov, Bucharest, Constanta and Timis counties, Romania: August, September and November 2010.

110 ERRC interview with representatives of the DGASPC. Brasov County, Romania: September 2010.

111 *Ibid.*

112 Ciurea and Targu-Frumos in Iasi County; Periam and Recas in Timis County; Teliu and Rupea in Brasov County; and Cobadin in Constanta County.

113 Recas, Timis County, and Rupea, Brasov County.

114 Bogdanesti in Iasi County; Teliu in Brasov County; and Periam in Timis County.

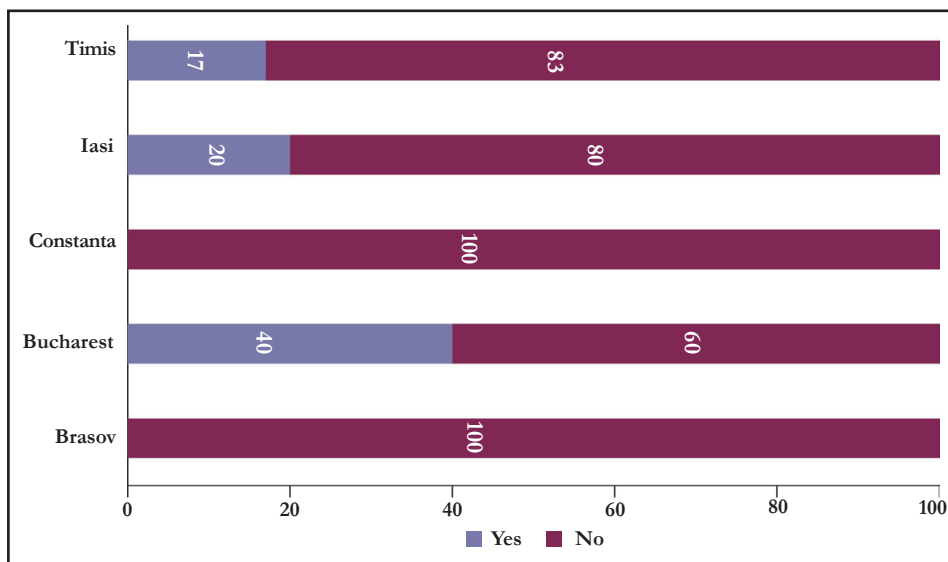
115 According to the Romanian Presidential Commission for Analysing Social and Demographic Risks, only 14% of all communes have Social Assistance Public Service offices and 73% of all social workers have not studied social work. Romanian Presidential Commission for Analysing Social and Demographic Risks, *Social Risk and Inequities* (2009), p. 22, available at: [www.presidency.ro/static/CPARSDR\\_raport\\_sinteza.doc](http://www.presidency.ro/static/CPARSDR_raport_sinteza.doc).

116 Dumitru Sandu, *Roma Social Mapping* (Bucharest: World Bank, 2005), available at: [http://www.anr.gov.ro/docs/statistici/Roma\\_Social\\_Mapping\\_187.pdf](http://www.anr.gov.ro/docs/statistici/Roma_Social_Mapping_187.pdf).

117 ERRC interviews with representatives of DGASPC Iasi, Brasov, Constanta and Timis counties: August-September 2010.

Interviews with Romani parents showed that a small number of Romani parents benefited from proper preventative services.<sup>118</sup> The only assistance available to a small number of Romani parents was a monthly allowance of 30 Romanian lei (around 8 EUR) per child<sup>119</sup> and packages of food and clothing.<sup>120</sup> Most parents complained about the lack of consultation with social workers or support from local authorities.<sup>121</sup>

**Table 6: Percentage of Romani Families that Benefited from Preventative Services**  
(based on information provided during interview)



Once the Romani families have been brought to the attention of the child authorities, they cannot circumvent the removal of their children. The main reason for removal is poverty, which families cannot solve on their own, particularly where little to no preventative services are provided and where there is a lack of involvement of social workers at the community level. In most cases, it is just a matter of time before Romani children enter the child protection system.

The child protection people came to tell me that my children are at risk because I do not have windows or heating and the winter was coming. They told me to fix the problems or they would take all five of my children. I replied: “if you give me a job or some money I will fix the windows, install a woodstove and buy some wood.” She was very upset and replied that she cannot do that because the Mayor should provide me with all of this. I went to the Mayor’s

<sup>118</sup> ERRC interviews with Romani families. Teliu and Rupea, Brasov County, Romania: September 2010. ERRC interviews with Romani families. Ciurea, Iasi County, Romania: August 2010. ERRC interviews with Romani families. Periam and Recas, Timis County, Romania: September 2010. ERRC interviews with Romani families. Cobadin, Constanta County, Romania: September 2010.

<sup>119</sup> ERRC interview with Romani parents. Iasi, Romania: August 2010.

<sup>120</sup> ERRC interview with a Romani parent. Recas, Timis County, September 2010.

<sup>121</sup> ERRC interviews with Romani parents from Recas, Timis County; Cobadin, Constanta County; Rupea, Brasov County and Bucharest Districts 3 and 6. September and November 2010.

Office and I asked him for a job or a heater. He replied that he was not an employment officer and asked me why I want to work because usually “Gypsies are lazy and do not like to work.”

