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## **EUROPEAN SOCIAL CHARTER**

22nd National Report on the implementation of  
the European Social Charter

submitted by

**THE GOVERNMENT OF ROMANIA**

Articles 7, 8, 16, 17, 19, and 27  
for the period 01/01/2018 – 31/12/2021

Report registered by the Secretariat on

12 April 2023

**CYCLE 2023**

**THE 22<sup>ND</sup> NATIONAL REPORT  
ON THE IMPLEMENTATION  
OF THE EUROPEAN SOCIAL CHARTER (REVISED)**

**SUBMITTED BY  
THE GOVERNMENT OF ROMANIA**

**for the period 1 January 2018 - 31 December 2021**

on the Group 4 of articles of the European Social Charter (Revised),  
“Children, family, migrants”: 7, 8, 16, 17, 19 (para. 7 and 8 ) and 27 (para. 2).

## List of acronyms

ATU - Administrative and Territorial Units  
CAPSI - County Agency for Payments and Social Inspection  
CEDAW - Convention on the elimination of all forms of discrimination against women  
CRC - Convention on the Rights of the Child  
CRPD - Convention on the Rights of Persons with Disabilities  
CSI - County School Inspectorates  
EAD - European Action Day  
EC - European Commission  
ECHR - European Court of Human Rights  
ECRIS - European Criminal Records Information System  
EEP - Education and Employment Programme  
EMIS - Electronic Monitoring Information System  
EP - Emergency placement  
EU - European Union  
GD - Government Decision  
GDSACP - General Directorate for Social Assistance and Child Protection  
GEO - Government Emergency Ordinance  
GIES - General Inspectorate for Emergency Situations  
GII - General Inspectorate for Immigration  
GO - Government Ordinance  
ISDOP - Inclusion and Social Dignity Operational Programme  
LAG - Local Action Groups  
LI - Labour Inspectorate  
LIT - Local Intersectoral Teams  
LPA - Local Public Administration  
MoDPWA - Ministry of Development, Public Works and Administration  
MoE - Ministry of Education  
MoFYEO - Ministry of Family, Youth and Equal Opportunities  
MoIA - Ministry of Internal Affairs  
MoJ - Ministry of Justice  
MoLSS - Ministry of Labour and Social Solidarity  
NAE - National Agency for Employment  
NAEO - National Agency for Equal Opportunities between Women and Men  
NAP - National Administration of Penitentiaries  
NAPCRA - National Authority for the Protection of Child's Rights and Adoption

NAPSI - National Agency for Payments and Social Inspection  
NATHB - National Agency against Trafficking in Human Beings  
NCCD - National Council for Combating Discrimination  
NGO - Non-governmental organization  
NHA - National Housing Agency  
NHS - National Housing Strategy  
NIS - National Institute of Statistics  
NIRM - National Identification and Referral Mechanism  
NRRP - National Recovery and Resilience Plan  
NSATP - National Strategy against Trafficking in Persons (2018-2022)  
OA - Operational Actions  
OPHC - Operational Programme Human Capital 2014-2020  
OPRDP - Operational Programme for the Relief of Disadvantaged People 2014-2020  
PPO - provisional protection order  
PSAS - Public Social Assistance Services  
SAD - Social Assistance Departments  
SEN - Special Educational Needs  
SNECS - Single National Emergency Call System  
SO - Specific Objectives  
STS - Special Telecommunications Service  
SUCL - Specialised Unit for Child Labour  
THB - Trafficking in Human Beings  
TSI - Technical Support Instrument  
UASC - Unaccompanied and Separated Children  
UN - United Nations  
UNHIF - Unique National Health Insurance Fund  
UNICEF - United Nations International Children's Emergency Fund  
WHO - World Health Organization

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

### **Paragraph 1**

*The Committee asks the next report to provide information regarding irregularities identified and sanctions applied by the Directorates for Social Care and Child Protection regarding employment of children over 14 years of age in cultural, arts, sports, advertising and modelling activities.*

Under the provisions of GD no. 75/2015 on the regulation of children activities in cultural, artistic, sportive, advertising and modelling, so far no contraventions have been found at the GDSACP level and as a result no fines have been imposed.

*The Committee asks that the next report provide information on the measures taken or envisaged to ensure that children involved in the house chores/home working are protected against labour exploitation and how their situation is monitored by the authorities, including accurate data on the breaches identified and sanctions applied.*

According to Article 13 para. (3) of Law no. 53/2003 - Labour Code, republished, with subsequent amendments and additions, „employment of persons under the age of 15 is prohibited.”

At the same time, Article 265 para. (1) of the Labour Code states that „employing minors with the failure to comply with the provisions of the law as regards the age or the use of such persons for performing certain activities in violation of the provisions of the law on the work regime of minors shall be seen as offences and is punishable by imprisonment from 3 months to 2 years or a fine.”

In situations where the labour of the child in the household becomes exploitation, according to the law, any form of violence against children, including labour exploitation, is reported to 119, and GDSACP is obliged to verify and ensure the access to the services necessary for the children.

Public Social Assistance Service (PSAS) fills in the risk identification sheet for the separation of the child from the family, which also lists the risks of exploitation, on the basis of which it develops and implements a service plan for the child at risk.

The monitoring of potential jobs in the informal sector, including in one's own household is provided for in Annex 2 of GD no. 49/2011 for the approval of the Framework Methodology on multidisciplinary prevention and network and intervention in situations of violence against children and domestic violence and of the Methodology of multidisciplinary and inter-institutional intervention on children exploited and at risk of exploitation through work, child victims of human trafficking beings as well as Romanian migrants to children victims of other forms of violence on the territory of other states.

Thus, in line with the model promoted by ILO-IPEC, the child labour monitoring mechanism foresees as a first step: direct and regular observation of high-risk areas for child labour exploitation. At this stage, professionals from the member institutions of the LIT for preventing and combating violence against children, usually the social worker together with the police officer and the labour inspector, intervene by carrying out monitoring visits to the high-risk areas.

NAPCRA centralizes the hazardous work, which includes cases of exploitation through work in one's own household (domestic work). In 2019, there were 10 cases of domestic work and in 2020, there were 31 cases. In 2018 and 2021, no cases of domestic work were recorded.

The fines are recorded for all cases of hazardous work, rather than by identified workplaces, therefore no information on fines can be provided for the 31 cases.

*The Committee requests information on the situation of children working in the informal economy or performing physically demanding jobs, how the situation is monitored by the authorities and measures taken to prevent labour exploitation of children under the age of 15.*

In addition to the information provided in Report 18 to the Revised European Social Charter, we mention the following:

Year	No. of employers penalised for using the undocumented work of young persons aged 15-18	No. of young persons aged 15-18 found engaged in undocumented work	The use of undocumented work performed by young persons was sanctioned with a fine of RON 20.000 for each person thus identified and the matter was referred to the criminal investigation authorities.
2018	88	30	
2019	77	105	
2020	69	104	
2021	67	75	

In 2021, LITs carried out 25 activities for the prevention of child labour exploitation in 14 counties and district sector 2 of Bucharest Municipality, with 16.655 beneficiaries, including 6.413 children.

### Paragraph 2

*The Committee requests that the following report provide information on the activities and concrete findings of the Labour Inspectorate in relation to the prohibition of employment under the age of 18 for dangerous or unhealthy activities, including in the above listed fields.*

According to the Labour Code (Article 13, paragraph 5), employment in heavy, harmful or dangerous jobs can be granted after the age of 18.

### Paragraph 3

*The Committee requested information on the conditions provided by law (e.g. maximum duration of activity), measures taken by the authorities to ensure that children who are still subject to compulsory education are not prevented to attend school as well as cases of violations detected and sanctions applied.*

According to GD no. 75/2015, the activities provided by the child in the cultural, artistic, sports, advertising and modelling fields shall be carried out under the following conditions:

- a) not to constitute hazardous work for children, in accordance with the legislation in force;
- b) to be carried out, depending on the age of the child, during the following hours: 9 a.m. to 5 p.m. for children under 5 years of age, 8 a.m. to 8 p.m. for children between 5 and 12 years of age, 7 a.m. to 10 p.m. for children over 12 years of age;
- c) the duration of the activity does not exceed one hour per week, preferably distributed over different days, in the case of children under one year of age, 2 hours per day in the case of children aged 1 to 5 years, 4 hours per day in the case of children aged 5 to 12 years and 6 hours per day in the case of children over 12 years, not taking into account the short breaks after each continuous activity, but not more than 12 hours per week for work carried out during the school year, provided that it is carried out mainly outside the school hours;
- d) the continuous activity shall be provided for a maximum of 15 minutes by children under 1 year of age, a maximum of 30 minutes by children between 1 and 5 years of age and a maximum of 45 minutes by children over 5 years of age;
- e) the number of rehearsals of any kind and any stage designed to ensure the smooth running of the activities, whatever their nature: performance, rehearsal, training, photo shoot, filming and the like, shall not exceed one per day for children under 1 year of age and two per day for

children over 1 year of age. A break of at least one and a half hours must be allowed between the two activities, which take place on the same day;

f) the short breaks shall last between 10 and 15 minutes after each continuous activity;

g) the long break shall last at least half an hour and shall be taken after each hour of activity for children aged 1 to 5 years, every 2 hours for children aged 5 to 12 years and every 3 hours for children aged 12 years and over;

h) the maximum number of days per week on which the children may work is 4 consecutive days, followed by a minimum of 48 hours break;

i) the activities which are organised during the school holidays must not infringe the child's right to rest and free time;

j) in the case of the activities taking place over a period of more than 2 months, the child shall be granted a break of 14 days after the first 60 days of activity.

According to GD no. 75/2015, the performance by children of cultural, artistic, sports, advertising and modelling activities is subject to the prior notification of the PSAS from the child's residence, by submitting an information note before the actual commencement of the activity, by the parents/legal representative of the child to PSAS.

The information note must be accompanied by the following documents:

a) copy of the child's birth certificate or, where applicable, copy of the identity card;

b) copies of the parents'/legal representative's identity papers;

c) copy of the accompanying person's identity card, if applicable;

d) a medical certificate issued by a paediatric specialist certifying that the child is fit to carry out the activity and, where appropriate, containing special recommendations concerning the conditions referred to in Article 4 letters c) and d);

e) a psychological assessment issued by a licensed psychologist, stating whether the child's psychological specificities recommend him/her for the activity in question, whether the child has been informed, according to his/her age and level of understanding, and agrees to participate in the activity, as well as special recommendations concerning the conditions set out in Article 4 letter c) and d);

f) the opinion of the specialist sports medicine doctor for the children participating in competitive sports activities, including special recommendations concerning the conditions laid down in Article 4 letters c) and d);

g) certificate from the pre-university educational establishment where the child is enrolled, for children attending an educational establishment, in accordance with the form set out in Annex 2 of GD no. 75/2015, if the activity is provided during the school hours.

None of the children who have carried out paid work in the artistic, sporting, advertising or modelling fields has been prevented from attending classes, as the educational establishment has ensured the continuity of education for these children, undertaken by filling in the certificate required by the legislation.

*The Committee requests the confirmation of the fact that the limit of 6 hours/day, 30 hours/week for young persons in compulsory education is also valid/applicable during the school holidays and asks what the maximum daily and weekly working time is for young persons attending the compulsory education during the school term.*

Yes, in the case of the young persons attending the compulsory education the limit of 6 hours/day, 30 hours/week is also valid/applicable during the school holidays.

According to the provisions of Article 3 letter a) in conjunction with Article 10 para. (1) of GD no. 600/2007 on the protection of young persons at the workplace, the duration of the working time regulated in Article 10 para. (1) applies to young persons, as defined in Article 3 letter a),

who have concluded an individual employment contract in accordance with the legislation in force, regardless of whether or not they are subject to the compulsory schooling.

„Article 3: For the purposes of this Decision, the terms and concepts used shall have the following meaning:

a) young person - any person aged 15 years or more but not more than 18 years;”

„Article 10: (1) In the case of the young persons, working time is a maximum of 6 hours/day and 30 hours/week.”

We mention that, according to Article 3, letter c) in conjunction with Article 10 of GD no. 600/2007 young persons may only carry out light work that is not likely to prejudice their school attendance, their participation in orientation or vocational training programmes, approved by the management of the educational establishment, or their capacity to benefit from the training received.

According to the provisions of Article 10 of GD no. 600/2007: “(1) The employment of children is prohibited. (2) By way of derogation from the provisions of paragraph. (1), children aged at least 16 years who are subject to compulsory schooling on a full-time basis may conclude, under the law, an individual employment contract as an employee for light work.”

The GD defines light work as “all activities which, by the nature of the tasks they involve and the specific conditions under which they are carried out, are not likely to prejudice the safety, health or development of the child or young person and are not likely to prejudice his or her school attendance, participation in vocational guidance or training programmes approved by the management of the educational establishment, or his or her capacity to benefit from the training received”.

GD no. 600/2007 does not contain provisions according to which the rest period for young people must be a minimum of two consecutive weeks during school holidays, but according to the provisions of Article 15, young persons are entitled to an additional rest period of at least 3 working days and for the children who are subject to compulsory full-time schooling, the employers shall make sure that the period free from any work is included, as far as possible, within the school holidays, required by the national legislation.

*The Committee noted that there is still a high drop-out rate among Roma children and the children from remote rural or disadvantaged areas.*

According to the table below, the dropout rate in secondary education, by training pathways and profiles, at the end of the 2019/2020 school year shows a significant decrease compared to previous years, as a result of implementing the measures presented below:

	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020
<b>Total</b>	2,8	2,8	3,5	3,5	2,5	2,5	2,5	1,9
<b>Theoretical pathway</b>	1,1	1,6	1,8	1,9	1,1	1,1	1,1	0,7
- real	1,7	2,2	2,2	2,4	1,3	1,3	1,4	0,8
- humanistic	0,4	0,8	1,2	1,1	0,9	0,8	0,7	0,6
- special	-	-	-	-	-	2,2	1,0	2,1
<b>Technological pathway</b>	4,1	4,2	5,4	5,7	4,3	4,3	4,5	3,6
- technical	5,0	5,1	6,9	7,3	5,7	5,7	5,8	4,6
- natural resources and environmental protection	4,4	4,1	5,4	6,1	4,8	4,5	5,1	3,9
- services	2,7	2,8	3,4	3,5	2,7	2,9	2,9	2,5
- special	-	-	-	-	-	5,0	7,6	2,6



Vocational pathway	1	0,1	1,6	1,4	1,5	1,2	0,8	0,8
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Source: Data calculated on the basis of NIS information, 2013-2021

**The measures that have been implemented in order to reduce the school drop-out rate for the Roma children and those from rural or disadvantaged areas were the following:**

1. Development of the topic of diversity in the national curriculum, by introducing elements of diversity (historical, ethnic, cultural, linguistic, religious, etc.) into the new curricula;
2. Activities to promote cultural elements/traditional values in Roma communities (media campaigns, local festivals at school, classroom projects, extracurricular activities, parade of Roma folk costumes and dances with pupils/school students and adults, festivals with the theme of the traditional crafts of all ethnic groups in the locality, festivals with the theme of the culinary skills of the local ethnic groups);
3. Supporting the mediators and school principals in creating a balance in the classroom (regulatory framework, teamwork) and providing an environment for a dialogue with the parents and between the parents;
4. Debates on the topic of prejudice/discrimination;
5. Courses on the Romani language and educational Rromanipen<sup>1</sup> aimed at the teachers' knowledge of Romani customs and the Romani language which have a positive impact on the classroom activity with the Romani children and parents;
6. Training courses for school mediators, in order to keep them up to date with the latest developments in their field of activity;
7. Competitions on the theme of diversity and interculturality: "Diversity - a chance for the future," "My intercultural journey;"
8. Local, county and national competitions on the tragic history of the Roma (about enslavement, deportations, discrimination, etc.).

**The measures that have been taken to increase the access to education of the Roma children and the children from rural or disadvantaged areas were the following:**

1. Continuing the initial training of the future Romani language teachers and Romani language specialists at university level;
2. Provision of separate places for the Roma students for admission to high schools and vocational schools for various specialisations;
3. Providing separate places for young Roma for admission to state universities;
4. Continuation of the organisation - where appropriate - by CSIs, educational establishments, town halls of summer kindergartens prior to the preparatory classes for Roma children who have not attended kindergarten;
5. Activities for monitoring the school segregation;
6. Preserving the Romani language, history and culture in the teaching context (by ensuring the continuation of 3-4 hours/week of teaching of the Romani mother tongue for classes from the 1st up to the 12th); 1 hour/week of Roma history and traditions, respectively);
7. Continuation of actions for teaching in the Romani mother tongue at all levels of education;
8. Continuous training activities for the teachers of the Romani language;
9. Continuation of the financing by the MoE of national school competitions in the field of the Romani language and history (National school Olympiad in the Romani language, National

<sup>1</sup> The fundamental law of the Roma or "Constitution of the Roma tradition," a system of intra-community norms, values and concepts. Source: partidaromilor.ro

school competition in the history and traditions of the Roma, National school competition “Diversity,” National competition of literary creation in the Romani language “Stefan Fuli”);

10. Continuation of the financing for the school textbooks published annually by the MoE for the teaching of Romani language, Roma history and traditions, as well as auxiliary educational materials for the Romani language, intercultural education and diversity, etc., together with the partners.

#### Paragraph 4

*The Committee request information regarding the activities and findings of the authorities (eg. labour inspectorates, child protection agencies) for monitoring the working time for young workers under the age of 18 who are no longer subject to compulsory schooling.*

Through the control actions carried out on a routine basis, the employer's compliance with the provisions on working and rest time is verified. The non-compliances are subject to the penalties laid down in the Labour Code and measures are taken to remedy them.

According to the LI's existing database, for the penalties imposed for the non-compliance with the working time the requested statistical data are not disaggregated by age groups.

Results of the control activities for the reference period:

No. of notifications sent to the criminal investigation authorities for the employment of minors not complying with the legal age conditions or using them to perform activities in violation of the legal provisions on the employment of minors	2018	2019	2020	2021
		39	46	37

#### Paragraph 5

According to Article 159 para. 3 of the Labour Code, in the determination and awarding of wages, any discrimination based on gender, sexual orientation, genetic characteristics, age, nationality, race, colour, ethnicity, religion, political choice, social origin, disability, family status or responsibility, trade union membership or activity is prohibited.

The guaranteed minimum wage is set each year by GD.

The evolution of the minimum wage between 2018 and 2021 was as follows:

No	National gross minimum basic wage guaranteed in payment		Currency	Regulatory act		Conditions of eligibility	
	Gross	Net					
1	2018	1.900	1.162	lei RON	GD	846/2017	
2	2019	2.080	1.263	lei RON	GD	937/2018	
		2.350	1.413	lei RON	GD	937/2018	Higher education with 1 year of seniority
		3.000	1.774	lei RON	GEO	114/2018	In the construction industry
3	2020	2.230	1.346	lei RON	GD	935/2019	
		2.350	1.413	lei RON	GD	935/2019	Higher education with 1 year of seniority
		3.000	1.774	lei RON	GEO	114/2018	In the construction industry
4	2021	2.300	1.386	lei RON	GD	4/2021	
		2.350	1.413	lei RON	GD	4/2021	Higher education with 1 year of seniority
		3.000	1.774	lei RON	GEO	114/2018	In the construction industry

According to Article 260 para. 1 letter a) of the Labour Code, failure to comply with the provisions on guaranteeing in payment of the national gross minimum wage constitutes a contravention and is punishable by a fine.

According to the LI's existing database, for penalties imposed for the non-compliance with the provisions concerning the guarantee in payment of the national gross minimum wage, the requested statistical data are not disaggregated by age groups.

Results of the control activities for the reference period:

No. of fines imposed for the non-compliance with the provisions concerning the guarantee in payment of the national gross minimum wage	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
	112	307	221	210

Share of the minimum wage in the average earnings for the period 2018 - 2021:

Average earnings *) (RON)			Minimum wage (RON)		Share of the minimum wage in the average earnings	
Year	Gross	Net	Gross	Net	Gross	Net
					%	%
<b>2018</b>	4.357	2.642	1.900	1.162	<b>43.6</b>	<b>44.0</b>
<b>2019</b>	4.945	3.025	2.080	1.263	<b>42.1</b>	<b>41.8</b>
			2.350	1.413	<b>47.5</b>	<b>46.7</b>
			3.000	1.774	<b>60.7</b>	<b>58.6</b>
<b>2020</b>	5.213	3.217	2.230	1.346	<b>42.8</b>	<b>41.8</b>
			2.350	1.413	<b>45.1</b>	<b>43.9</b>
			3.000	1.774	<b>57.5</b>	<b>55.1</b>
<b>2021</b>	5.577	3.448	2.300	1.386	<b>41.2</b>	<b>40.2</b>
			2.350	1.413	<b>42.1</b>	<b>41.0</b>
			3.000	1.774	<b>53.8</b>	<b>51.5</b>

\*) Note: The average earnings are those communicated by the National Commission for Strategy and Forecasting

## Apprenticeship

Law no. 279/2005 on the apprenticeship at the workplace, republished, as amended and supplemented, provides in Article 6, para. (1) the following: the apprenticeship contract is an individual employment contract of a particular type, concluded for a fixed term, under which a natural person, referred to as an apprentice, undertakes to train professionally and to work for and under the authority of a legal or natural person referred to as an employer, who undertakes to ensure the payment of wages and all the conditions necessary for the professional training. At the same time, the legislative act states in Article 6 para. (2) that the conclusion, execution, modification, suspension and termination of the apprenticeship contract shall be performed in compliance with the regulations of the Labour Code, republished, with subsequent amendments and additions, concerning the apprenticeship and the individual employment contract. Also, in Article 9, para. (5) it is stated that the basic monthly wage, established by the apprenticeship contract, is at least equal to the minimum gross basic wage in force in the country for an 8-hour working day, i.e. an average of 40 hours per week.

Information on the evolution of the minimum wage can be found above.

## Paragraph 6

The Labour Code contains provisions on the vocational training of the employees, which may take the following forms:

- a) participation in courses organised by the employer or by training providers in the country or abroad;
- b) traineeships of vocational adjustment to the requirements of the post and the workplace;
- c) internships and specialisation traineeships in the country and abroad;
- d) apprenticeships organised in the workplace;
- e) individualised training;
- f) other forms of training agreed between the employer and the employee.

During the period of participation in vocational training courses or traineeships, the employee will benefit, for the entire duration of the training, from all the wage rights held and seniority in that job, this period being considered as a contribution period in the state social security system.

The vocational training of the apprentices and young workers has been regulated by the adoption of two legislative acts supplementing the provisions of the Labour Code, namely:

1. Law no. 279/2005 on apprenticeship at the workplace, republished, with subsequent amendments and additions;
2. Law no. 335/2013 on the performance of traineeships for higher education graduates, as amended and supplemented.

□ Law no. 279/2005, republished, as subsequently amended and supplemented, defines apprenticeship as on-the-job vocational training carried out under an apprenticeship contract, the on-the-job apprenticeship training programme being an integral part of this contract. The regulatory act states that the objectives of the vocational training through apprenticeship in the workplace are:

- (a) to offer to interested persons over 16 years of age the opportunity to obtain a qualification in the adult vocational training system, enabling them to obtain employment and further learning;
- (b) to enable the employers to secure a qualified, high-quality workforce in accordance with their requirements;
- (c) to facilitate the social integration of the persons concerned, aged over 16, in accordance with their occupational aspirations and the needs of the labour market;
- (d) to ensure an adequate level of security for the persons concerned, aged over 16, in order to address the problem of segmented labour markets;
- (e) to contribute to the economic growth, job creation, social cohesion and personal fulfilment;
- (f) to promote the social dialogue and contribute to the development of partnerships at the local level.

The conclusion, execution, amendment, suspension and termination of the apprenticeship contract shall be carried out in accordance with the regulations of the Labour Code.

Also, Article 9, para. (4) of the law stipulates that the time required for the theoretical training of the apprentice is included in the normal working hours.

□ Law no. 335/2013 defines the way in which the higher education graduates complete their internship in order to:

- a) ensure the transition of the higher education graduates from the education system to the labour market;
- b) strengthen the professional competences and skills for the adjustment to the practical requirements and demands of the workplace with a view to integration into employment;

- c) acquire work experience and seniority;
- d) acquire specialised seniority, where appropriate.

In accordance with Article 16, para. (2), the duration of the traineeship contract is 6 months, except in cases where by special laws a different period is provided for. In accordance with Article 18 of the law, during this period the trainee is entitled to a basic monthly wage which is determined by an individual employment contract, negotiated by the parties, for an 8-hour working day respectively an average of 40 hours per week, in accordance with the law, which is supplemented by the provisions of the applicable collective employment agreement.

In addition, according to Article 12, the trainee's activity is assessed on the basis of:

- a) the analysis of the degree of achievement of the objectives and performance indicators set;
- b) the assessment of the level of consolidation of competences and the acquisition of practical skills necessary for the performance of an occupation in the field in which the trainee has completed the traineeship;
- c) the traineeship report provided for in Article 11.

In addition, in accordance with the provisions of Article 21, the trainee may benefit from vocational training financed by the employer, under the terms of Article 197 of the Labour Code, having an obligation to perform work for the employer who has borne the costs of the training, as agreed in the agreement supplementary to their individual employment contract. Non-compliance by the trainee with the above provision shall result in his/her being obliged to bear all expenses incurred in connection with his/her vocational training, in proportion to the period not worked during the period established in accordance with the addendum to the individual employment contract.

At the same time, Article 14 para. (2) of the law specifies that the successful completion of the assessment is concluded with a certificate signed by the employer, in this case, the traineeship period constitutes seniority in the specialty.

Law no. 76/2002 on the unemployment insurance system and the stimulation of employment, as subsequently amended and supplemented, regulates the vocational training of the unemployed persons, including (NEETs, graduates, young persons at risk of social marginalisation), registered with the employment agency of their domicile/residence, who may benefit from vocational training in the form of courses, traineeships and specialisation, as well as other forms, financed from the unemployment insurance budget.

## Paragraph 7

*The Committee asks whether the current legislation meets the following requirements: the employers must grant young persons under the age of 18 at least four weeks of paid annual leave; the provisions are the same as those applying to the paid annual leave for adults; the employees under the age of 18 may not have the possibility to waive their paid annual leave; in case of illness or accident during the leave, they must have the right to recuperate the leave days established for that period.*

As mentioned in the previous report, according to Articles 144-147 of the Labour Code, the right to paid annual leave is guaranteed to all employees, including young persons under the age of 18.

**The right to annual leave shall not be subject to any assignment, waiver or limitation. The minimum duration of the annual leave shall be 20 working days.**

**The employees who work in difficult, dangerous or injurious conditions, the blind, other disabled persons and young persons up to the age of 18 shall be granted an additional rest leave of at least 3 working days."**

**In case the temporary incapacity for work or the maternity leave, maternity risk leave or leave for the care of a sick child intervened during the annual leave, the annual leave shall be**

interrupted and the employee shall take the rest of the leave after the temporary incapacity for work, maternity leave, maternity risk leave or leave for the care of a sick child has ceased, and when this is not possible, the days not taken shall be rescheduled.

The employee is also entitled to annual rest leave if the temporary incapacity for work continues, under the law, for the entire period of a calendar year, and the employer is obliged to grant the annual rest leave within a period of 18 months from the year following the year in which the employee was on sick leave.

The rest leave is taken every year. If the employee, for justified reasons, is unable to take all or part of the annual leave to which he/she was entitled in the calendar year concerned, with the agreement of the person concerned, the employer shall be obliged to grant the unused annual leave within a period of 18 months starting from the year following that in which the entitlement to the annual leave arose.

The compensation in cash for the unused rest leave is allowed only in case of termination of the individual employment contract.

Through their control activities, the labour inspectors also checked the way in which the employers comply with the legal provisions concerning the rest leave of the employees, including of young workers. If breaches of these legal provisions are found, mandatory measures with concrete deadlines for completion are ordered. The Labour Code does not provide for penalties for the non-compliance with the provisions on the employees' rest leave.

#### Paragraph 8

The provisions of the Labour Code prohibit persons under the age of 18 from performing night work, as regulated by Article 128 of the Labour Code: *“(1) The young persons under the age of eighteen years may not perform night work. (2) Pregnant and post-natal women and breastfeeding mothers may not be required to perform night work.”*

As mentioned above, according to Article 265 para. 1 of the Labour Code, the employment of a minor in breach of the legal age requirements or the use of a minor to perform activities in breach of the legal provisions on the employment of minors is considered an offence and is punishable by imprisonment for a term of 3 months to 2 years or a fine.

At the same time, GD no. 600/2007 on the protection of young persons at the workplace **does not provide for exceptions** to the provisions of Article 12 regulating the night work.

*“Article 12: (1) The young persons may not perform night work. (2) The children employed under the conditions laid down in Article 5 para. (2) and (3) may not perform work between 8 p.m. and 6 a.m.”*

According to the LI's existing database, for the sanctions applied for the non-compliance with the night work provisions, the requested statistical data are not disaggregated by age groups.

The results of the control activities for the period 2018 - 2021 are as follows:

No. of fines imposed for the non-compliance with the night work provisions	2018	2019	2020	2021
	96	105	102	80

#### Paragraph 9

According to the provisions of Article 39 para. (4) of the Law on Safety and Health at Work no. 319/2006 constitutes a contravention and is punishable by a fine from RON 4.000 to RON 8.000, the violation of the provisions relating to the medical examination and periodic medical examinations provided for in Article 13 letter j) of the Law.

Within the controls that the labour inspectors carry out in the economic establishments, a priority point in the control agenda is the verification of the compliance with the legal

provisions regarding the medical examination of the workers, monitoring the way the medical examination is carried out in the case of persons with special needs or young persons.

The LI does not currently keep individual statistics on the number of sanctions imposed for the non-compliance with the medical examination of young persons, but only a general one, covering all professional categories, regardless of their age.

## Paragraph 10

### *Protection against sexual exploitation*

*The Committee asks whether the new Criminal Code criminalises all forms of child pornography and prostitution involving a child under the age of 18.*

Recently there have been a number of changes at legislative level in relation to the legal provisions which criminalise the forms of pornography and prostitution, covering both the age limits for the underage, the limits of the sentences, the terms of the statute of limitations, including the criminalisation of new acts. These amendments were also prompted by the need to transpose the provisions of certain European directives and other international instruments.

With regard to the Committee's statement in the 2019 Conclusions that the Criminal Code uses several notions in order to express the meaning of underage, we point out that this is a matter of translation into English, the notion used by the Criminal Code being that of minor.

**Child pornography** is criminalised under Article 374 of the Criminal Code. In its basic form, provided for in para. (1), child pornography, punishable by imprisonment for a term of one to five years, is an offence with alternative contents, which can be carried out, in terms of the material element of the objective aspect, by one of the following actions: *the production, possession, procurement, storage, exhibition, promotion, distribution and provision in any way of pornographic material involving minors shall be.*

Paragraph 1<sup>1</sup> provides for an assimilated variant of the offence, incriminating with the same penalty *the solicitation or recruitment of a minor for the purpose of his or her participation in a pornographic performance, the obtaining of benefits from such a performance in which minors participate or the exploitation of a minor in any other way for the purpose of producing pornographic performances.*

Paragraphs (1<sup>2</sup>) and (3) provide for two attenuated forms of the offence of child pornography, punishable by imprisonment of no less than 3 months and no more than 3 years or a fine, *the viewing of pornographic performances in which minors participate* (paragraph 1<sup>2</sup>) and *the access, without right, of pornographic material with minors through computer systems or other means of electronic communication* (paragraph 3).

Paragraphs (2) and (3<sup>1</sup>) provide for two aggravating forms of the offence, establishing a punishment of no less than 2 and no more than 7 years if the acts referred to in paragraph (1) *were committed through a computer system or other means of storing computer data* [paragraph (2)], and *increasing by one third the special limits of the punishment if the acts referred to in paragraph (1), (1<sup>1</sup>), (1<sup>2</sup>) and (2) were committed in the following circumstances:*

- a) by a family member or a person living with the victim;<sup>2</sup>*
- b) by a person in whose care, custody, upbringing, guardianship or treatment the minor was placed or by a person who abused his or her recognised position of trust or authority over the minor;*
- c) the act endangered the minor's life;<sup>3</sup>*

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<sup>2</sup> Amendment introduced by Law no. 217 of 29 October 2020, published in the Official Gazette no. 1012 of 30 October 2020.