No one came to help me or to talk with me. After a few months the ladies came and asked me why my children were in the cold and why I did not do anything. I told them what happened but they did not believe me because the woman from the mayor’s office [social worker] told them that she came regularly. I could not believe that she was lying to the ladies in front of me, so I called my neighbours and asked them to tell them if they saw this woman coming to me. When these people told them the truth, only then did they believe me. I do not know what the ladies did but later the woman from the mayor’s office called me to make some papers in order to receive the child allowance. When you are Roma, no one will help you, [...] as if we are not human and we are not mothers. I could have lost my children! How could I buy a heater when we do not even have money for eating?<sup>122</sup>

### **8.3.6 LOW RATE OF REINTEGRATION WITH THE BIOLOGICAL FAMILY**

Field research indicates that, in the case of Romani children, stigma, fear of discrimination and prejudices inside-and-outside state care, high standards imposed for the approval of reintegration and inadequate reintegration counselling are important barriers to the return of institutionalised Romani children to their families, contributing to an overall high number of Romani children in the child protection system in the long-term.<sup>123</sup>

Social workers, DGASPC representatives and children’s homes workers reported that the standards imposed on Romani families facing poverty and discrimination are impossible to fulfil - conditions which many non-Romani families do not experience.<sup>124</sup> Representatives of children’s homes also reported that ethnicity plays an important role in determining reintegration with the family, with numerous cases reported of refusal by Romani children to return to their families; especially children placed in State care at a young age or children from traditional Romani families who did not want to marry early or wear traditional clothing.<sup>125</sup>

Interviews with child protection workers indicate that some treat pre- and post-reintegration support superficially because, in their opinion, the parents have a responsibility to

<sup>122</sup> ERRC interview with a Romani parent. Cobadin, Romania: September 2010.

<sup>123</sup> Romani parents reported that their daughter refused to live with them after other children from the home lied to her, saying that Roma sacrifice pigs and their children for Christmas. When the daughter saw that her family would sacrifice a pig she started to cry and scream that she did not want to be killed. ERRC interview with a Romani parent. Ciurea, Iasi County, Romania: August 2010.

<sup>124</sup> The head of the Specialised Services Complex Magura stated: “the minimum standards for reintegration are very high, even for the average, non Romani family. How many people provide separate beds for each child with their own pillow and wardroom and other facilities? Romani families are lucky if they have a house. Thus, when a poor Romani child is removed from his/her parents, it is very difficult to accept going back to the poverty in which his/her family lives.” ERRC interview with the head of the Specialised Services Complex Magura. Coltea, Brasov County, Romania: September 2010.

<sup>125</sup> ERRC interviews with representatives of DGASPC, and the heads and workers of children’s homes from Iasi, Timis, Brasov counties: August and September 2010.

facilitate reintegration.<sup>126</sup> Child protection authorities reported cases of Romani children that left their families after reintegration and re-entered the child protection system, reportedly because they could not get used to the poor standards of living which are common for Romani families.<sup>127</sup> Many children's homes offer better standards of living than Romani families. This can lead to a preference among institutionalised children for life in a children's home, and they may see institutionalisation as an alternative for their own children later in life. As a formerly-institutionalised Romani child explained:

A children's home is the best thing for disadvantaged children or families with many children. [...] You will give your children to a children's home. Not because they are for poor people who cannot take care of their children. I am poor but I love my children. When you get out of the system you do not have anyone [to support you].<sup>128</sup>

Parent-child contact during family separation also influences the chances of reintegration. According to interviews with Romani parents whose children were in State care, 79% had not been in contact with their children in foster care compared to only 29% for children placed in institutional care. The majority of parents indicated a lack of financial resources, rejection by their children due to their ethnicity, migration, remarriage of the single parent or barriers posed by foster parents.<sup>129</sup> Three Romani families complained that foster parents prevented them from visiting their children or even speaking with them by phone. According to one:

I have nine children, two of whom are in foster care. One child is cared for by a teacher who is a foster parent who couldn't have children. He is 18 years old. I put him in State care at the age of 4 because I could not take care of all of my children. Since then, neither the child protection authorities nor that woman have allowed me to see him. I try to call him often by phone but that woman tells him not to talk to us because we are Gypsies and we do not love him. Also he told us that she is telling him that I, his real mother, am not important because she raised him. I thought that he would stay

126 According to the head of Maria Centre Fagaras in Brasov County, Romani parents do not contact their children unless they are called: "they forget that they have children with us; we can not run after them and make them come to meet their children." ERRC interview with the head of Maria Centre Fagaras. Brasov County, Romania: September 2010.

127 ERRC interview with a representative of the DGASPC. Timis County, Romania: September 2010: "After the child is removed from his/her parents the situation does not change very much, as Roma experience difficulties in finding a job. Meanwhile, they are losing their children because they get used to the conditions in the children's home or in foster care, conditions which their parents will never fulfill."

128 ERRC interview with a formerly institutionalised Romani child. Periam, Timis County, Romania: August 2010.

129 A Romani man from Teliu in Brasov County told the ERRC during an interview in September 2010: "My sister-in-law had three children with her first husband before she married my brother. After the marriage, she put the children under child protection because my brother, a crazy man, was not happy to take care of children from another man. Now, she has a son with my brother. She never goes to see her children. They are so young, the smallest is only three. They will forget her or hate her." In August 2010 a Romani couple from Ciurea, Iasi County, told the ERRC: "When our daughter was born she got sick so we left her in the hospital until she got better. It was winter and we did not have good conditions at home. My wife went to see her several times, but later she could not go because we left the community to sell our goods. We found out later that she was in a children's home. We tried to see her and bring her home but she did not like it. We met her twice per year. Now she is in foster care. The family that takes care of her told her to not answer our calls because we are "Gypsy" and she should not keep in contact with us."

in care for a while but today I cannot bring him home because he is not mine anymore. That woman became the mother of my child without having the right.<sup>130</sup>