<sup>3</sup> Amendment introduced by Law no. 186 of 1 July 2021, published in the Official Gazette no. 657 of 2 July 2021.

d) by a person who has previously committed a crime against the sexual liberty and integrity of a minor, a child pornography offence or pimping against a minor.

Paragraphs (4) and (4<sup>1</sup>) define the terms *pornographic material with minors* and *pornographic performance*, respectively, and paragraph (5) provides that attempts are punishable.

With regard to possible offences of prostitution involving minors under the age of 18, the following offences under the criminal law are relevant:

### **Article 213 Pimping**

(1) *The causing or facilitation of the practice of prostitution or the obtaining of financial benefits from the practice of prostitution by one or more individuals shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.*

(2) *In the event that a person was determined to engage in or continue the practice of prostitution through coercion, (the act) shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.*

(3) *If such acts are perpetrated against an underage person, the special limits of the penalty shall be increased by a half.*

(3<sup>1</sup>) *If the act referred to in paragraph (3) was committed in one of the following circumstances:*

- (a) the act was committed by a family member or a person living with the victim;*
- (b) the minor is in the care, custody, education, guardianship or treatment of the offender or the offender has abused his or her recognised position of trust or authority over the minor;*
- (c) by a person who has previously committed an offence against the sexual liberty and integrity of a minor, an offence of child pornography or pimping of a minor, the special limits of the punishment provided for in paragraph (3) shall be increased by one fourth.*

(4) *The practice of prostitution shall be understood as the performance of sexual acts with different persons for the purpose of obtaining financial gain for oneself or for another person.*

<sup>4</sup>(3<sup>1</sup>) *If the act referred to in paragraph (3) was committed in one of the following circumstances:*

- a) the act was committed by a family member or a person living with the victim;*
- b) the minor is in the care, custody, education, guardianship or treatment of the offender or the offender has abused his or her recognised position of trust or authority over the minor;*
- c) by a person who has previously committed an offence against the sexual liberty and integrity of a minor, an offence of child pornography or pimping of a minor, the special limits of the punishment provided for in paragraph (3) shall be increased by one fourth.*

### **Article 211 Trafficking in underage persons**

(1) *Recruitment, transportation, transfer, harbouring or receipt of a minor for the purpose of his or her exploitation shall be punishable by no less than 5 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.*

(2) *The punishment is imprisonment of no less than 7 and no more than 12 years and a ban on the exercise of certain rights when:*

- a) the act was perpetrated under the terms of Art. 210 para. (1);*
- b) by a public servant while fulfilling his/her professional duties and prerogatives;*
- c) the act endangered the minor's life;*
- d) the act was committed by a family member or a person living with the victim;*

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<sup>4</sup> Introduced by Law no. 217 of 29 October 2020, published in the Official Gazette no. 1012 of 30 October 2020.



e) the act was committed by a person in whose care, custody, education, guardianship or treatment the minor is placed, or the offender has abused his or her recognised position of trust or authority over the minor or has abused the minor's manifest vulnerability owing to a state of mental or physical disability, a state of dependence, a state of physical or mental incapacity or any other cause.

(3) The consent of an individual who is a victim of trafficking does not represent a justifying ground.

Thus, given the variety of behaviours that are criminalised by the Criminal Code, we believe that the Romanian criminal law criminalises all forms of child pornography and prostitution involving children under 18.

Below is a list of a number of offences criminalised by the Criminal Code which offer an enhanced protection to child victims in the case of offences against their sexual freedom:

Excerpt from the Criminal Code:

#### **Article 154 Statute of limitations for criminal liability**

*Para. 4<sup>5</sup> In the case of offences of trafficking in and exploitation of vulnerable persons and of offences against the sexual freedom and integrity other than those referred to in Article 153 (2) letter (c), and for the offence of child pornography committed against a minor, the limitation period shall begin to run from the date on which the minor reaches the age of majority. If the minor has died before reaching the age of majority, the limitation period shall begin to run from the date of death.*

#### **Article 218 Rape**

*(1) Sexual intercourse, oral or anal intercourse with a person, perpetrated by constraint, by rendering the person in question unable to defend him/herself or to express his/her will or by taking advantage of such state, shall be punishable by no less than 5 and no more than 10 years of imprisonment and a ban on the exercise of certain rights<sup>6</sup>.*

*(2) The same penalty shall apply to any act of vaginal or anal penetration perpetrated under para. (1).*

*(3) The punishment is imprisonment of no less than 7 and no more than 12 years and a ban on the exercise of certain rights when:*

- a) the victim is in the care, custody, education, guardianship or treatment of the offender;*
- b) the act was committed by a family member or a person living with the victim;*
- (c) the victim is a minor;*
- d) the act was committed for the purpose of producing pornographic material;*
- (e) the act resulted in bodily harm or endangered the life of the victim in any other way;*
- (f) the act was committed by two or more persons together.*

*(3<sup>^</sup>1) The punishment shall be imprisonment of no less than 7 and no more than 15 years and a ban on the exercise of certain rights where the acts referred to in paragraph (1) and (2) have been committed against a minor in the circumstances referred to in paragraph (3) letters (a), (b) and (d) to (f) or by a person who has previously committed an offence against the sexual liberty and integrity of a minor, an offence of child pornography or pimping of a minor.*

*(4) If the act resulted in the death of the victim, the punishment is imprisonment of no less than 9 and no more than 18 years and a ban on the exercise of certain rights.*

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<sup>5</sup> Introduced by Law no. 186 from July 1, 2021, published in the Official Gazette no. 657 of 02 July 2021.

<sup>6</sup> Amendments introduced by Law no. 217 from October 29, 2020, published in the Official Gazette no. 1012 of 30 October 2020 in para. 1, para. 3(b), (c), (e), para. 3 and para. 4.

### **Article 219 Sexual assault<sup>7</sup>**

*(1) The act of a sexual nature, other than those referred to in Article 218, with a person, committed by coercion, by making him/her unable to defend him/herself or to express his/her will, or by taking advantage of this state, shall be punishable by imprisonment of no less than 2 and no more than 7 years and a ban on the exercise of certain rights.*

*(2) The punishment is imprisonment of no less than 3 and no more than 10 years and a ban on the exercise of certain rights when:*

- a) the victim is in the care, custody, education, guardianship or treatment of the offender;*
- b) the act was committed by a family member or a person living with the victim;*
- c) the victim is a minor;*
- d) the act was committed for the purpose of producing pornographic material;*
- (e) the act resulted in bodily harm or endangered the life of the victim in any other way;*
- (f) the act was committed by two or more persons together.*

*(2<sup>^</sup>1) The punishment shall be imprisonment of no less than 5 and no more than 12 years and a ban on the exercise of certain rights where the acts referred to in paragraph (1) have been committed against a minor in the circumstances referred to in paragraph (2) letters a), b) ad d)-f) or by a person who has previously committed an offence against the sexual liberty and integrity of a minor, an offence of child pornography or pimping of a minor.*

### **Article 220 Sexual intercourse with a minor<sup>8</sup>**

*(1) Sexual intercourse, oral or anal sex, as well as any act of vaginal or anal penetration perpetrated with a minor aged 14 to 16 years old shall be punishable by no less than 1 and no more than 5 years of imprisonment.*

*(2) The act set by para. (1), perpetrated on a minor who has not reached the age of 14, shall be punishable by no less than 2 and no more than 9 years of imprisonment and a ban on the exercise of certain rights.*

*(3) The act set by para. (1), perpetrated by a person of age with a minor aged 16 to 18 years old, shall be punishable by no less than 2 and no more than 9 years of imprisonment and a ban on the exercise of certain rights when:*

- a) the minor is a family member of the person of age;*
- b) the minor is in the care, custody, education, guardianship or treatment of the perpetrator or the perpetrator has abused his/her recognised position of trust or authority over the minor or the minor's manifestly vulnerable situation, owing to a state of mental or physical disability, a state of dependence, a state of physical or mental incapacity or any other cause;*
- c) the act endangered the minor's life;*
- d) the act was committed for the purpose of producing pornographic material.*

*(4) The act set by para. (1) shall be punishable by no less than 3 no more than 10 years of imprisonment and a ban on the exercise of certain rights when:*

- a) the act was committed by a family member of the minor or by a person living with the minor;*
- b) the minor is in the care, custody, education, guardianship or treatment of the perpetrator or the perpetrator has abused his/her recognised position of trust or authority over the minor or the minor's manifestly vulnerable situation, owing to a state of mental or physical disability, a state of dependence, a state of physical or mental incapacity or any other cause;*
- c) the act endangered the minor's life;*

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<sup>7</sup> Amendments introduced by Law no. 217 from October 29, 2020, published in the Official Gazette no. 1012 of 30 October 2020.

<sup>8</sup> Amended by Law no. 217 from October 29, 2020, published in the Official Gazette no. 1012 of 30 October 2020.

d) the act was committed for the purpose of producing pornographic material;

e) the perpetrator is 18 years old.

(5) The act set by para. (2) shall be punishable by no less than 5 and no more than 12 years of imprisonment and a ban on the exercise of certain rights when:

a) the act was committed by a family member of the minor or by a person living with the minor;

b) the minor is in the care, custody, education, guardianship or treatment of the perpetrator or the perpetrator has abused his/her recognised position of trust or authority over the minor or the minor's manifestly vulnerable situation, owing to a state of mental or physical disability, a state of dependence, a state of physical or mental incapacity or any other cause;

c) the act endangered the minor's life;

d) the act was committed for the purpose of producing pornographic material;

e) the perpetrator is 18 years old.

(6) The acts referred to in paragraph (1) and (2) and in paragraph (4) letter e) shall not be punishable if the age difference does not exceed 3 years.

(7) The attempt to commit the offences referred to in paragraph (1) to (5) shall be punishable.

#### **Article 221 Sexual corruption of minors<sup>9</sup>**

(1) The perpetration of an act that is sexual in nature, other than the one set out in Article 220, against a minor who has not reached the age of 14, as well as determining a minor to endure or carry out such an act shall be punishable by no less than 1 and no more than 5 years of imprisonment.

(2) The punishment is imprisonment from 2 to 8 years and a ban on the exercise of certain rights, when:

a) the act was committed by a family member of the minor or by a person living with the minor;

b) the minor is in the care, custody, education, guardianship or treatment of the perpetrator or the perpetrator has abused his/her recognised position of trust or authority over the minor or the minor's manifestly vulnerable situation, owing to a state of mental or physical disability, a state of dependence, a state of physical or mental incapacity or any other cause;

c) the act was committed for the purpose of producing pornographic material.

d) the act endangered the minor's life.

(2<sup>^</sup>1) The act set by para. (1), committed by a major with a minor between 14 and 18 years of age, shall be punishable by no less than 2 months and no more than 3 years of imprisonment and a ban on the exercise of certain rights when:

a) the minor is a family member of the person of age;

b) the minor is in the care, custody, education, guardianship or treatment of the perpetrator or the perpetrator has abused his/her recognised position of trust or authority over the minor or the minor's manifestly vulnerable situation, owing to a state of mental or physical disability, a state of dependence, a state of physical or mental incapacity or any other cause;

c) the act endangered the minor's life;

d) the act was committed for the purpose of producing pornographic material.

(3) the sexual act of any nature, perpetrated by a person of age in the presence of a minor who has not reached the age of 14 shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine.

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<sup>9</sup> Amendments introduced by Law no. 217 from October 29, 2020, published in the Official Gazette no. 1012 of 30 October 2020.

*(4) Determination of a minor who has not yet reached the age of 14, by a person of age, to assist to the perpetration of acts that are exhibitionist in nature or to shows or performances in which sexual acts of any kind are perpetrated, and making available to the minor materials that are pornographic in nature shall be punishable by no less than 3 months and no more than 2 year of imprisonment or by a fine.*

*(5) The acts set out in para. (1) shall not be punished if the age difference does not exceed 3 years.*

*(6) The attempt to commit the offences referred to in paragraph. (1), (2) and (2<sup>1</sup>) shall be punishable.*

#### **Article 222 Recruitment of minors for sexual purposes<sup>10</sup>**

*(1) The act of an individual of age proposing to a minor who has not yet reached the age of 16 to meet for the purposes of the perpetration of one of the acts set out in Article 220 or Article 374, including when such proposal has been made using means of remote transmission, shall be punishable by no less than 6 month and no more than 3 years of imprisonment or by a fine.*

*(2) The act of an individual of age proposing to a minor who has not yet reached the age of 14 to meet for the purposes of the perpetration of one of the acts set out in Article 221, including when such proposal has been made using means of remote transmission, shall be punishable by no less than 6 month and no more than 3 years of imprisonment or by a fine.*

#### **Article 222<sup>1</sup> Acts committed under aggravating circumstances<sup>11</sup>**

*If the offences referred to in Articles 220-222 are committed by two or more persons together or by a person who has previously committed an offence against the sexual liberty and integrity of a minor, an offence of child pornography or pimping of a minor, the special punishment limits shall be increased by one third.*

#### **Article 266 Non-denunciation**

*(1<sup>1</sup>) The offence of a person who, having knowledge of the commission of an offence under the criminal law of trafficking in and exploitation of vulnerable persons or against the sexual freedom and integrity of a minor, does not immediately notify the authorities shall be punishable by imprisonment for a term of six months to two years<sup>12</sup>.*

*The Committee requests information on the RO's compliance with the principle that the children who are victims of sexual exploitation should not be prosecuted for any act related to such exploitation.*

According to the general provisions of the Criminal Code, an act provided for by the criminal law does not constitute a crime if it was committed under one of the grounds of non-culpability. Among the grounds for non-culpability we include: physical coercion which the perpetrator could not oppose; moral coercion exercised by threat of serious danger to the person of the perpetrator or another person and which could not be removed in any other way; an act provided for by the criminal law committed by a person in a state of self-defence who, owing to distress or fear, has exceeded the limits of a defence proportionate to the seriousness of the attack, or in a state of necessity, who did not realise at the time of committing the act that it would cause consequences manifestly worse than those which might have occurred if the danger had not been removed; the minority of the offender; intoxication with alcohol or other psychoactive substances; an act provided for by the criminal law committed by a person who, at the time it was committed, was unaware of the existence of a state, situation or circumstance of which the criminal nature of the act depends; an act provided for by the criminal law committed as a result of ignorance or mistaken knowledge of its unlawful nature owing to circumstances which could in no way have been avoided, etc.

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<sup>10</sup> Amended by Law no. 217 from October 29, 2020, published in the Official Gazette no. 1012 of 30 October 2020.

<sup>11</sup> Article introduced by Law no. 217 from October 29, 2020, published in the Official Gazette no. 1012 of 30 October 2020.

<sup>12</sup> Introduced by Law no. 186 from July 1, 2021, published in the Official Gazette no. 657 of 02 July 2021.

As a result, the provisions of the Criminal Code are very clear on the requirement of the Committee as outlined in this paragraph.

*The Committee requests that the following report provide an update on all measures taken to fight against the sexual exploitation of children.*

In the year 2019, the LIT carried out:

- 3 activities for the prevention of sexual exploitation of children, with 156 beneficiaries, of which 68 children;
- 7 sex education activities, with 1.429 beneficiaries, of which 833 children;

In the year 2020, the LIT carried out:

- 5 activities for the prevention of sexual exploitation of children, with 293 beneficiaries, of which 264 children;
- 4 sex education activities, with 5.377 beneficiaries, of which 1.350 children;

In the year 2021, the LIT carried out:

- 3 activities for the prevention of sexual exploitation of children, with 2.990 beneficiaries, of which 2.809 children;
- 3 sex education activities, with 133 beneficiaries, of which 120 children.

At the level of the MoIA, in order to combat the sexual exploitation of children, in addition to the investigative and criminal investigation activities carried out in the national jurisdiction, cooperation is carried out through all the instruments made available at the European or international level, to combat cross-border crime.

The Romanian Police is actively involved in reducing the dimensions of the phenomenon of human trafficking and removing the negative effects on members of society, if the crime is committed by taking advantage of the vulnerability of some people, or by coercion exploits the victim by forcing them to practice prostitution, by forcing them to practice begging, or forced labour or service.

The Romanian Police is an active and valued partner, together with anti-trafficking structures from other member states, other European agencies and organizations such as Europol, Interpol, Eurojust, Frontex, in efforts to combat cross-border crime and limit the effects generated by drug trafficking persons or minors, benefiting from the support of a whole network of liaison officers, Romanians - at posts in partner states - or foreigners accredited in Romania.

By way of example, we mention:

- **Joint Investigation Teams (JITs)** from 2008 to present;  
The efforts and experience of the Romanian authorities in the international cooperation activity are highlighted and exemplified also in the **EUROJUST Report (2021)** in response to the concerns of the European Commission about the difficulties encountered by the Member States in their judicial cooperation (*Progress Report on THB - October 2020*). The EUROJUST Report focuses on the practical experience, by analysing the investigations supported in the period 2017-2020, in which Romania appears as a partner in numerous successful joint investigation teams.

### **EU Policy Cycle for combating serious organized crime: EMPACT**

Romania, through the MoIA, participates at a strategic and operational level in the implementation of the priorities Trafficking in Persons and Sexual Exploitation of Children, during the analysed period holding the role of co-driver of the THB (Trafficking in Human Beings) priority, action leader for certain operational actions such as would be (OA) 2.1. (Cooperation on investigations and exchange of knowledge), 3.2. (Impact action day against labour

exploitation) and 3.5. (Large scale JAD) within the OAP THB 2022 Operational Action Plan and participant in most of the actions established annually within the platform.

Thus, Romania signed up annually in the EUROPOL-EMPACT joint European actions, in the field of combating human trafficking, usually by carrying out 3 Joint Action Days (weeks): respectively European Action Day THB Labour Exploitation, European Action Day THB Child trafficking and Large Scale European Action Day THB.

- **EMPACT THB - Cooperation at strategic and operational level.** Within the *EMPACT* cooperation platform, MoIA participated, on behalf of Romania, in the roles of co-driver of the THB (**Trafficking in Human Beings**) priority but also as co-action-leader for the **operational actions (OA)** 2.1. (Cooperation on investigations and exchange of knowledge), 3.2. (Empact action day against labour exploitation) and 3.5. (Large scale JAD) of the Operational Action Plan OAP THB 2022, roles assumed also in the previous years. Taking on the roles of coordination - driver, leader is done periodically, the role of participant is more flexible. Participant roles are established annually and those mentioned in the doc are the most assumed, therefore I deleted the paragraph, not being relevant at this level of detail. General information related to the EMPACT platform can be found on the Europol website, including results of the EU institutions. Also on the website of the Romanian police.
- **EAD THB Labour Exploitation** - carrying out controls, checks and legitimization, displaying informative materials and videos and distributing leaflets with preventive information at the main border crossing points and in various localities in the country - 15 border crossing points, 7 airports, 13 bus stations with international departures, 5 train stations, with 10.452 persons and 3.131 vehicles checked. Together with the labour inspectors and MoIA representatives, checks were carried out at 19 companies employing Romanian or foreign citizens (mainly labour force from Asian countries), 3 construction sites and 11 accommodation establishments (hotels, hostels). In this context, 2 investigations were initiated and 10 potential victims of trafficking in human beings for labour or begging were identified.
- **EAD Child Trafficking** (June 2021) action dedicated to preventing and combating child trafficking, with the participation of MoIA personnel specialised in combating trafficking in human beings. Preventive-informative activities were carried out in 11 border crossing points, 10 airports, 6 railway stations, 8 bus stations with international departures, 10 family/care centres and 1 shopping mall, with more than 13.600 persons and 3.500 vehicles checked. 3 new investigations were launched and an operational action was carried out jointly with the judicial authorities of the Republic of Italy, namely the District Anti-Mafia Prosecutor's Office of Brescia and the Regional Command of the Carabinieri (Police) of Bergamo (JIT Bergamo), activities leading to the arrest of 5 persons, the identification of 3 other persons suspected of committing the crime of human trafficking and 6 potential victims.
- **EAD Sexual Exploitation** (November 2021) action dedicated to preventing and combating trafficking in human beings/minors - in the form of sexual exploitation, at 14 border crossing points, 9 airports, 7 railway stations, 8 bus stations with international departures, 5 high schools (online format) and 1 shopping centre. This extensive mobilization of resources involved checking more than 8.000 persons, more than 2.000 vehicles, checks and controls in areas of practice of prostitution in 8 counties, carrying out 3 operational actions (12 searches) in cases of cross-border human trafficking, activities which led to the arrest of 3 persons, identification of 7 other persons suspected of committing the crime of human trafficking and 11 potential victims (10 adults and 1 minor). Operational activities were also carried out to check the areas of prostitution and begging in 8 counties, intensification of the investigative activities, verification of open sources (websites) and an operational action in a child trafficking case, which led to the arrest of 2 persons, the identification of 2 other persons suspected of committing the crime of human trafficking and 6 potential victims (2 adults and 4 minors), as well as the initiation of 2 child trafficking investigations.

- **Joint Action Days on THB for Labour Exploitation** (June 2022), action dedicated to the prevention and fight against human trafficking for the purpose of forced labour exploitation in **10** border crossing points, **8** airports, **4** railway stations, **6** bus stations with international departures. At the same time, together with the labour inspectors and immigration officers, checks were carried out on companies employing Romanian or foreign citizens (from Turkey, Vietnam, Nepal, India, Sri Lanka, Pakistan, North Korea, Bangladesh, Rep. Moldova, Ukraine). A total of more than **8.100** persons, more than **2.500** vehicles were checked throughout the country, **31** companies (factories, businesses, restaurants, farms, construction sites, car washes, etc.) were controlled, investigative activities were intensified and 18 potential victims of human trafficking for labour exploitation were identified.
- **Joint Action Days Child Trafficking** (June 2022), action dedicated to the prevention and fight against underage trafficking (O.A. 3.4.) - controls, checks and identification, information materials were displayed and leaflets with preventive information were distributed at the main border crossing points and in various localities in the country: **14** border crossing points, **7** airports, **13** train stations, **10** bus stations with international departures.
- **EMPACT THB Online Hackathon - Ukraine** (May 2022), action where investigators from 14 EU Member States acted to detect and control European-wide online platforms and social media containing signals on all types of exploitation among refugee flows as well as the proactive exchange of data at international level. The main objective of the operation was intelligence gathering and internet scanning (open and partially closed sources) and the Romanian authorities were joined by a specialised anti-trafficking officer from the Directorate for Combating Organised Crime, together with two Open Source Intelligence (OSINT) investigators from the Central Intelligence Analysis Unit, who carried out specific activities in order to identify potential victims of exploitation on the Romanian territory.
- **EMPACT THB Hackathon on sexual exploitation** (September 2022), action where OSINT (Open Source Intelligence) investigators and human trafficking experts from 20 EU Member States worked to identify new sex service websites, platforms and apps and to verify those already known in order to identify indicators of the human trafficking.
- **Joint Action Days on THB for Sexual Exploitation** (October 2022)  
Within the International Justice Mission cooperation protocol, MoIA is a partner in the project “Strengthening Proactive Criminal Justice Response to Trafficking in Persons in Romania”, carried out by the American foundation International Justice Mission (IJM) - with funding from the U.S. Department of State, a very important initiative with high impact in the field of training professionals in the area of human trafficking.
- In partnership with the MoIA, the **International Justice Mission (IJM)** ran a Train of Trainers-type training programme for police and prosecutors specialising in anti-trafficking (**13 THB officers**), 5 regional multidisciplinary trainings (**70 THB officers** along with prosecutors and MoIA workers), a national conference (**54 THB officers**), with an emphasis within these trainings on understanding the trauma and its effects, approaching the victim, victim-centred tactical procedures, etc..  
As part of the partnership with the IJM, the MoIA representatives ensured the participation in the Round Table “Support Services for Victims of Trafficking in Human Beings” (Bucharest) and the Round Table “Cross-border Collaboration to Combat the Sexual Exploitation of Minors in Berlin” (Germany). Within the partnership multidisciplinary meetings subsumed by the objectives of the above-mentioned project “Consolidation of the proactive response of criminal justice to human trafficking in Romania” took place.

## Trainings conducted at MoIA level on combating the sexual exploitation of children

✓ The *Joint National Action Plan for the Improvement of the Efficiency of the Activity of Combating Trafficking in Human Beings and Minors* has been developed. Measure 1 consists of *the development of regular trainings with workers from the MIA structures regarding the issue of the human trafficking, early identification of victims, identification of risk situations based on simple indicators of trafficking, modus operandi, etc.*

✓ During 2021, a total of **72 trainings** were carried out, the beneficiaries being approximately **500 workers** who, by the nature of their duties, may come into contact with potential victims of trafficking and thus contribute to their detection in the communities within their area of competence - school safety, traffic police, public order, forensics, criminal investigations, rural police, transport police. In view of the measures imposed by the Covid-19 pandemic and the suspension of large meetings or professional convocations, these regular trainings no longer targeted a large number of persons being trained at the same time, so that anti-organised crime workers focused on meetings with police officers from the stations in the area of competence or with heads of structures or municipal/city police stations who would disseminate the data with their subordinate workers.

✓ During 2022, **134 trainings** were carried out - **1.852 police officers** trained and **13 trainings** targeting **802** beneficiaries from other state institutions (Military, GDSACP, educational institutions, local police, Job Fair), according to the specific needs of cooperation at the local level.

✓ *The Cooperation Protocol between the Ministry of Internal Affairs and the National Authority for the Protection of Child's Rights and Adoption no. 5/2021* is intended to establish the general framework for cooperation between the two institutions in the field of protection and rights of children placed in the special protection system. On the basis of this protocol, **17 reports** have been received so far at national level from local GDSACP, of which **2** have resulted in criminal cases on child pornography, **2** have constituted the basis for ex officio referral and referral for investigation for child trafficking, and in the other cases no aspects of MoIA competence were found or the facts were not confirmed.

## Legislative changes with a deterrent effect on the crime of child trafficking or related offences:

- In the year 2020, amendments to the Criminal Code were introduced which are part of the measures to discourage the crime of trafficking in human beings namely:
  - the increase of the special minimum punishment for the basic and aggravated forms of the offence of trafficking in underage persons from 3 to 5 years for the basic form and from 5 to 7 years for the aggravated form<sup>13</sup>.
  - The next amendment concerned Article 213 ("Pimping") of the Criminal Code. By introducing a new paragraph, the criminal liability for pimping committed against a minor has been aggravated in the following cases: a) *the act was committed by a family member or a person living with the victim*; b) *the minor was in the care, custody, education, guardianship or treatment of the offender or the offender abused his or her recognized position of trust or*

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<sup>13</sup> The current content of Article 211 (Trafficking in underage persons) of the Criminal Code is as follows: (1) Recruitment, transportation, transfer, harboring or receipt of a minor for the purpose of his/her exploitation, shall be punishable by no less than 5 la 10 ani and a ban on the exercise of certain rights. 2) The punishment is imprisonment of no less than 7 and no more than 12 years and a ban on the exercise of certain rights when a) the act was perpetrated under the terms of Article 210 (Trafficking in persons) para. (1); b) the act was perpetrated by a public servant while fulfilling his/her professional duties and prerogatives; c) the act endangered the minor's life; d) the act was committed by a family member or a person living with the victim; (e) the act was perpetrated by a person in whose care, custody, education, guardianship or treatment the minor is placed, or the perpetrator abused his or her recognised position of trust or authority over the minor or the minor's manifestly vulnerable situation, owing to a state of mental or physical disability, a state of dependence, a state of physical or mental incapacity or any other cause. (3) The consent of an individual who is a victim of trafficking does not represent a justifying ground.



*authority over the minor; c) by a person who has previously committed an offence against the sexual liberty and integrity of a minor, a child pornography offence or pimping of a minor.*

Taking into account the permanent need to update and adapt to changes in legislation and to the needs resulting from the practical experience of the specialists in the field, NATHB - in cooperation with the anti-trafficking partners from public and private systems - planned and carried out in March 2022 a process of revision of the National Identification and Referral Mechanism.

The legal procedures for the adoption of this document by GD are currently underway.

### *Protection from other forms of exploitation*

*The Committee requests that the following report provide information on the implementation of the National Strategy on the Protection and Promotion of Children's Rights 2014-2020 and the National Strategy against Trafficking in Persons 2018-2022 and their impact in practice.*

### **National Strategy on the Protection and Promotion of Children's Rights 2014-2020**

At the end of the implementation period of the National Strategy on the Protection and Promotion of Children's Rights 2014-2020, an independent evaluation of its impact and effectiveness was carried out.

According to the data collected in this assessment, the existence of an internal coherence of the Strategy resulted, the activities and deliverables being relevant to the general and specific objectives. Fundamental rights of the child were taken into account, such as access to quality education, or the promotion of inclusion in education, social protection, healthcare, participation, etc. Thus, the Strategy represented an important step forward in the public affirmation of the concept of children's rights.

In order to achieve the goal, the Strategy has targeted four general objectives, each of which with specific objectives established. Each of these general objectives aimed to ensure the conditions necessary for the enhancement of the child well-being. The specific objectives followed a holistic and integrated approach, with a series of measures set out for each objective and a series of expected outcomes identified for each objective. The integrated and transverse approach to the child well-being dimension was reflected in each of the specific objectives. The measures proposed for each specific objective were designed to meet the various needs of the children (social protection, health, education, justice). The measures and their outcomes were relevant to the general and specific objectives of the Strategy. However, the relevance of certain indicators was diminished by the high degree of generality, the difficulty of measuring, the lack or inconsistency of their data sources and the difficulties of disaggregating the data by different criteria (residence environment, gender, age, development regions/counties, level of the household wealth, etc.).

In the area of social protection, the Strategy included a detailed presentation of the problems and needs existing at the level of the service delivery system (better service coverage at local level, increase of the capacity of the service delivery system at local level, increase of the quality of the services provided, development of the capacity to assess and monitor the children's rights and their social situation, closure of the residential institutions) and of the children and their families. However, there were a number of activities quite difficult to implement in the administrative context existing at the time, such as *1.1.1.3. The association of two or more localities in rural areas to create a functional PSAS, where resources do not allow the creation of an autonomous structure or 2.5.3.2. The establishment of at least one day care service (e.g., counselling centre, integrated community service) at the level of each territorial administrative unit by the year 2020, according to the needs identified in the plans drawn up by GDSACP and LPAs.*

The strategy contained key details regarding the key health issues and therefore the need for development in the area of the health services to better meet the needs of children. The

strategy extensively documented indicators on major child health issues in Romania, namely: infant mortality and mortality in children under 5; increased incidence of the vaccine-preventable communicable diseases; tuberculosis as a major health problem; lack of community-based services and preventive care approaches in the area of child mental health; HIV issues which have started to decline over the last decades; highlighted the lack of recent data for oral and dental health. The rationale also described behavioural and lifestyle risks such as: use of tobacco, alcohol, drugs; low use of protection during the sexual contact; neglect of breakfast; low proportion of children getting enough physical activity; increased consumption of time allocated to the TV, computer or phone. All the issues considered were aligned with the key indicators tracked by the WHO in the Health Behaviour in School-aged Children surveys that are developed every 4 years.

In the field of healthcare, although the description of the needs in the health sector was mostly well documented, the proposed measures, activities and deliverables could only partially overcome the described problems. Thus, there were highlighted needs that did not benefit from any measures in the Strategy Action Plan (e.g. childhood tuberculosis).

At the same time, there were objectives/measures defined in the Strategy whose relevance/necessity was not substantiated, e.g. the measure concerning the reproductive health services. The strategy did not put enough emphasis on the issue of preventing unwanted teenage pregnancies, a topic which was later included among the measures. The issue was briefly analysed in the section on Household Structure, but was not covered under the health sector in terms of insufficient sex education and reproductive health services and did not mention that pregnancy at a very young age may lead to the establishment of a protective measure for the mother and/or child. Demonstrating the relevance/necessity of investing in preventive programmes such as the screening programmes for new-borns was also overlooked in the Strategy, but measures related to these programmes were included in the Operational Plan. The Strategy also only partially described and customised the health problems of the children with disabilities by type of disability and the different needs for accessibility to health and social services. It did not describe in detail the need for rehabilitation services, but these were nevertheless included among the measures.