In most of children's homes visited by the ERRC, interviewees highlighted that younger children have higher chances of being contacted by their parents or children who had more recently been separated from their families.<sup>131</sup> Children over the age of 14 who entered in the children protection system at a very early age are very rarely in contact with their families. Some child protection workers also drew geographical links given that many Romani children in State care are from rural areas, stating that the distance between the home and the family is likely a barrier, as travel is unaffordable.<sup>132</sup> Another reported reason for the low contact between Romani children and their parents is the children's refusal to see them due to a negative self identity developed while in State care. Child protection workers reported that 71 of the 104 children participating in ERRC interviews were of Romani origin. However, only 17% of the children interviewed declared themselves to be Romani. One child protection worker underlined: "Romani children refuse to identify themselves as they suffer from rejection in school on the grounds of being Roma or because they are living in children's homes."<sup>133</sup> Based on the field research for this study, it appears that this problem is ascribed to the failure of child protection workers to develop a culturally sensitive approach to the implementation of the individual, personalised plan and to the proliferation of negative attitudes and prejudices against Roma within and outside the system.

### **8.3.7 DISCRIMINATION AND OTHER BARRIERS DURING CHILD PROTECTION PROCEDURES**

Research findings reveal the presence of discriminatory attitudes in the Commission for Child Protection and in court proceedings concerning the removal of Romani children from their families. Romani parents reported that some judges are dismissive and disrespectful towards them, and most parents felt pre-judged due to their ethnicity, noting that judges lacked any understanding of their situation. As one parent recalled:

One day, people from the Mayor's Office and the police came to my house and asked me to give them the birth certificates of my two oldest children. I have four children: two from my first marriage and two with my current husband. I did not want to give them the papers so they took all four of my children and told me to go to the Mayor's Office with the papers and that they would make some pictures of my children and then release them. They left with the car and I walked to the Mayor's Office. I could not see anyone there and I realised what happened; [...] in that moment I wanted to kill myself. Later, I found out that my previous husband, who was incarcerated for

<sup>130</sup> ERRC interview with Romani woman. Timis County, Romania: September 2010.

<sup>131</sup> ERRC interviews with representatives of DGASPC Brasov, Constanta and Timis counties: September 2010. ERRC interview with the head of the Coltea Specialized Services Complex. Brasov County Romania: September 2010.

<sup>132</sup> ERRC interview with a representative of the DGASPC. Timis County, Romania: September 2010.

<sup>133</sup> ERRC interview with a social assistant from the Centre for Support, Family and Professional Integration of Young People. Timisoara, Timis County, Romania: September 2010.

rape, made a complaint against me to have my children taken away. Later, I got my younger children back and I was called by the court to present myself when the case concerning my older children was to be decided. At the trial no one talked to me. The judge never told me what was happening, in fact she did not allow me to talk and she shouted at me that if I did not stop talking she would throw me out of the court. I stayed quiet because I did not know what to do and what to say. I did not have a lawyer nor could I understand anything. Later, the judge asked me if my child was 10 years old and I said “Yes”. Then she asked my son if he wanted to stay with me; he said “Yes” and that he wanted to come home. The judge told him that he would return soon. But, my children never come back to me. They took them without asking me if I agreed, or at least letting me know why.”<sup>134</sup>

In addition, Romani parents complained that the language and terms used are difficult for them to understand, that the hearings were very short, lasting only between five and 15 minutes, and that they are not asked many questions. During the hearings, most questions were addressed to the case managers, who proposed child protection measures.

After I left my daughter in the hospital, a social worker told me that in a few days I should go to Timisoara to a Commission. No one told me why or what would happen. When I got there, I was in a room with more than six people. The social worker from Periam was waiting there with a file in her hands. She started to talk about the number of a file and my daughter, and said that I left her in the hospital. I did not understand anything. She was talking so fast. Then she said that I already signed the petition for placing my child in State care. One person asked me if I maintain my decision and I told them that I can not take her home now, but later I will want to take her back. So I agreed and went home. Everything was so fast; no one asked me anything or told me what I need to take her back.<sup>135</sup>

Six Romani parents who had lost their children through a court order were interviewed during the research; none had a lawyer due to lack of financial resources, and they had represented themselves. Most Romani parents noted that the various actors of the child protection system had failed to provide them with adequate information about the reasons for the proceedings, the consequences or the rules and procedures.<sup>136</sup>

<sup>134</sup> Interview with a Romani mother. Periam, Romania: September 2010.

<sup>135</sup> ERRC interview with a Romani mother. Periam, Timis County, Romania: September 2010.

<sup>136</sup> ERRC interview with a Romani mother. Recas, Timis County, Romania: September 2010.



## 9 Treatment of Romani Children in Children's Homes

### 9.1 Discrimination and Ill-Treatment

In general, the material conditions provided to Romani and non-Romani children in children's homes was reported to be equal. Some child protection experts and Romani children denied any distinction in the treatment of Romani children as compared to non-Romani children while in State care. Some respondents in Romania reported, however, that Romani children in institutional care do experience ethnic discrimination, as well as discrimination due to their status as an institutionalised child, which also affects non-Romani children in institutional care. A Romani respondent that was previously institutionalised reported: "I am Gypsy because I was told so and because I met my family. I have experienced discrimination for being Gypsy and as an institutionalised child."<sup>137</sup>