It can therefore be assessed that, in general, in terms of thematic correspondence, the measures, actions and indicators of the Strategy were relevant for the specific and general objectives. Although we have not identified any elements outside the thematic universe of the Strategy or which are not related to themes in the field of protection and promotion of children's rights, there are nevertheless examples of indicators whose relevance was greatly diminished by the impossibility of measurement, imprecise wording or poor argumentation of their relevance.

The analysis of the causal/logical correspondence between the measures, actions and indicators and the general and specific objectives of the Strategy was aimed at assessing the extent to which the latter are likely to be achieved through the proposed measures and actions, without assessing their effectiveness or whether they are sufficient (discussion reserved for other sections of the assessment).

In general, there was a causal/logical correspondence between the indicators, actions and measures set out in the Strategy, which contributed to the achievement of the specific and general objectives. The implementation of each measure was achieved through corresponding actions. The indicators provided for each action were relevant for measuring the degree of achievement of the respective measure, even if they were not in all cases measurable, as mentioned above.

The Strategy's objectives, measures and Operational Plan were based on a situation analysis carried out by independent experts, which included a description of the main developments in the period 2007-2014 in the fields of education, health and social protection. This situation analysis sought to identify the main problems in the three areas, their causes and the solutions proposed to solve them.

At the same time, in developing the objectives, measures and Operational Plan of the Strategy, information from the "Conclusive study based on the national evaluation of the GDSACP, PSAS

and other institutions and organisations involved in the child protection system”, as well as from other studies/reports produced by other organisations active in the fields concerned, were also taken into account. As it is clear from the situation analysis presented in the Strategy, the information and data used were from various sources - public institutions, official statistics, academic institutions and NGOs. There was an openness to use data which would analyse the existing situation as objectively as possible, so as to identify the existing needs and the best solutions to address them.

As part of the consultation process, the non-governmental organisations proposed ways to improve the objectives, measures and the Operational Plan, including providing information to justify the problems/needs highlighted.

The strategy proposed measures and actions aimed at creating or optimising the data collection mechanisms at national level - including the establishment and implementation of a national system of social indicators concerning the children, with regular reporting, including data on poverty/socio-economic status, social exclusion, education, health, etc., the development of protocols on the cooperation with the statistical data providers, the conduct of regular surveys, the development of a poverty and social exclusion map at community level. The strategy also included highly ambitious but broadly defined measures and actions on identifying all children with parents working abroad, identifying the number and profile of the children with disabilities and/or with SEN enrolled in the mainstream education (residence background, locality/county, family characteristics, child characteristics) and those who are of compulsory school age but no longer attending school and even identifying all children in vulnerable situations.

In the field of education, the Strategy was developed on the basis of a consistent set of data documenting the educational reality in 2013, highlighting vulnerabilities such as the children outside the education system, low participation in early education, the school drop-out in its various forms, the insufficient counselling offered to the children, the quality of the educational services reflected in the poor school results obtained by the children in both national and international assessments, or violence in schools.

The analyses carried out within the Strategy were also confirmed by other documents which argue the need for intervention in the field of early education, as well as in relation to the children not included in the education system and the school drop-out, confirming both the target groups covered by the Strategy and the type of proposed measures. The situation of vulnerable social groups and the increased risk of dropping out of the education system were assumed in studies such as “Early school leaving: Causes and consequences” by the Roma Education Fund, by the aforementioned FONPC Report with a special focus on school segregation, or by the World Vision studies on the well-being of children in rural areas of 2014 and 2018.

The priorities of the Strategy in the field of education were also confirmed by the Recommendation of the Council of the European Union on Romania’s National Reform Programme for 2014, which was likely to ensure the convergence of interventions with the public policies in other sectors promoted at national level.

In this context, the merit of the Strategy is that it was the public policy document that launched and discussed the idea of the children’s rights from multiple perspectives and proposed a set of indicators aiming at improving the children’s access to quality, inclusive and transparent educational services.

The strategy has been used as a foundation for financing intervention projects for vulnerable groups of children. The Strategy was also relevant for the inclusion of vulnerable groups in national plans or other strategies. For example, although there were no specific mechanisms for flagging up a new vulnerable group, the job description of the community health nurse promoted under the Strategy was flexible enough to enable him/her to identify new vulnerable cases.

For all vulnerable groups mentioned in the Strategy, national legislation/plans/strategies with national, county or local coverage have been developed during 2014-2020. In all strategic documents and normative acts developed by the MoLSS, as well as in the county and local level

documents related to the protection and promotion of the children's rights, the Strategy was mentioned among the supporting documents.

The Strategy was consistent with the principles of the Convention on the Rights of the Child (UN CRC) adopted by the UN General Assembly on 20 November 1989. The very idea of adopting a strategy focused on the promotion of the rights of the child is fully consistent with the principles and objectives of the UN. In the Observations of the Committee on the Rights of the Child on Romania's Fifth Periodic Report on the Rights of the Child (2017), the endorsement of the Strategy was recognised as a real step forward.

The concordance of the two documents concerned ways of understanding the practical consequences of the rights of the child. The principle of non-discrimination (Article 2 of the UN CRC) is addressed in the Strategy through the concern to ensure an unhindered access to quality services for all children with similar needs (regardless of their urban/rural environment, gender or age) through specific targets, measures and actions.

The Strategy took into account the provisions of the UN CRPD, ratified by Romania. In fact, the measures proposed in the Strategy for children with disabilities were based on the provisions of this document.

The correlation between the objectives and measures of the Strategy and the principles of the UN CRPD can be argued by the importance given to the children with disabilities and their integration into the mainstream school in both documents. Thus, the Strategy identified the social exclusion of people with disabilities as one of the vulnerabilities, proposing the "Establishment of a mechanism to identify and monitor all vulnerable children" (measure 1.4.2) and the "Enhancement of the educational inclusion of the children with disabilities and/or special educational needs" (measure 2.3.5).

The strategy has taken into account the objectives and targets proposed in the Europe 2020 Strategy regarding the reduction of poverty. The Strategy also took into account the Council of Europe Strategy for the Promotion of the Rights of the Child (2012-2015). The latter addressed the following priority areas: promoting child-friendly services and systems, eliminating all forms of violence against children, guaranteeing the rights of the child in vulnerable situations and promoting the participation of the child. These priorities are reflected in the objectives and measures proposed in the Strategy.

The strategy is consistent with the provisions of the E.C. Recommendation of 20 February 2013 "Investing in children: breaking the (vicious) circle of disadvantage" (2013/112/EU), in that it aims to ensure the access to quality (social, educational and health) services, to ensure the transition from the institutional to the community-based care, to improve parenting skills, to promote and respect the right of children to participate, and to collaborate across sectors. The Strategy also mentioned the categories of children in vulnerable situations identified by the E.C. Recommendation: children with disabilities, pregnant teenagers, Roma children, children in alternative care, homeless children, children living in poverty, children left behind when one or both parents emigrate to another country to find a job.

The strategy addressed the issues covered by the EU Council Recommendation of 9 July 2013 on Romania's National Reform Programme for 2013, which included a Council Opinion on Romania's Convergence Programme for the period 2012-2016.

The initiatives adopted in the field of education in the context of the implementation of the Strategy were consistent with EU priorities, both at the level of education policies, the values promoted and at the operational level. Thus, values such as inclusiveness, widely promoted in the Strategy, were aligned with the provisions of the EU Charter of Fundamental Rights, namely Article 24 on the rights of the child, as well as with the 2013 EC Recommendation "Investing in children: breaking the (vicious) circle of disadvantage," which advocates the protection of the rights of the child, the fight against poverty, social exclusion and discrimination as priorities of the EU.

The strategy represented a document that has a high degree of inter-sectorality and transversality of the proposed objectives and measures. Given that the issue of the rights of the child has a high degree of complexity and requires a coordinated action in several areas of

intervention (education, health, social protection, juvenile justice), a good collaboration with the line ministries was necessary both in the drafting phase - in order to ensure the relevance and coherence of the Strategy - and in implementation - to ensure the efficiency and effectiveness of the Strategy. Interview data show that there was a real collaboration with the line ministries and NGOs in the drafting phase and up to the external endorsement of the Strategy.

The measures foreseen in the Strategy in the fields of education and health have been developed taking into account the sectoral strategies which have been implemented. The experts involved in the situation analysis and in the development of the measures were also involved in the development of the sectoral strategies so that they were very familiar with the existing proposals and could easily ensure their correspondence and transposition.

The strategy aimed to improve the existing public policy framework in the field in order to facilitate the development of social services, to increase their quality, their coverage and the children's access to them.

The proposals for improving or developing the existing public policy framework were numerous and targeted the needs identified in 2014, but subsequently these were modified and other areas of intervention were identified where the amendment/ development of public policies was needed.

Of the public policies proposed to be developed or improved, those in the social field developed as a result of the Strategy are presented below:

- *Children with disabilities.* Order no. 1985/1305/5805/2016 on the approval of the methodology for integrated assessment and intervention for the classification of children with disabilities as disabled, school and vocational guidance for children with special educational needs, and for the habilitation and rehabilitation of children with disabilities and/or SEN. This normative act has facilitated the inclusion of children with special needs in the mainstream education, which is one of the cross-sectoral policy initiatives developed.
- *Children with parents working abroad.* GD no. 691/2015 for the approval of the Procedure for monitoring the way of raising and care of the children with parents working abroad and the services they can benefit from, as well as for the approval of the Working Methodology on the collaboration between the GDSACP and the PSAS and the standard model of the documents drawn up by them, was drafted and approved.
- *Collaboration between GDSACP and PSAS/SAD.* GD no. 691/2015 for the approval of the Procedure for monitoring the way of raising and care of the children with parents working abroad and the services they can benefit from, as well as for the approval of the Working Methodology on the collaboration between the GDSACP and the PSAS and the standard model of the documents drawn up by them. The need for the elaboration of the Working Methodology on the collaboration between the GDSACP and the PSAS arose in the context that, although the legislation regulating the organisation and functioning of the two structures contains clear provisions on their tasks in the field of child protection at different stages of the processing of the cases of children subject to interventions aimed at preventing their separation from their family environment, practice has revealed the need for a detailed regulation of the stages and responsibilities of the two authorities in dealing with these cases and the approval of certain instruments at national level designed to ensure a uniform approach.

The strategy has been instrumental in allocating resources for increasing the capacity of the ATU to provide community services with the help of the community nurses and the Roma mediators and thus ensure the right to health for children at local and national level (almost half of the rural communities are now covered by the community nurses).

With regard to children in conflict with the law, the Strategy has contributed towards the enhancement of the capacity to implement the necessary measures for the promotion and protection of the rights of the child by prioritising the investments, facilitating the funding of large-scale projects aimed at optimising the professional training of the specialists, developing the infrastructure (increasing the capacity of the educational centres), creating working

methodologies and establishing the framework for the collaboration at local level for the social reintegration of the children who commit offences.

The strategy has contributed to the implementation of measures for combating violence against children in schools, promoting the inclusion of children with SEN, Roma children, children with disabilities, the development of childcare services, which have also had an impact on the communities (as a result of the fact that the childcare has created jobs). The implementation of the Strategy has led to a decrease in the number of children in foster care, a shift from the residential system to the family home system, an increase in the number of adoptable children and adoptive families, adoption has become less bureaucratic. Law no. 272/2004 was amended (to include provisions for the children with parents working abroad), a number of foster homes were closed, mandatory minimum standards in the field of child protection were created/revised, including the minimum cost standards. Clearer procedures for the children abandoned in medical institutions and for obtaining birth certificates, centres for victims of domestic violence have been created.

The strategy has led to an increase in the provision of prevention services by NGOs (but not by PSAs). The services for children with disabilities have been improved (typology of services available, training of specialists for different therapies), but the capacity is limited.

The National Strategy for the Protection and Promotion of the Rights of the Child 2014-2020 was an important step forward for the affirmation of the idea of the rights of the child, both at the level of public policies in Romania and at the level of different sectors of activity. In recent years, the rights of the child have become part of both public discourse and practical action, materialised in programmes and projects designed to contribute to the enhancement of the services offered to all children, regardless of ethnicity, gender, material status, etc.

The strategy proposed a method of addressing the issue of the rights of the child based on an integrated intervention, the effectiveness of which has been validated by previous projects implemented in partnership with the local and central actors, representing both the government sector and the NGOs.

There was a logical correspondence between (general and specific) objectives, outcomes and activities. The measures and actions were relevant and contributed to the achievement of the proposed purpose and objectives. The strategy was based on a broad set of evidence and addressed certain social groups whose relevance was confirmed by a large number of other domestic and international studies. However, the high level of generality of the data, the insufficient disaggregation of the data, the lack of community-level needs analysed aimed at rigorously identifying the problems and the high dynamics of the data have limited the identification of the root causes of the various vulnerabilities corresponding to the Strategy's target groups.

The development of the Strategy was preceded by a multi-sectoral analysis of the child welfare situation at all levels (social protection, education, health, justice, participation) and a broad consultation of all stakeholders - ministries and subordinate institutions working in the field of child protection and compliance with the rights of the child, general directorates for social assistance and child protection, as well as civil society organisations working in the field. The actors involved in the consultation process also proposed other measures to address some of the problems they identified in the activities carried out.

In the period 2014-2020, there were numerous proposals to improve or develop the existing public policy framework addressing the needs of the target groups identified in the Strategy, and the development of public social assistance services continued both by increasing their number and coverage and by accrediting them as social service providers.

There are many advances that have been made to develop the capacity of the system to deliver quality services to children, such as: the opportunity to provide the minimum package of services has been explored; the development of integrated community services has been initiated; adoption promotion campaigns have been organised and the adoption process has been streamlined; the involvement of the community in the enforcement of the rights of the child has been addressed through the development of community advisory structures; action has been taken to establish a national monitoring and evaluation system on the situation of children

in Romania; small progress has been registered in the rehabilitation and social reintegration of children with disabilities and the provision of dedicated places for students with SEN in secondary and vocational education has been promoted; the transition from the institutional care of children to the community-based care has continued; the legislative framework has been completed and support services for the children with parents working abroad have been developed; awareness-raising campaigns on violence against children have been carried out; minimum quality standards for services for children victims of trafficking have been developed and adopted.

For the development of the capacity of the system to provide quality services for children, in addition to increasing the number and coverage of the services, the Strategy included a number of measures aimed at increasing the capacity of the personnel to implement these services. Courses were organised in the field of child protection and adoption, in the field of the analysis, definition and implementation of cross-sectoral child protection policies and project management. While progress has been made in the first two areas, there has been modest progress in the area of project management.

At the national level, the main factors contributing to the achievement of the Strategy's objectives were NAPCRA's good collaboration with the NGO sector, progress in terms of the inter-institutional collaboration, NAPCRA's collaboration with international bodies such as UNICEF or the World Bank, the implementation by NAPCRA, as well as by other relevant public institutions, of projects funded by operational programmes, etc. The main factors contributing to the achievement of the objectives at local level were the opportunities offered by the funding from European funds, the legislative framework, the existence of individual/group initiatives undertaken by local actors, etc. In general, it seems that the "recipe for success" is a good coordination between the national, county and local levels.

The implementation of the Strategy has been based on the budgetary allocations of the various national sectoral programmes, those foreseen in the relevant sectoral strategies for the period 2014-2020 and European funds and the fund of other international development programmes, and to a lesser extent on local resources. The COVID-19 pandemic has substantially influenced the implementation of the Strategy's measures during the year 2020. On the one hand, a number of measures have been adopted to simplify the working procedures and the beneficiaries' access to the services provided online, on the other hand it has aggravated some of the social problems by reducing the activity of the day centres and limiting the children's access to education and health. At the same time, the number of cases of domestic violence has increased during the pandemic.

### ***National Strategy against Trafficking in Persons 2018-2022***

The monitoring and assessment of the implementation of the NSATP 2018-2022 is carried out, according to the provisions of GD no. 861/31.10.2018, by the Monitoring Committee for the implementation of NSATP - consisting of representatives at the level of secretary of state, respectively director of the institutions involved.

By GD no. 104/2022, the responsibility for coordinating the activities provided for the implementation of the NSATP and for coordinating the Monitoring Committee was transferred to the Prime Minister, through the State Counsellor within the Prime Minister's Chancellery who heads the Department for Community Social Responsibility and Vulnerable Groups

The assessment of the NSATP for the period 2018-2022 was one of the topics of discussion included in the agenda of the last meeting of the Monitoring Committee for the implementation of the NSATP, held in October 2022. The meeting decided on issues related to the evaluation methodology and a timetable for its implementation, the results of which will be available in the first half of 2023.

"Development of the capacity to investigate the offences of trafficking in human beings and child trafficking" represents one of the 5 general objectives of the National Strategy against Trafficking in Human Beings (2018-2022) and is expected to have the following results:

- specialists trained in the investigation of trafficking in human beings and child trafficking;

- increased identification of victims of trafficking and intervention by specialists from the organised crime units and other law enforcement professionals in cases of trafficking in human beings;
- an increased capacity to work with victims of trafficking in human beings by increasing the empathy and understanding of the human perspective;
- increased participation of the victims of trafficking in the criminal justice process;
- an increased capacity of proving the facts of trafficking in human beings and child trafficking as well as identifying and prosecuting the proceeds of the crime;
- an increased level of recovery of the damage resulting from the commission of the offence of trafficking in human beings and child trafficking;
- an increased level of cooperation at national level to increase the capacity to investigate offences of trafficking in human beings and child trafficking;
- active use of the instruments of international judicial cooperation.

*The Committee asks the next report to provide updated information on the trafficking of children and measures taken to address the problem.*

In 2021, 505 victims of trafficking in persons (internal and international trafficking) were identified and notified to the Romanian anti-trafficking system, 15% less than in 2020. Luring of minors into trafficking and their exploitation through various forms is still a "profitable" criminal activity and can be carried out by manipulating and deceiving the children. In 2021, a total of 282 persons under the age of 18 were identified or notified to the Romanian anti-trafficking system as victims of child trafficking.

- Most child victims were exploited on Romanian territory (259) through various forms of sexual exploitation, including being forced to produce sexually explicit images/content. 230 minors were sexually exploited in 2021, of which at least 105 were forced into pornographic representations.

The increased number of minors among the victims can also be explained by the increased criminal interest in the online exploitation by forcing the minors to produce sexually explicit (photo-video) content and disseminate the content online.

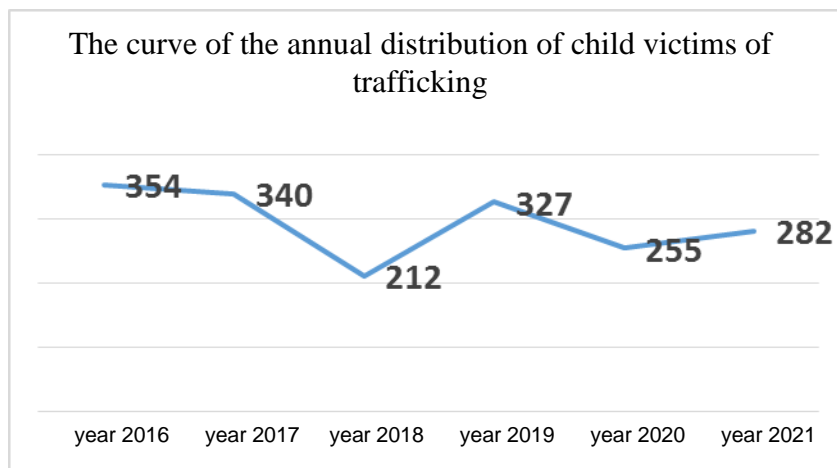
- Most minors identified are aged between 12 and 17 (89%).
- Most child victims are female, with 90% of minors registered as victims of trafficking being female.

Other known and recorded forms of exploitation among the Romanian underage victims were compulsion to work in agriculture or in animal husbandry and care, and compulsion to engage in begging.

Taking into account the increasing number of victims of minors trafficked within our country, the internal trafficking and exploitation of the minors through various forms is a constant on the agenda of the Romanian authorities and organizations specialized in preventing and combating child trafficking. Regarding the external trafficking for minors victims of the trafficking in persons, the main destination countries were Germany, Italy, Great Britain, Sweden, France, Spain, most minors trafficked outside our country being forced into prostitution or begging.

The annual distribution of child victims of human trafficking during the years 2018-2022 identified and/or notified to the Romanian anti-trafficking system:





The NIRM is a formal framework for cooperation, under which the institutions and organisations involved in the fight against trafficking carry out their statutory duties to protect and promote the rights of the victims of trafficking in persons in order to improve their capacity to identify the victims and to ensure their protection and assistance, regardless of the person, institution or organisation they first come into contact with.

Recent amendments to the National Mechanism for the Identification and Referral of Victims of Trafficking in Persons initiated by the NATHB have been made regarding the child trafficking. Compared to the previous version, chapters of specific provisions for the children victims of trafficking have been included.

These aim to establish much clearer identification and referral mechanisms, as well as the modalities of specialised intervention in the provision of recovery services for the children.

At the same time, during 2021-2022, sustained activities have been carried out to train the specialists from the local social services in the intervention and instrumentation of child abuse cases, including from the perspective of the trafficking casework.

NAPCRA conducted an online course for GDSACP specialists that included information on the revised NIRM, with over 500 persons trained nationally.

In 2022, NAPCRA collaborated with the E-liberare Association in publishing a brochure on the prevention of child trafficking in the context of the massive influx of refugees from Ukraine, which was distributed to GDSACPs and PSASs. The booklet contains information on identifying the trafficked minors, notifying the NATHB, reporting 119 to the GDSACP, a list of useful contacts, the notification form and general indicators of trafficking in persons and specific indicators for children.

At the same time, in the context of the refugee crisis in Ukraine, NAPCRA, with the support of UNICEF, has implemented a computer platform, under the name PRIMERO, with the help of which the children from Ukraine are registered. Part of the registration process is also a section on the initial assessment of the children, which includes items on violence against children, including child trafficking.

Primero aims to support the swift identification and registration of all children from Ukraine in Romania, with a focus on the UASC. In the current context, UASC also refers to children travelling with the consent of their parents with another family or caregiver. These children may be identified as moving, in transit, or located in the general population; they may be children who intend to remain in the place of registration or who wish to move within Romania or abroad.

Primero's aim is to make sure that each child is registered and referred to the child protection authorities for case management or to other services relevant to the child's situation and to facilitate the follow-up between the locations or across borders where necessary (to maximise the support provided and minimise any suspicions of risk).

The registration form, implemented in Primero, is completed on tablets by social workers and psychologists from GDSACP.

The registration process consists of 6 main parts:

- case registration and early identification;
- initial assessment, which involves generating of suspicions of risk and assigning a risk level to the case;
- entering the referral data together with the details associated with the referring institution;
- obtaining feedback from the child/carer on the registration process;
- checking the purpose of the referral approach and
- closure of the registration following the referral to the GDSACP, PSAS or GII.

In 2022, the single national number for reporting cases of violence against children, including trafficking - 119 - became operational at the level of GDSACP, as a measure implemented from the National Programme "From care for children" approved by GEO no. 105/2021.

GEO 105/2021 was approved in order to ensure the optimal support framework for the children in the context of the COVID-19 pandemic. The programme has a 2-year implementation period and the support measures aim at providing psycho-emotional support for children and increasing their safety.

Linked to the launch of 119 within this Programme, the STS had the role of setting up the single national number for reporting cases of abuse, neglect, exploitation and any other form of violence against children and of developing the necessary infrastructure to operate it for situations that do not require the immediate intervention of the specialized agencies of the 112 Emergency Service for GDSACPs. They operate the single national number, according to a uniform implementation procedure developed by NAPCRA.

*The Committee asks what measures have been taken to protect and assist the children in vulnerable situations, with particular attention to children in street situations and children at risk of child labour, including those in rural areas.*

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

Regarding the services received by the homeless children during the reporting period (2018 - 2021), they received 1.308 services (these are children who received more than one service), of which night shelter, day centre and other services. According to the legislation in force, the street workers monitor the areas frequented by the homeless children and liaise with the services provided by GDSACP for the removal of the homeless children from situations of exploitation through labour (begging, exploitation through involvement in other illicit activities, sexual exploitation, dangerous works, etc.). Apart from the specialised services for homeless children, in certain situations (lack of a family, violence) they may benefit from special protection measures.

The children at risk of exploitation, including those in rural areas, are the responsibility of the PSAS of the country's municipalities. They must apply the procedures laid down in the legislation in force, an example of which is Annex 1 of GD no. 49/2011 (secondary prevention models).

An example of secondary prevention is provided by the support groups for families at risk. The risk is identified by the social workers of the PSAS/social assistance officers or community experts using specific tools.

The support groups are usually support families in the community, able and willing to offer moral support to one or two families at risk (with violence, alcoholism, mental illness, etc.). Finding such resource families and involving them in the secondary prevention will ultimately

lead to the self-generation of community levers for addressing the difficult situations experienced by certain families, and will recreate the spirit of solidarity.

The support groups will be organised according to the specific characteristics of each group of families at risk.

Annex 2 of GD no. 49/2011 presents the risk factors for the exploitation of children through labour and the monitoring mechanism for the children exploited and at risk of exploitation through labour.

The child-related risk factors are: dropout, low school attendance, repeater, out of school, runaway, drug/alcohol use, underestimation of risks, disability/chronic illness, group of friends with antisocial concerns, behavioural disorders, involvement in illicit activities, current/previous victimisation, living on the street, coming from residential services, low self-image. Risks are described which relate to family and community.

The monitoring mechanism generally involves the following steps:

1. direct and regular observation of high-risk areas for the exploitation of children through labour.

This stage involves professionals from LIT member institutions working as a team (usually the social worker together with the police officer and the labour inspector), carrying out monitoring visits to the risk areas;

2. identifying children exploited through labour, i.e. children at risk of exploitation and determining the risks to which they are exposed.

This stage involves professionals who interact with the children by nature of their profession and who can identify these situations. Risk assessment is carried out using the risk matrix for children at risk of exploitation. The assessment of risks in the workplace in the formal sector is carried out by the labour inspectors and in the informal sector by the social workers from GDSACP with the support of the labour inspectors;

3. removing the children from the situation of exploitation through labour or, for children over 15 and those at risk of exploitation, reducing or eliminating the risks.

At this stage, the inter-institutional intervention takes place through multi-disciplinary teams coordinated by the case manager designated by GDSACP. In the case of the children at risk of exploitation, the intervention is coordinated by the prevention case manager from PSAS or the sector GDSACP;

4. monitoring the cases so as to ensure that the family and children are provided with satisfactory alternatives.

At this stage, the case manager/prevention case manager seeks to provide benefits and services for the child, the family and persons significant to the child, which have been established in a plan by the multidisciplinary team and in agreement with the family and the child;

5. identification of trends in the issue of the exploitation of children through labour in specific sectors/areas and formulation of local and national strategies.

At this stage LIT at county level and SUCL-NAPCRA at national level intervene. Therefore, the communication, the reporting procedures (information flow), the information and the continuous training of LIT are essential at this stage.

Measures/campaigns carried out at MoIA level to protect children in vulnerable situations:

□ The MoIA's work to prevent trafficking in persons aims to cover a broad spectrum of forms of trafficking (sexual exploitation, labour exploitation, forced begging). In this respect, the prevention campaigns are mainly aimed at raising the public's awareness of trafficking in persons, but also at a direct interaction with the target groups by providing the population with the necessary information to avoid dangerous situations and useful recommendations for the cases where trafficking and exploitation have already taken place. MoIA efforts are also aimed at discouraging and reducing the demand that fosters the trafficking in persons.

□ The prevention campaigns against trafficking in persons are adapted to the local and regional specificities of trafficking as well as to the various types of exploitation, always taking into account the specificities of the target groups, the recipients of the anti-trafficking message (vulnerable groups, the general public, persons who come into contact with victims/potential victims of trafficking in persons, etc.). Therefore, through the prevention campaigns, MoIA aims to convey the anti-trafficking message and the ways in which the risks and vulnerabilities among minors can be reduced, as well as to raise awareness among the general public about the (physical, psychological) consequences of the abuse and exploitation on the normal development of the children and young persons.

The messages related to the preventive actions of MoIA are conveyed during direct meetings with the representatives of the target groups, but also through the most used communication and promotion channels/media (campaign materials, plays, films, audio-visual media, print and online media, social networks, etc.).

In order to provide a picture of the scope of the information actions carried out, we mention that, for example, during the period 2018-2021, more than 420 national and local projects/campaigns/educational projects on the prevention of trafficking in persons were implemented at the MoIA level. Within these, more than 9.500 prevention activities were carried out, resulting in approximately 640.000 direct beneficiaries. In addition, posts with anti-trafficking messages and useful recommendations on MoIA's Facebook pages reached over 7.000.000 individuals. The majority of the information actions carried out were and are aimed at children and take place in educational establishments.

Among the most important prevention campaigns implemented in the period 2018 - 2021, aimed at reducing risks and vulnerabilities among the minors, the following can be mentioned:

□ Campaign for the prevention of trafficking in persons: “Inform yourself to be protected” (2018)

With the aim of preventing and reducing the risk of victimization through the trafficking of minors, MoIA together with Save the Children Romania initiated the campaign “Inform yourself to be protected.”

The campaign targets the students (children, teenagers and young persons) between 8 and 18 years old, minors at risk and vulnerable to trafficking, adult representatives of different vulnerable communities (e.g. informal leaders), teachers and other persons who could become multipliers of the anti-trafficking message of the campaign, as well as the general public.

The implementation process of the campaign continued throughout 2019, aiming to improve the level of information of the minors on the forms of manifestation, risks and implications of trafficking in persons, with a particular focus on the sexual exploitation and forced begging. At the same time, the campaign aimed to convey the anti-trafficking message and ways in which the risks and vulnerabilities among the minors can be reduced, as well as to raise awareness among the population at large about the (physical, mental) consequences of abuse and exploitation on the normal development of children and young persons.

□ Campaign for the prevention of trafficking in persons: “#10 for safety” (2019)

This national information and prevention campaign aimed to raise the awareness of students, parents and teachers with a view to reducing victimisation and protecting the minors from the dangers that exist and the way they can protect themselves.

The activities supported by MoIA focused on trafficking prevention topics addressed to pupils/school students and teachers in schools and high schools in both rural and urban areas. Information was provided on the phenomenon of trafficking in persons, methods of recruiting and exploiting victims, danger indicators, advice and recommendations on how to avoid victimisation of minors or how to escape from a situation of trafficking.

MoIA's message through this campaign was to raise awareness that the vulnerability of minors is not only related to the social status and material possibilities of the family but also to the attention and affection they should receive from the family, school and institutions.

□ Campaign for the prevention of trafficking in persons: “Work safely abroad” (2019)

MolA and Save the Children Romania have launched the “Work safely abroad” campaign to prevent the trafficking of persons. The campaign was addressed to teenagers/young persons and the adults who are looking for a job, Romanian citizens who want to go abroad to work and would like to leave their children in the country in the care of other persons, adult representatives of different vulnerable communities (e.g. informal leaders), teachers and the general public.

The main objectives of this preventive approach include: raising awareness of the dangers and implications of trafficking in persons; informing the population on ways to reduce risks and manage vulnerabilities; raising awareness of the general public about trafficking in persons in its main forms; reducing the vulnerability of children left alone at home as a result of their parents going abroad to work, by informing the parents of their obligations in such situations before leaving the country.

□ Campaign for the prevention of trafficking in persons: “Destroy the wall of indifference! The trafficking in persons can be prevented” (2019). The national campaign is part of the project “Reducing the extent of trafficking in persons by better informing the citizens”, which aims to prevent trafficking in persons for the purpose of sexual exploitation. In order to implement the campaign, MolA benefited from the support of the project partners, namely three non-governmental organisations: the World Vision Foundation, the Ecumenical Association of Churches in Romania (AIDRom), the eLiberare Association and three other ministries: the Ministry for Romanians Abroad, the Ministry of National Education and the Ministry of Foreign Affairs.

The campaign was implemented to meet the need for the continuous information of the population on the risks and implications of trafficking in persons and the need to adopt safety measures and a preventive behaviour. The campaign also addressed the campaign's main target group, consisting of pupils/school students (children, adolescents and young persons) aged between 8 and 18, minors at risk and vulnerable to trafficking.

The implementation process brought together the efforts of a large number of relevant actors in the field and addressed in an integrated way both the reduction of vulnerability to trafficking in persons and the issue of discouraging the demand that fosters this phenomenon.