Cases of ill-treatment of Romani children were also documented during the research. In Romania, all children interviewed during the research for this study experienced at least one incident of physical abuse by other children in the home or physical punishment by children's home workers. According to one Romani child interviewed during research: "Once I was beaten by a children's home worker when I complained about some children bullying me. She started to hit me and shout at me that she had so many problems because of Romani children and that if she could she would shoot all Romani children."<sup>138</sup>

In one home, a child protection worker emphasised that Romani children are negatively affected by "the jokes of their colleagues, which hurt the most."<sup>139</sup>

The majority of Romani children that reported experiences of discrimination reported them while accessing public services outside the home. Some Romani children reported experiences of harassment on ethnic grounds at school.<sup>140</sup> Some children's home workers confirmed that, at times, they hide the child's ethnic identity "in order to protect them from the negative image the Romani population has; at least they will have the chance to be treated better in school, like any other child."<sup>141</sup> Research also revealed that Romani children suffer discriminatory treatment in access to medical services while in foster care. For example, in Brasov it was reported that schools and general practitioners refuse to enrol Romani children living in foster care on their patient lists: "A maternal assistant with two Romani children in her care complained that the

<sup>137</sup> ERRC interview with former institutionalised Romani child. Periam, Timis County, Romania: September 2010

<sup>138</sup> Group discussion with Romani children from the children's home C.A. Rossetti. Iasi County, Romania: August 2010.

<sup>139</sup> ERRC interview with a representative of the Bogdana Centre. Bogdanesti, Iasi County, Romania: August 2010.

<sup>140</sup> Group discussions with Romani children from the Ion Holban Centre. Iasi County, Romania: August 2010.

<sup>141</sup> Interview with a representative of the DGASPC. Brasov, Romania: September 2010.

children are not received at school or enrolled by family doctors. She went to five family doctors; [...] all of them were refused because of their ethnicity and were institutionalised.”<sup>142</sup>

## 9.2 Failure to Develop Ethnic Identity or Access Roma Targeted Programmes

There is a lack of multi-cultural programmes or projects on cultural or religious diversity in the child protection system in Romania. None of the Romani children involved in this research had studied Romani language, including children identified by their parents as Romani.<sup>143</sup> Only one Romani NGO that participated in this research had undertaken projects aimed at raising awareness among institutionalised Romani children about their ethnicity and culture.<sup>144</sup>

Discussions with children in the homes revealed that most Romani children develop defensive mechanisms such as denial or rejection of their parents to protect themselves from exclusion and stigmatisation on account of their ethnicity.<sup>145</sup> One Romani boy explained: “Romani children would not study the Romani language because their identity would be disclosed”.<sup>146</sup> A Romani girl reacted very strongly when asked if she studies Romani in school, declaring: “I hate the Romani language and I do not want to be Romani. I prohibited my mother from coming to visit me because children would scorn me if they found out.”<sup>147</sup>

In addition, very few Roma were employed in the homes visited.<sup>148</sup> This was noted to be a barrier to the development of a positive ethnic identity of Romani children in the homes.

<sup>142</sup> Interview with a representative of the DGASPC. Brasov, Romania: September 2010.

<sup>143</sup> ERRC interviews with the head of the Specialised Services Complex in Herman; the head of the Ion Holban Centre in Iasi County; the head of Specialized Services Complex “Mihail Sadoveanu” in Pascani; a representative of the Specialised Services Complex Lugoj in Timis County; a social worker from the Bogdana Centre in Bogdanesti; the head of the C.A. Rossetti children’s home in Iasi; the head of Sf. Spiridon in Targu Frumos; the head of the Specialised Services Complex Gavojdia in Timis County; a social worker from the Ioan Rupea Centre in Brasov County; the the head of Specialised Service Complex Magura in Coltea; the head of the Specialised Services Complex Fagaras in Brasov County; the head of the Antonio Centre in Constanta County; the head of Ovidiu Centre in Constanta County; the head of the Robin Hood Placement Centre in Bucharest’s District 4; and the head of the Sf. Nicolae Placement Centre in Bucharest’s District 1: August - November 2010.

<sup>144</sup> ERRC interview with a representative of Amare Rromentza. Bucharest, Romania: November 2010.

<sup>145</sup> ERRC group discussions with Romani children living in the Specialized Services Complex Lugoj and the Centre for Supporting the Family and Professional Integration of Youth. Timis County, Romania: September 2010.

<sup>146</sup> ERRC group discussion with Romani children from the Specialised Services Complex Lugoj. Timis County, Romania: September 2010.

<sup>147</sup> ERRC group discussion with Romani children from the Specialised Services Complex “Mihail Sadoveanu”. Pascani, Iasi County, Romania: August 2010.

<sup>148</sup> Only two Romani workers were identified in the homes visited in Romania and one worker in the General Directorates for Social Assistance and Child Protection.

When the children were asked who the Roma are, 83% of children participating in interviews considered that Romani people are people with dark skin, “without education”, “thieves”, “beggars”, “criminals”, “bad people” and “liars”.<sup>149</sup>

Only 17% of young Roma from Constanta, Timis and Brasov Counties had identified themselves as Romani to access university seats or scholarships set aside for Romani students. The awareness of educational opportunities for Romani children in children’s homes visited during the research was quite low, in part due to an apparent lack of cooperation between County School Inspectorates and the DGASPC. The heads of the children’s homes reported that school inspectors for Romani children had never contacted them or informed them about educational programmes for Romani children.<sup>150</sup>

<sup>149</sup> ERRC group discussions with children from the Specialised Services Complex in Herman; the Ion Holban Centre in Iasi County; the Specialized Services Complex “Mihail Sadoveanu” in Pascani; the Specialised Services Complex Lugoj in Timis County; the Bogdana Centre in Bogdanesti; the C.A. Rossetti centre in Iasi; the Sf. Spiridon centre in Targu Frumos; the Specialised Services Complex Gavojdia in Timis County; the Ioan Rupea Centre in Brasov County; the Specialised Service Complex Magura in Coltea; the Specialised Services Complex Fagaras in Brasov County; the Antonio Centre in Constanta County; the Ovidiu Centre in Constanta County; the Robin Hood Placement Centre in Bucharest’s District 4; and the Sf. Nicolae Placement Centre in Bucharest’s District 1: August - November 2010.

<sup>150</sup> ERRC interview with the head of the Ovidiu Centre. Constanta, Romania: September 2010.



## 10 Adoption Procedures and the Influence of Ethnic Identity

Several problems in the application of adoption legislation in Romania limit the adoption opportunities for children declared adoptable in State care. For example, the deadline for parental consent considerably diminishes the adoption rates. According to the Law on the Legal Status of Adoption, the period for processing adoption requests is one year, during which the biological parents should express their consent in front of a court. If during this period the parents could not be found or refuse to give consent, the process starts again for another year, prolonging the stay of children in State care.<sup>151</sup> In addition, information collected during the research reveals that the consent procedure is not uniformly enforced in all counties.

Some judges are reported to use Article 13, which enables judges to commence adoption procedures if the refusal of the biological parent, legal guardian or child above the age of 12 is considered abusive. In Timis County it was reported that judges do not require written consent/refusal for adoption, and consider lack of contact with the child or poor collaboration with the DGASPC sufficient reason for the initiation of adoption procedures.<sup>152</sup>

Decisions to place children with an adoptive family follow a procedure that seeks to match the child's needs with the criteria of the adoptive family. In this process, the ethnicity of the child as declared by the parents is revealed. When adoptive parents refuse a child with specific characteristics, social workers provide the adoptive parents with counselling and training to develop a better understanding and acceptance of the child.<sup>153</sup> According to the Romanian Office for Adoption, there are cases when prospective adopters clearly express their refusal to adopt children of a specific age (0-3 years of age often preferred), sex or ethnic origin.<sup>154</sup> Indeed, statistics from the Romanian Office for Adoption from 2008 show that around 24% of prospective adopters refuse to adopt a child of a particular ethnicity.<sup>155</sup> DGASPC representatives from all counties researched specifically confirmed that Romani children are less likely to be adopted due to their ethnicity.<sup>156</sup> DGASPC representatives also underlined that the number of adoption refusals for Romani children is higher than evidenced in available statistical data, as most prospective adopters do not directly mention ethnicity as a reason for refusal in their application forms.<sup>157</sup>

151 ERRC interview with a representative of the DGASPC, Bucharest District 3, Romania: November 2010.

152 ERRC interview with a representative of the DGASPC, Timis County, Romania: August 2010.

153 Law 273/2004 on the Legal Status of Adoption, Article 19 and 20.

154 ERRC interview with a representative of the Romanian Office for Adoption, Bucharest, June 2010.

155 ERRC interview with representatives of DAGSPC Iasi, Brasov, Constanta and Timis counties: August-September 2010, available at: [http://www.adoptiromania.ro/files/statistici/11\\_dez\\_statistici%202008%2026%20august%202009\\_20091112931421.pdf](http://www.adoptiromania.ro/files/statistici/11_dez_statistici%202008%2026%20august%202009_20091112931421.pdf).

156 ERRC interview with a representative of the DGASPC, Timis County, Romania: September 2010.

157 ERRC interview with a worker of the DGASPC, Timis County, Romania: September 2010.

Some adoption workers stated that prospective adopters refuse children who look Romani based on their belief that Roma are genetically predisposed to criminality.<sup>158</sup> Others reportedly refuse Romani children on more compassionate grounds, finding that it would be too difficult for them to protect a Romani child from negative societal attitudes.<sup>159</sup>

Romani children, therefore, experience a state of permanence within the child protection system, because they are less likely to be adopted and are less often returned to their families. Romania's ban on international adoptions has also contributed to this, because Romani children were being adopted internationally before the ban was put in place.<sup>160</sup>

<sup>158</sup> ERRC interview with a worker of the DGASPC, Timis County, Romania: September 2010.

<sup>159</sup> ERRC interview with a worker of the DGASPC. Constanta, Romania: September 2010.

<sup>160</sup> ERRC interview with a representative the DGASPC, Timis County, Romania: September 2010.

## 11 Disability

Representatives of children's homes estimate the proportion of Romani children among institutionalised children with a disability to be between 10% and 63%. The highest level was identified in Timis County at 63%; in Constanta County an estimated 30%;<sup>161</sup> and in Iasi County 10%.<sup>162</sup> In addition, 20% of Romani children interviewed during the research reported that they were studying in special schools for children with disabilities.

Respondents suggested that the high representation of Romani children categorised as having a disability in State care institutions resulted from the misdiagnosis of Romani children as disabled by the Commission for Child Protection, and the enrolment of Romani children in special schools by their parents due to poverty and a lack of information regarding which are boarding schools. Some also pointed to a lack of adequate care in early years and attention by caregivers in the children's homes, which negatively affects child development and communication abilities and may result in children being labelled as mentally disabled. One child expert recalled that from 2000 to 2005: "I saw too many Romani children in children's homes held in the arms of caregivers less than children with blue eyes or blond hair; [...] hence, Romani children had low communication skills and slow personal development [...]"<sup>163</sup>

In addition, children's home workers and county level child protection workers reported that Romani women, as a result of poor prenatal care, nutrition and poverty, more often give birth to children with health problems such as congenital malformations.<sup>164</sup> Representatives of the General Directorate for Social Assistance and Child Protection reported that some Romani parents abandon such children in the hospital due to a lack of information or understanding of their child's impairment and a lack of economic and social support to provide health care and assistance to their child.<sup>165</sup> Such children are then automatically placed in medical institutions for disabled children or children's homes.