To support the anti-trafficking message of the campaign, over 63.000 preventive information materials were produced: posters, leaflets, pens, pen and pencil sets, memory sticks, short-sleeved T-shirts, roll-up systems, backpacks, mousepads, wall planners for 2019, balloons, insulated mugs, retractable audio headsets, umbrellas and honorary plaques.

Also, in order to increase the complexity of the activities and to enhance the effectiveness of the delivery of the anti-trafficking message of the campaign, MolA produced a documentary film on the prevention of trafficking in persons for sexual exploitation, which is an attractive material for the target group, with a clearly expressed message. The moderation of the documentary film and the delivery of the campaign message were carried out by a recognizable public person appreciated by the target group (children, teenagers and young people), namely Adda, a Romanian singer.

In addition to the activities of organization and preparation of the campaign presented above, the MolA representatives, together with the partner institutions in the project, organized and carried out a series of trips in 5 counties of the country, namely Călărași, Prahova, Dolj, Galați and Bacău. In each county, two prevention activities took place, one activity aimed at the main target group of the campaign, consisting of students aged between 8 and 18, and one activity aimed at the specialists in the field of prevention, at combating of trafficking in persons and at the assistance and protection of the victims of this phenomenon.

□ As part of the campaign for the prevention of trafficking in persons “Give them freedom! Don't pay for their exploitation!” (2019), MolA launched a campaign during the year 2019 aimed at preventing the trafficking in persons for the purpose of exploiting the “citizens” through begging. It was implemented with the support of the project partners: the World Vision Foundation, the Ecumenical Association of Churches in Romania (AIDRom), the eLiberare Association, the Ministry for Romanians Abroad, the Ministry of National Education and the Ministry of Foreign Affairs.

In the case of exploitation through begging, the supply is represented by vulnerable persons, children and adults alike, forced into street begging activities in order to obtain money for the traffickers who exploit them.

Unlike the other forms of exploitation - sexual or forced labour - the demand in this case is from the segment of the population that unwittingly encourages this phenomenon by offering money to the beggars. Although the persons' behaviour is basically benevolent, driven by a desire to help those in need, many of them are unaware of the real destination of the money offered. Most of the time, the money received benefits the traffickers behind the exploited, and it is these earnings that keep the exploitation going and the beggars on the streets.

As part of the campaign, a documentary film was produced and broadcast on the issue of the trafficking in persons for the purpose of exploitation through begging. The video addressed the issue of the trafficking in persons for the purpose of exploitation through begging and addressed both the demand and the supply side. The moderation of the documentary film and the message of the campaign were carried out by Alex Velea, a Romanian singer.

□ EMPACT - Joint Action Days on THB - Child Trafficking (2019), was an event dedicated to preventing and combating child trafficking - all forms of exploitation. MoIA representatives carried out a series of actions to inform, raise awareness and draw attention to the vulnerabilities and risks of child trafficking. These consisted of prevention activities with increased visibility, information gathering operations and monitoring of trafficking risk indicators at several border points where the travellers enter and leave the country, in order to better inform the population about the phenomenon of child trafficking.

□ The European campaign for the prevention of trafficking in persons: "Are you a victim of human trafficking? You have rights!" (EUCPN) (2020), initiated on the occasion of the European Anti-Trafficking Day - 18 October 2019, continued to be implemented during the year 2020 through the distribution of materials with a preventive message and their promotion on social media through Facebook, Instagram, Twitter and LinkedIn.

The campaign was carried out at European level, with the participating countries being Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain and Romania.

The campaign, at national level, was implemented by MoIA together with the Ecumenical Association of Churches in Romania - AIDRom and the International Organization for Migration - Romania Office.

The aim of this campaign was to warn the vulnerable persons about the risks of becoming victims of trafficking, but also to inform them about how to inform and ask for help in potential trafficking situations.

The activities for the dissemination of the campaign message took place in public places where the target group is located such as: airports, train stations, bus stations, means of transport (buses, coaches, etc.), stations, petrol stations, job centres or other job recruitment offices, as well as in traditional areas: schools, high schools, universities, job centres, as well as in the media and social media.

□ Campaign for the prevention of trafficking in persons: "Blind Betting" (2021), aims to prevent the trafficking of persons for the purpose of sexual exploitation by informing and raising the awareness of the target public about the risks and implications of trafficking and the role of demand in the trafficking mechanism.

The campaign is aimed at girls (aged 8 to 18), and women at risk, as well as at the potential consumers of paid sexual services, in order to raise their awareness of the reality of the women victims of trafficking in persons.

The campaign's message "Every year, hundreds of women risk everything on one card" illustrates how easily one can fall into the trap of traffickers and become a victim of trafficking in persons.

The campaign slogan "Don't put your destiny at stake!" is an appeal to potential victims,

highlighting the impact and consequences of being involved in a risky situation. The campaign used the advantages of online information transmission, using the technique of organic propagation through the social networks at MOIA level (Facebook, Instagram, Twitter, LinkedIn). Two video spots were produced as part of the prevention campaign, both for stand-alone use (as part of the prevention activities, in social media, etc.) and for broadcasting on TV stations, on public transport or at airports.

□ Campaign for the prevention of trafficking in persons: "United, we offer freedom!" (2021), is carried out within the framework of the partnership between MoIA and the Romanian Orthodox Church, and was initiated in 2021 and continued to be implemented during the year 2022.

The main objective of the campaign is to prevent the trafficking in persons in its main forms, by carrying out preventive activities addressed to vulnerable groups (including children, teenagers and young persons between 8 and 18 years old, minors at risk and vulnerable to trafficking), as well as by organizing actions to disseminate the campaign materials developed both by MoIA representatives and by the priests of the Romanian Orthodox Church parishes. To support the campaign activities, 200.000 information and prevention materials have been produced.

## **Article 8 - The right of the workers to maternity protection**

### **Paragraph 1**

*The Committee asks that the report should provide information regarding the right to any kind of benefits for the working women who do not qualify for maternity benefit during maternity leave.*

According to the provisions of the legislation applicable to the sick leave, the persons insured for sick leave and social health insurance allowances in the social health insurance system are entitled, during the period they have their domicile or residence in Romania, to sick leave and social health insurance allowances, if:

**A.** they receive income from carrying out an activity on the basis of an individual employment contract, an employment relationship, an act of secondment or a special status provided for by the law, as well as other income assimilated to wages, in compliance with the provisions of the applicable European legislation in the field of social security, as well as the agreements on social security systems to which Romania is a party;

**B.** achieves in Romania the income referred to in letter A, from employers in countries which are not subject to the applicable European social security legislation and the agreements on social security systems to which Romania is a party;

**C.** receive unemployment allowance in accordance with the law.

Individuals other than those mentioned above may be insured under the social health insurance system for the purpose of receiving leaves and social health insurance allowances on the basis of an insurance contract for leaves and social health insurance allowances.

Entitlement to social health insurance leave and allowances to which insured persons are entitled is subject to the payment of an insurance contribution for work, intended to cover these allowances, i.e. the payment of a contribution for the insurance for leave and allowances at the rate of 1%, applied to the chosen monthly income entered in the insurance contract, which is paid into the budget of the Unique National Health Insurance Fund.

In order to be entitled to leave and health insurance allowances, the insured persons must meet all of the following conditions:

a) to fulfil the minimum insurance period required

b) to submit the certificate issued by the allowance payer showing the number of days of temporary incapacity for work during the previous 12/24 months, where applicable.

The minimum insurance period for the entitlement to sick leave is 6 months completed in the 12 months preceding the month for which the sick leave is granted.

In the case of the persons who earn income from an activity on the basis of an individual employment contract, a work relationship, an act of secondment or a special status provided for by the law, as well as other income assimilated to the wages, the basis for calculating the allowances shall be determined as the average of the gross monthly earnings of the last 6 months of the 12 months constituting the contribution period, up to the limit of 12 national gross minimum wages per month, on the basis of which the insurance contribution for work is calculated.

For the persons who are unemployed, the basis for the calculation of the allowances shall be determined as the average of the gross monthly income representing the unemployment allowance, of the last 6 months of the 12 months from which the contribution period is constituted, up to the limit of 12 gross minimum wages per country per month.

For the natural persons (other than those with income from wages and unemployment), the basis for calculating the allowances is determined as the average of the insured incomes, recorded in the insurance contract, of the last 6 months of the 12 months of the insurance period, up to the limit of 3 gross minimum basic salaries per country guaranteed in payment, with the exception of the persons who choose to conclude an insurance contract in order to receive sick leave and maternity allowances, for whom the basis for calculating the allowances shall be determined as the average of the insured earnings, entered in the insurance contract, over the last 6 months of the 12 months of insurance, up to a maximum of 12 national gross minimum monthly wages.

The insured persons are entitled to maternity and childbirth leave for a period of 126 calendar days, during which they receive maternity allowance.

The same entitlements are also available to women who, for reasons beyond their control, are no longer employed, if they give birth within 9 months of the date of loss of their insured status. The fact that the loss of the status was not due to reasons for which the person concerned is responsible is proved by official documents issued by the employer or his or her equivalent, and the allowance is paid from the budget of the UNHIF by the health insurance companies with which the insured person's family doctor has an agreement.

The pregnancy leave is granted for a period of 63 days before the birth and the maternity leave for a period of 63 days after the birth.

The pregnancy and maternity leave may be offset against each other, depending on the physician's recommendation and the beneficiary's choice, so that the minimum compulsory period of maternity leave is 42 calendar days.

The insured disabled persons are entitled, on request, to pregnancy leave from the 6th month of pregnancy.

The gross monthly maternity allowance is 85% of the resulting calculation basis.

The maternity allowance is paid in full from the budget of the UNHIF.

According to the provisions of Article 15 para. (1) letter b) of the GEO no. 111/2010 on parental leave and monthly child-raising allowance, as subsequently amended and supplemented, the persons who do not fulfil the conditions, according to the law, for the granting of the maternity leave and the related allowance may benefit from the leave and the child-raising allowance, starting from the date of the child's birth.

At the same time, the persons who are able to work or who are active in the labour market, but who have no or insufficient income, may also claim an entitlement to the social assistance allowances based on the testing of the means, such as **the social welfare**<sup>14</sup> or the entitlement to **the social protection measures for vulnerable energy consumers**<sup>15</sup>.

The eligibility conditions for these allowances are as follows:

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<sup>14</sup> Regulated by Law no. 416/2001 on the social welfare, as amended and supplemented.

<sup>15</sup> Regulated by Law no. 226/2001 on the establishment of social protection measures for vulnerable energy consumers.



- **The programme for granting the social welfare.** It is granted on the basis of *Law no. 416/2001 on the guaranteed minimum income* to all families and single persons with low or no income, who are in difficulty, to help them overcome this situation. The social welfare is calculated as the difference between the net monthly income of the family or single person and the monthly level of the guaranteed minimum income provided for by law. The entitlement to social assistance is determined on the basis of the family's income, taking into account the movable and immovable property owned. In the context of the social assistance measures linked to the activation measures, the persons receiving social welfare are subject to an active job search and to the obligation to work for the community for a number of hours equivalent to the amount of social welfare, based on the minimum wage and if they can prove that they are registered with the territorial agency for employment and have not refused a job or participation in the employment stimulation and vocational training services offered by these agencies. These measures have been introduced to contribute to their integration into the labour market, precisely in order to prevent and limit any form of dependence on state or community support. If the beneficiaries refuse to fulfil their legal obligations, their entitlement to social assistance measures is suspended or, where appropriate, terminated.
- **The programme of granting social protection measures for vulnerable energy consumers.** It is granted on the basis of *Law no. 226/2001 on the establishment of social protection measures for vulnerable energy consumers*. According to the law, the social protection measures are financial and non-financial and will be financed from the state budget, local budgets or European funds. The financial social protection measures consist of granting an aid to ensure the minimum energy needs and consist of:

*1. Aid for home heating, granted on the basis of the following criteria:*

- the maximum income threshold up to which a person or family can benefit from the heating aid has been set at RON 1.386/person in the family and RON 2.053 for a single person;
- the amount of the aid is determined, i.e. by percentage compensation applied to a differentiated reference value depending on the heating system. The percentage compensation is 100% for the beneficiaries with the lowest income and at least 10% for those whose income is at the maximum limit.
- the social aid for home heating is granted on the basis of the net monthly income of the families or single persons;
- determination of the reference value to which the percentage compensation is applied, for the four heating systems of the dwelling: heating with centrally supplied heat energy (the reference value is established monthly, within the limit of the average consumption and according to the local price of the heat energy invoiced to the population), heating with natural gas (RON 250/month), heating with electricity (RON 500/month) and heating with solid or liquid fuels (RON 320/month);
- the percentage ratio to the reference value represents the maximum aid granted, the actual aid is granted according to the consumption. Thus, for a family with no income eligible for an aid for electricity of RON 500, if the equivalent value of the consumption is RON 400, only RON 400 will be paid to the supplier.

*2. The supplement for energy granted throughout the year.*

The average net monthly income up to which the supplement for energy consumption is granted is RON 1.386 per person for a family and RON 2.053 for a single person.

Thus, the social assistance allowances based on the testing of the means are a form of supplementing or substituting the individual income earned from work in order to ensure a socially acceptable minimum of living, as well as a form of support to promote the social inclusion and increase the quality of life of certain categories of persons.

## Paragraph 2

### *Redress in case of unlawful dismissal*

*The Committee asked what compensation was granted when the reinstatement of the employee was not possible in the case of unfair or unlawful dismissal during the maternity leave and whether any ceiling applied.*

According to Article 22 of GEO no. 96/2003 regarding workplace maternity protection, as subsequently amended and supplemented:

*“(1) The employees referred to in Article 21 para. (1), whose employment or service relationship has been terminated for reasons they consider to be related to their condition, have the right to challenge the employer's decision before the competent court within 30 days from the date of its communication, in accordance with the law.*

*(2) The legal action of the employee referred to in paragraph 1 shall be exempt from the stamp duty and the judicial stamp.”*

According to Art. 80 paras. 1 - 3 of the Labour Code, if the dismissal has been carried out unjustly or unlawfully, the court will order its annulment and will oblige the employer to pay a compensation equal to the indexed, increased and updated wages and other rights that the employee would have benefited from. At the request of the employee, the court which ordered the dismissal to be annulled will restore the parties to the situation they were in before the dismissal was issued. If the employee does not request the reinstatement of the situation prior to the dismissal, the individual employment contract shall be terminated automatically on the date of the final and irrevocable judgment.

If it is not possible to reinstate in the establishment or in the workplace the person for whom the court has decided that the employer has unilaterally and unjustifiably modified his/her working relationships or conditions, the employer shall pay the employee a compensation equal to the actual damage suffered by the employee (Article 34 para. (2) of the Law no. 202/2002 on equal opportunities and equal treatment of women and men).

## Paragraph 3

*The Committee asks for clarification whether all women working on a part-time basis are entitled to paid nursing breaks.*

According to Article 17 of GEO no. 96/2003, with subsequent amendments and additions:

*“(1) The employers are obliged to grant to the breastfeeding employees, during the working hours, two breastfeeding breaks of one hour each, until the child is one year old. These breaks shall also include the time needed to travel to and from the place where the child is.*

*(2) At the mother's request, the breastfeeding breaks will be replaced by a reduction of her normal working time by two hours a day.”*

GEO no. 96/2003 does not contain separate provisions relating to the part-time employees or the length of time they must work in order to benefit from the breastfeeding breaks and therefore **applies to all employees, including the part-time employees.**

## Paragraph 4

*The Committee asks to confirm that no loss of pay is caused by any exemption from work related to pregnancy and maternity and for a confirmation that the women concerned retain the right to return to their previous employment at the end of the protected period (night work).*

**Reduced working time due to pregnancy or maternity does not lead to loss of pay.**

According to Article 19 of GEO no. 96/2003: (1) The employees referred to in Article 2 letters c) - e) shall not be obliged to perform night work. (2) If the health of the employees referred to in para. (1) is affected by the night work, the employer shall be obliged to transfer the employee to a daytime job at the employee's written request, while maintaining the employee's monthly gross basic wage."

According to Article 9 para. (1) of GEO no. 96/2003 "if the results of the assessment referred to in Articles 5 and 6 show a risk to the safety or health of the employees referred to in Article 2 letters c) to e) or an impact on the pregnancy or breastfeeding, the employer must take the necessary measures so that, through a temporary change in the working conditions and/or working hours of the employee concerned, her exposure to the risks highlighted is avoided, according to the recommendation of the occupational physician or family doctor, with the maintenance of the salary income."