Romani parents who had left their children in State care stated that an important factor in their decision to place their children in State care was the lack of services for disabled children in rural areas. As one mother reported:

<sup>161</sup> ERRC interview with a representative of the DGASPC. Constanta, Romania: September 2010.

<sup>162</sup> ERRC interviews with a representative the DGASPC Constanta County, representatives of the Centre for Recuperation and Rehabilitation of Disabled Child in Timisoara and psychologists from the Sf Spiridon Targu Frumos in Iasi County: August- September 2010.

<sup>163</sup> ERRC interview with a representative of the Iosif Foundation. Iasi, Romania: August 2010.

<sup>164</sup> ERRC interviews with a social worker of the Specialised Services Complex Magura in, Brasov County; a doctor of the Cristina Centre in Constanta; and a social worker of the Centre for Recuperation and Rehabilitation of Disabled Child in Timisoara: September 2010.

<sup>165</sup> ERRC interview with representatives of the DGASPC Iasi, Timis, Constanta and Brasov counties: August-September 2010.

I took care of my child for 14 years but his disability got worse every year. I tried to make his life easier, but it was so difficult because there was no money for medicine, no specialised doctor and no centre for rehabilitation. If we had money for food it was good. I have five other children. I had to give him up to take care of the others. I try to meet him at least once a month but I cannot go anymore because I need the money to buy bread for my other children.<sup>166</sup>

Romani parents also reported a lack of special schools in rural areas, which contributes to child separation. Parents from rural areas place their children in special boarding schools in neighbouring cities where they stay the entire school year.<sup>167</sup> The Academic Network of European Disability Experts has reported that 84.9% of special education units are located in urban areas compared to 15.1% in rural areas in Romania.<sup>168</sup> Child protection workers in the schools reported that they had more Romani children in the centre in the summer because the parents could not afford to come to take them home during the holiday.<sup>169</sup>

Once children have been diagnosed as disabled, the decisions are often unchallenged, although the CPC should periodically reassess disability decisions. It is very rare that children are re-diagnosed as not having a disability.<sup>170</sup> When asked if psychologists from children's homes ever brought the findings of their tests to the attention of the CPC, a Romani psychologist reported that she tried such an action for more than 60 Romani children, which she felt did not have a disability, but there was no reaction. She explained that a psychologist in a children's home who tries to contest the findings of the CPC may experience problems or even lose his/her job.<sup>171</sup>

<sup>166</sup> ERRC interviews with Romani women. Targu Frumos, Iasi, Romania: August 2010.

<sup>167</sup> ERRC interview with Romani parents from Teliu, Brasov County, and Cobadin, Constanta County: September and October 2010.

<sup>168</sup> Academic Network of European Disability Experts, *Facts and Figures: Romania* (2009), available at: <http://www.disability-europe.net/en/countries/Romania/RO-2-factsEN.jsp?jsEnabled=1>.

<sup>169</sup> ERRC interviews with the director of the Specialised Services Complex Magura in Coltea; the head of the Specialised Services Complex Lugoj in Timis County; the head of the C.A. Rosseti Centre and Ion Holban Centre in Iasi County: August-September 2010.

<sup>170</sup> ERRC interview with heads of children's homes from Iasi, Timis and Constanta: August-September 2010.

<sup>171</sup> ERRC interview with a Romani psychologist from the Sf. Spiridon centre. Targu Frumos, Iasi County, Romania: August 2010.



## 12 Conclusions

While there are no official data available, according to estimates provided by child protection authorities, NGO estimates and the results of field research in children's homes, Romani children are overrepresented in State care in Romania.

State, regional and local bodies responsible for child protection do not collect, process and publish data about children in State care disaggregated by ethnicity or other criteria. Relevant authorities wilfully misinterpret EU and national data protection laws as providing a blanket prohibition of the collection of ethnic data. The lack of data disaggregated by ethnicity and other relevant factors is a key problem, which renders existing policy ineffective in reducing the overrepresentation of Romani children in State care.

The Constitution of Romania guarantees the protection of the child and the family without discrimination, and Romania has adopted specific laws, which govern child protection matters. Romanian law does not include a legal definition of child endangerment, although situations that may lead to the removal of parental rights are described. Detailed descriptions of child endangerment and clear methodological guidelines for its assessment are lacking, which leads to the subjective interpretation of relevant provisions by child protection workers and may negatively impact Romani children and families in particular.

The reasons for the overrepresentation of Romani children in State care are multifaceted and interrelated, involving social and economic factors aggravated by ethnic discrimination and social exclusion of Roma. In the regions included in this study, the most frequent reasons for the placement of Romani children in institutional care are poverty-related, such as a lack of employment, inadequate housing and health care, household composition, child abandonment in maternity wards and migration.

In addition, there is a lack of accountability of local authorities for the non-implementation of preventative services at the community level and a lack of uniform implementation across the regions. The standards for assessing the situation of parents prior to child removal and reunification are high and unrealistic. Existing preventative measures are not sufficient to help Romani families overcome the poverty-related factors that contribute to the institutionalisation of their children. This is reflected in the high numbers of Romani children entering the system.

Research also revealed problems related to the proper functioning of administrative and judicial decision-making bodies in ensuring the realisation of procedural rights of Romani parents, such as the right to information prior to and during the relevant proceedings, unbiased proceedings and the availability of legal representation.

In State care, Romani children are subjected to physical abuse, ill-treatment and various forms of discrimination. They are subjected to discrimination in access to public services such as

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education and health care on multiple grounds, including their ethnicity and their status as an institutionalised child. Romanian children's homes overwhelmingly lack programmes to develop and promote a positive ethnic identity among Romani children. The results of this are very negative, and can be seen in the denial of ethnic identity among many Romani children in State care, rejection of their families and negative feelings towards Roma in general. A considerable number of prospective adoptive parents refuse to adopt Romani children on account of their ethnicity and a significant number of Romani children in State care have been categorised as having a mental disability. Of the locations visited during this research, many such children were diagnosed prior to their placement in an institution by parents whose decisions were influenced by a lack of available services in rural areas to help them manage their situation. Rarely do child protection workers try to have such children re-diagnosed and, as a result, few are. There is also a lack of Roma in human resources among regional and local child protection services.

Given that a disproportionate number of Romani children are in institutional care, that they are unlikely to return to their biological families and that many are passed up for adoption, a great proportion of Romani children spend their whole childhood in an institutional setting.

## 13 Recommendations

On the basis of the findings of this research, the Romanian Government is recommended to:

1. Adopt a legal ban on child removal on the basis of poverty or material concerns;
2. Create a legal obligation to regularly collect data disaggregated by ethnicity and other relevant factors in the area of child protection. Annually collect comparable data disaggregated by ethnicity, gender, disability and other relevant factors, in the areas of child protection, education, housing, employment and health care, with appropriate measures to protect the personal data of children and families;
3. Coordinate child protection reforms with reforms in related areas such as education, health care, justice and social protection;
4. Finance child protection services based on the real costs of services at the national, regional and local level, with a focus on local level preventative services;
5. Improve and accelerate general court procedures where the interests of the child are at stake;
6. Establish family courts to protect the best interests of the child;
7. Train legal practitioners in international standards on children's rights and child protection;
8. Make available free legal assistance in child protection matters;
9. Target measures to support families and prevent the removal of their children on poverty-related grounds. Review child protection policies and anti-poverty policies with a view to identifying any gaps and programming needs;
10. Implement positive action programmes to support Roma in accessing employment and quality education in line with the targets established in the Europe 2020 Strategy (75% employment, below 10% school drop-out rate and at least 40% completion of tertiary education) and relevant national policies; and
11. Implement positive action programmes to facilitate the employment of Romani professionals in child protection services.

### **The General Directorate for Child Protection should:**

Clarify in the law the meaning of "refusal to consent to child removal" to avoid arbitrary interpretation by decision-making bodies;

1. Take measures to prohibit and address child marriage;
2. Gather and assess data disaggregated by ethnicity, gender, disability and other relevant factors;
3. Update tools and methods used in family and child assessment to prevent the misplacement of Romani children in protection services;
4. Implement professional education and training of social and child protection workers on anti-discrimination, cultural awareness and cross-cultural communication;
5. Hire Romani professionals; and
6. Establish sustainable cooperation with Romani civil society to improve programming for Romani children in care.

### **The General Directorate of Social Assistance and Child Protection should:**

1. Recruit Romani foster parents, social workers and child protection professionals;
2. Cooperate with local authorities to evaluate the work of social workers;
3. Improve the monitoring of child protection services at the local and county level;
4. Implement professional education and training of social and child protection workers on anti-discrimination, cultural awareness and cross-cultural communication;
5. Support Romani NGOs to develop campaigns to reduce stigma against Romani children who have left State care;

### **Local councils should:**

1. Prioritise services to prevent the removal of children from their families;
2. Make available transitional and subsidised housing for Romani families and single parent households to prevent child removal due to inadequate housing;
3. When placement outside the family is required, allocate funds to enable placement in extended family networks;
4. Promote access to employment and quality education for Roma;
5. Establish and fund day care and maternal centres as support services for Romani families at risk of separation due to poverty; and
6. Improve training for social workers on accurate and objective family assessments.

### **Romani Civil Society should:**

1. Actively monitor the removal of Romani children from their families to identify possible cases of discrimination and react accordingly;
2. Implement trainings on non-discrimination and Romani language, history and culture with child protection workers and children in State care;
3. Provide information to Romani families at risk of separation about their rights, child protection processes and available resources; and
4. Help Romani children in State care access educational (scholarship programmes, etc) and other programmes targeting Roma outside the child protection system to increase their opportunities in adult life.

## 14 Selected Bibliography

Gabriel Badescu et al., *Roma Inclusion Barometer* (Bucharest: Open Society Foundation, 2007).

Mark Braham, *The Untouchables: A Survey of the Roma People of Central and Eastern Europe: a report to the Office of the United Nations High Commissioner for Refugees* (Geneva: UNHCR, 1993).

John Benet, *National Report on Social Inclusion During Early Development of Romani children for Romania* (Open Society Institute, Roma Education Fund and UNICEF: 2010), available at: [http://medlive.hotnews.ro/wpcontent/uploads/2010/12/Raportul-Na%C5%A3ional-IRSDTC-pentru-Rom%C3%A2nia\\_rezumato.pdf](http://medlive.hotnews.ro/wpcontent/uploads/2010/12/Raportul-Na%C5%A3ional-IRSDTC-pentru-Rom%C3%A2nia_rezumato.pdf).

Stefan Cojocaru, “Child rights based analysis of children without parental care or at risk of losing parental care in Romania”, *Research and Social Intervention Magazine* Vol. 24 (2009).

Gelu Duminiuca and Ana Ivasiuc, *O scoala de nota zece? [A school of A grade?]* (Agentia de Dezvoltare Comunitara “Impreuna” and UNICEF Romania, 2010).

European Union Agency for Fundamental Rights, *European Union Minorities and Discrimination Survey: Main Results Report* (2009), available at: [http://fra.europa.eu/fraWebsite/attachments/eumidis\\_mainreport\\_conference-edition\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/eumidis_mainreport_conference-edition_en.pdf).

European Union Agency for Fundamental Rights, *Data in Focus: The Roma* (2009), available at: [http://www.fra.europa.eu/fraWebsite/eu-midis/eumidis\\_roma\\_en.htm](http://www.fra.europa.eu/fraWebsite/eu-midis/eumidis_roma_en.htm).

Dumitru Sandu, *Roma Social Mapping* (Bucharest: World Bank, 2005), available at: [http://www.anr.gov.ro/docs/statistici/Roma\\_Social\\_Mapping\\_187.pdf](http://www.anr.gov.ro/docs/statistici/Roma_Social_Mapping_187.pdf).

Federation of Children, Report submitted to UN Committee On The Rights Of The Child – Geneva with Reference To The Third Romanian Government Periodic Report For 2003-2007 (2008).

Ministry of Labour, Family and Equal Opportunities and National Authority for Protection of Child’s Rights, *Romania Report on National Policies for the Prevention of Violence against Children Submitted to Council of Europe* (2008).

National Authority for the Protection of Child’s Rights, *Child Welfare in Romania - The Story of Reform Process* (2005).

Open Society Institute, *International Comparative Data Set on Roma Education, A Statistical Baseline for Central, Eastern, and South Eastern Europe* (2008), available at: [http://www.soros.org/initiatives/esp/articles\\_publications/publications/monitoring\\_20061218/table\\_2008.pdf](http://www.soros.org/initiatives/esp/articles_publications/publications/monitoring_20061218/table_2008.pdf).

Save the Children Romania, Children's Rights in Romania, submitted to the Universal Periodic Review 2nd session Romania (2008).

P. Stephenson, C. Anghelescu, E. Stative and S. Pasti, *Cauzele institutionalizării copiilor din România* [*The causes of institutionalisation of children from Romania*], (Bucharest: UNICEF and International Foundation for children and families, 1997).

Maria Roth, "Children's Rights in Romania: Problems and Progress", *Social Work in Europe* Vol. 6, No. 3 (1999).

United Nations Development Program, *Faces of Poverty, Faces of Hope: Vulnerability Profiles for Decade of Roma Inclusion Countries* (2005), available at: <http://europeandcis.undp.org/governance/hrj/show/67D47F90-F203-1EE9-BB4A88AD1FF2FF8D>.

UNICEF, The Situation of Child Abandonment in Romania (Bucharest, March 2005).

UNICEF, Romania Child Care System Reform (2006).

World Bank, Economic Costs of Roma Exclusion (April 2010), available at: [http://siteresources.worldbank.org/EXTROMA/Resources/Economic\\_Costs\\_Roma\\_Exclusion\\_Note\\_Final.pdf](http://siteresources.worldbank.org/EXTROMA/Resources/Economic_Costs_Roma_Exclusion_Note_Final.pdf).

The World Bank, Roma at a Glance, available at: [http://siteresources.worldbank.org/INTROMA/Resources/Roma\\_at\\_a\\_Glance.pdf](http://siteresources.worldbank.org/INTROMA/Resources/Roma_at_a_Glance.pdf).

### Laws consulted:

- The Romanian Constitution
- The Family Code
- The Criminal Code
- The Civil Code
- Law 272/ 2004 Concerning the Protection and Promotion of Child's Rights as amended on 10 January 2008
- Law 273/ 2004 on the Legal Status of Adoption
- Law No 215/2001 on Local Public Administration as amended and extended by Law 286/2006
- Law 448/2006 on the Protection and Promotion of the Rights of Disabled Persons

The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development and training of Romani activists. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

Romani children are overrepresented in State care in Romania. There are a number of gaps in Romanian law and policy that contribute to this, and the lack of disaggregated data collection renders existing policy ineffective in addressing this. There is no legal definition of child endangerment although situations that may lead to the removal of parental rights are described and clear methodological guidelines for assessing child endangerment are lacking. Various factors, aggravated by discrimination and social exclusion, contribute to the overrepresentation of Romani children in State care: the most common are poverty related, such as a lack of employment, inadequate housing and health care, household size, child abandonment in maternity wards and migration. Preventative social work at community level is not sufficient to help Romani families overcome entrenched poverty-related factors. Romani families also experience problems such as the right to information during child protection proceedings, bias and a lack of legal representation. In State care, some Romani children are subjected to physical abuse, ill-treatment and various forms of discrimination, and they experience discrimination in access to public services outside the institutions. There is a lack programmes to develop and promote a positive ethnic identity among Romani children in State care, which may contribute to the denial of ethnic identity by many Romani children in State care, rejection of their families and negative feelings towards Roma in general. Many prospective adoptive parents refuse to adopt Romani children and a significant number of Romani children in State care have been categorised as having a mental disability. Roman children in State care are disadvantaged on multiple grounds, including their ethnicity, their status as an institutionalised child and disability status and many are unlikely to return to their biological families. A significant number of Romani children spend their whole childhood in State care.



CHALLENGING DISCRIMINATION PROMOTING EQUALITY