**Therefore, the change in the working conditions or the assignment to another job is temporary and the employee has the right to return to her previous job.**

According to Article 10 of Law no. 202/2002 on equal opportunities and equal treatment of women and men, upon the termination of the maternity leave, the leave for raising the children up to the age of 2 years, respectively 3 years in the case of a disabled child, the paternity leave or the carer's leave, the employee has the right to return to the last job or to an equivalent job with equivalent working conditions and also to benefit from any improvement in the working conditions to which she/he would have been entitled during the absence. On his/her return to work, the employee shall be entitled to a reintegration programme, the duration of which shall be laid down in the internal rules of organisation and operation and may not be less than 5 working days.

## **Paragraph 5**

During the reference period there were no legislative changes or novelties with regard to Article 8 para. (5), which is in line with the provisions of the Charter.

## **Article 16 - Right of the family to social, legal and economic protection**

### ***Domestic violence against women***

*The Committee requests information on the impact of the activities of the Inter-ministerial Committee for Preventing and Combating Domestic Violence.*

In order to fulfil the commitments undertaken by the Romanian State regarding the harmonisation of the domestic legal framework with the provisions of the Istanbul Convention, the NAEO has benefited from the support of the Inter-ministerial Committee for Preventing and Combating Domestic Violence in order to facilitate the endorsement/adoption of a complex legislative package comprising primary, secondary and tertiary level normative acts. Thus, the draft legislation was presented and discussed during the working meetings of the Committee and includes, mainly:

- Law no. 174/2018 amending and supplementing Law no. 217/2003 on preventing and combating domestic violence, which regulated for the first time in our country the PPO and the conditions for its issuance, thus ensuring the transposition of the provisions of Article 52 of the Istanbul Convention;
- Law no. 178/2018 amending and supplementing Law no. 202/2002 on equal opportunities and equal treatment of women and men, which introduced the concept of "gender-based violence," as provided for in Article 3 letter d) of the Istanbul Convention;
- Joint MoLSS/MoIA Order no. 146/2578/2018 on the modalities of handling the cases of

domestic violence by the police officers<sup>16</sup>;

- Order no. 2525/2018 of the MoLSS on the approval of the Procedure for emergency intervention in cases of domestic violence<sup>17</sup>;

- Order no. 2524/2018 of the MoLSS on the Methodology for participation in psychological counselling programmes<sup>18</sup>;

- Order no. 28/2019 of the MoLSS approving the new minimum quality standards for the social services in the field of domestic violence<sup>19</sup>;

- GD no. 262/2019 for the approval of the Methodological Norms for the application of the provisions of Law no. 202/2002 on equality of opportunities and treatment of women and men<sup>20</sup>;

- GD no. 592/2021 on the approval of the National Strategy for preventing and combating sexual violence "SYNERGY" 2020-2030;

- GD no. 559/2021 approving the National Integrated Programme for the Protection of Victims of Domestic Violence and the Framework Methodology for the organisation and functioning of the national integrated network of sheltered housing dedicated to victims of domestic violence.

*The Committee requests information on the prosecution of domestic violence and examples of case law.*

The prosecution of the persons accused of domestic violence is carried out in accordance with the provisions of the Criminal Procedure Code, in principle, there are no special rules on the conduct of criminal investigations in these situations.

Therefore, the information to be provided below will focus on the specific aspects of the criminal investigation of domestic offences, in particular the rights of victims of such offences. These are important for understanding the legislative framework within which the criminal investigation is conducted.

Thus, the criminal proceedings are initiated both ex officio and upon the prior complaint of the injured party, but there is the possibility, in accordance with Article 199 para. (2) of the Criminal Code, that in the case of the offences of assault or other violence, provided for in Article 193 Criminal Code, and of culpable bodily harm, provided for in Article 196 Criminal Code, committed against a family member, for which it is provided that the criminal proceedings are initiated upon the prior complaint of the injured person, the criminal proceedings may also be initiated ex officio.

It should be pointed out that, although in the case of certain offences the legislator has stipulated that a prior complaint must be lodged by the injured party, in the case of many other offences, particularly those of particular gravity (offences against life, liberty and sexual integrity), the criminal proceedings are initiated ex officio.

At the hearing of the injured party, he or she shall be informed of the rights provided for in Articles 81 para. (1) and 111 para. (2) and (5) of the Criminal Procedure Code.

The hearing of the injured party during the criminal proceedings shall be recorded by audio or audio-video technical means, when the prosecution body deems it necessary or when the injured party has expressly requested it and the recording is possible [Article 111 para. (4) Criminal Procedure Code]. If the injured person is a minor, the recording of the hearing by audio or audio-video technical means is mandatory in all cases. When the recording is not possible, this information shall be recorded in the injured party's statement, with a specific indication of the reason why the recording was not possible [Article 111 para. (8) of the Criminal Procedure

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<sup>16</sup> Published in the Official Gazette no. 1110/28.12.2018.

<sup>17</sup> Published in the Official Gazette no. 95/06.02.2019.

<sup>18</sup> Published in the Official Gazette no. 74/30.01.2019.

<sup>19</sup> Published in the Official Gazette no. 90/05.02.2019.

<sup>20</sup> Published in the Official Gazette no. 333/02.05.2019.

Code]. The provisions on the audio-video recording of the hearing also apply to the statements of the suspect or defendant.

Hearing by the criminal investigation bodies of the injured persons who were victims of the crime of domestic violence, provided for in Article 199 of the Criminal Code, of the crimes of rape, sexual assault, sexual act with a minor and sexual corruption of minors, provided for in Articles 218-221 of the Criminal Code, of the crime of ill-treatment of minors, provided for in Article 197 of the Criminal Code, harassment, provided for in Article 208 of the Criminal Code, and sexual harassment, provided for in Article 223 of the Criminal Code, as well as in other cases where, due to the circumstances of the offence, it is deemed necessary, shall be carried out only by a person of the same gender as the injured party, at the latter's request, unless the judicial body deems it prejudicial to the proper conduct of the trial or to the rights and interests of the parties.

During the course of the criminal proceedings, all victims who lack capacity or have limited capacity, including the victims of offences of domestic violence against women, shall be provided with compulsory legal aid, in accordance with the provisions of Article 93 para. (4) Criminal Procedure Code, the fees of the defence counsel appointed ex officio being paid from the funds of the Public Ministry, in accordance with the provisions of Article 275 para. (6) of the Criminal Procedure Code and Protocol no. 1599/C/2022 concluded between the MoJ, the Public Prosecutor's Office of the High Court of Cassation and Justice and the National Association of the Romanian Bars.

In the case of other victims of domestic violence against women, they may receive free legal aid, ex officio, under the conditions laid down in Article 93 para. (5) of the Criminal Procedure Code, namely when the judicial body considers that for certain reasons the aggrieved person would not be able to defend himself/herself, as well as under the conditions provided for in Chapter V - Free legal assistance to victims of crimes under Law no. 211/2004 on certain measures to ensure the information, support and protection of the victims of crimes.

During the criminal proceedings, when the conditions provided for by the law regarding the status of a threatened or vulnerable witness or for the protection of privacy or dignity are met, the prosecution body may order the protection measures provided for in Articles 124-130 Criminal Procedure Code to the injured party or to the civil party, which shall apply accordingly. The following are presumed to be vulnerable: child victims, victims who are in a relationship of dependence on the offender, victims of terrorism, organised crime, trafficking in persons, violence in close relationships, sexual violence or exploitation, victims of hate crimes and victims affected by a crime because of prejudice or discrimination that may be related in particular to their personal characteristics, victims with disabilities, and victims who have suffered considerable harm as a result of the seriousness of the crime.

The injured parties and their counsel shall have access to the prosecution file throughout the investigation, in accordance with Article 93 of the Criminal Procedure Code, and the injured party's counsel shall have the right to be heard in order to assist in the conduct of any act of the criminal proceedings, to consult the documents in the file, to make requests and to submit statements.

With regard to the persons accused of committing domestic violence offences, they enjoy all the rights and have all the obligations laid down in the provisions of the law on criminal procedure for persons under criminal investigation, and there are no special procedures for investigating this type of case. However, in accordance with the provisions of Article 215 para. (2) letter (b), in the case of the imposition of the preventive measure of judicial supervision, the judicial authorities may impose on the defendant the obligation not to return to the family home, not to approach the injured person or his/her family members and not to communicate with them directly or indirectly in any way. Also, according to Article 218 of the Criminal Code, the preventive measure of house arrest may not be ordered in respect of an accused who is reasonably suspected of having committed an offence against a family member with whom he/she lives, in respect of an accused who lives with the persons referred to in Article 221 para. (2) letter b) of the Criminal Procedure Code.

At the end of the criminal proceedings, if a decision not to prosecute is ordered, it shall be communicated to the person who made the complaint, as the case may be, to the suspect or defendant and to any other interested person, in accordance with the provisions of Article 316 of the Criminal Procedure Code and Article 318 para. (12) of the Criminal Code. A complaint may be lodged against the decision to close the case, addressed, as the case may be, to the chief public prosecutor of the Public Prosecutor's Office, the public prosecutor of the Public Prosecutor's Office of the Court of Appeal or the chief prosecutor of the division of the Public Prosecutor's Office of the High Court of Cassation and Justice, in accordance with Article 339 of the Criminal Procedure Code, before the preliminary chamber judge of the court which, according to the law, is competent to hear the case at first instance. As regards the decisions to discontinue the criminal proceedings, they are checked for their legality and merits by the head of the Public Prosecutor's Office and are then submitted for confirmation to the preliminary chamber judge of the court which, according to the law, is competent to hear the case in first instance.

*The Committee asks for updated information on the domestic violence against women.*

- *limited knowledge of the remedies at law available in order to obtain compensation and the stigmatisation of the victims*

Law no. 211/2004 regarding certain measures providing for information, support and protection of victims of crimes was amended by GEO no. 24 of 3 April 2019, which made significant changes in particular regarding the mechanism for informing and referring victims about their rights, including compensation.

One of the extremely important new elements in this context is that the information, support and protection measures, including the assessment, granted under the terms of this law, are not conditional on the filing of a complaint with the prosecution authorities.

Information, support and protection of the victims of crimes shall be carried out in accordance with the following general principles: respect for the needs of the victim, avoidance of the secondary victimisation and respect for human dignity, complementarity and integrated approach, best interests of the child, safety of the victim.

Thus, if the victim has reported the crime to the prosecuting authorities, the judicial authorities are obliged to inform the victims of the crimes<sup>21</sup> regarding:

- the type of support the victims may receive and from whom, including, where relevant, basic information on the access to health care, any specialised assistance, including psychological assistance and alternative accommodation;
- the prosecuting body to which they can complain;
- the right to legal assistance and the institution to which they can turn to exercise this right;
- the conditions and procedure for granting free legal assistance;
- procedural rights of the injured party and the civil party;
- the conditions and procedure for benefiting from the provisions of Article 113 of the Criminal Procedure Code and the provisions of Law no. 682/2002 regarding the protection of witnesses, as amended;
- conditions and procedure for the granting of financial compensation by the State;
- the right to be informed, if the defendant is deprived of liberty or sentenced to deprivation of liberty, of his or her release in any way, in accordance with the Code of Criminal Procedure.
- the right to use a mediator in cases permitted by the law
- the judicial authority to which they can address themselves in the future to obtain information on the state of the case, as well as its contact details, if the victim intends to lodge a complaint.

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<sup>21</sup> According to Article 4 of Law no. 211/2004, as amended.

- in case the victim resides or is permanently resident in the territory of another EU Member State, information on the possibility of lodging a criminal complaint or an application for the financial compensation from the State in the territory of that State, as well as the possibility, under the legislation on international judicial cooperation, for the victim to be heard by the Romanian judicial authorities without being present in the territory of Romania.

The information referred to above shall be made known to the victim by the first judicial body to which he or she presents himself or herself, in a simple language accessible to him or her and in a language he or she understands. If the victim is a Romanian citizen belonging to a national minority, he or she may be provided with the information in his or her mother tongue.

If the victim has not reported the crime to the criminal prosecution authorities, the Service for the Support of Victims of Crimes and the social services departments and providers will communicate the same aforementioned rights to the victim at the first contact<sup>22</sup>.

- *The restrictive eligibility criteria preventing women without sufficient means from accessing the legal aid system;*

It should be recalled that in terms of providing **legal aid for persons who cannot afford to choose a lawyer**, since 2008, Romania has established by *GEO no. 51/2008*<sup>23</sup> a public system of *legal aid in civil matters* to ensure a real access to justice, by ensuring a good qualification of the lawyers<sup>24</sup>.

Therefore, according to section 2 of *GEO no. 51/2008*, the types of legal assistance that are provided to all persons without financial possibilities to hire their chosen lawyers, and therefore also to the above-mentioned persons, are:

- legal aid;
- payment of the fees of experts, translators or interpreters used during the proceedings, by the court's order granting the assistance, if such payment is incumbent on the applicant;
- payment of the fees of the bailiffs;
- exemptions, reductions, instalments or postponements in respect of the legal fees prescribed by the law, including the fees payable during the enforcement stage.

Thus, we consider that there are no restrictive eligibility criteria preventing the women without sufficient means from accessing the legal aid system.

- *The absence of ex officio prosecution for offences of this type:*

The procedure for prosecuting domestic violence offences has been described at length in the previous pages.

As already mentioned, according to the amendments introduced by Law no. 233/2020, paragraph 2 of Article 199 of the Criminal Code "*Domestic Violence*" has been amended as follows:

(1) If the acts referred to in Articles 188, 189 and 193 to 195 are committed against a family member, the special maximum punishment prescribed by law shall be increased by one fourth.

(2) In the case of the offences referred to in Articles 193 and 196 committed against a family member, **the criminal proceedings may also be instituted ex officio.**

<sup>22</sup> According to Article 4<sup>1</sup> of Law no. 211/2004.

<sup>23</sup> Published in Official Gazette no. 327/2008.

<sup>24</sup> This system meets the requirements of Council Directive 8/2002/EC of 27 January 2003 to improve the access to justice in cross-border litigations by establishing certain common minimum rules regarding the assistance given in such cases.

*- Absence of data on the number of complaints and court decisions*

At the level of the Public Ministry, all cases pending before the Prosecutor's Office of the High Court of Cassation and Justice and its subordinate prosecutors' offices are registered in ECRIS. Thus, as soon as the unique number is given, information on the date of the referral of the offence, the date it was committed and the legal framework and data on the injured party (name, surname and National Identity Number) are entered in ECRIS.

There is also the possibility of using "key words" to make it easier to identify the cause as domestic violence.

In the course of the prosecution, these data are supplemented with new aspects resulting from the investigation.

At the end of the prosecution, the solution ordered is also entered into the database.

In these circumstances, although no statistical data on domestic violence offences against women are collected at the level of the Public Ministry, each prosecution unit may generate reports, by querying ECRIS system, on each offence that would fall into the category of domestic violence, and one may obtain data on the number of such offences, the duration of the resolution of the case, the status of the criminal proceedings, including the resolution ordered.

It should be noted that at the level of the Public Ministry data is collected on victims of domestic violence, including the total number of defendants prosecuted, the total number of victims of domestic violence and separately, the number of minor victims and the relationship of the victim to the perpetrator (parents, grandparents, spouses, son/daughter and of whom minors, siblings and of whom minors, father-in-law/sister-in-law, son-in-law/daughter-in-law, cohabitants).

*- The use of mediation in cases of domestic violence*

According to Article 67 para. (2) of Law no. 192/2006 on mediation and the organisation of the profession of mediator, in criminal proceedings, the provisions regarding the mediation apply only in cases concerning the offences for which, according to the law, the withdrawal of the preliminary complaint or the reconciliation of the parties removes the criminal liability, if the perpetrator has admitted the offence before the judicial authorities or, in the case referred to in Article 69, before the mediator.

In these circumstances, it is concluded that **the mediation is intended to be applied to a limited number of domestic violence offences and cannot be applied to serious offences, for which criminal proceedings are initiated ex officio.**

In addition, with regard to the offence of violation of a protection order or a provisional protection order, provided for in Article 47 para. (1) and (2) of Law no. 217/2003, by Law no. 174/2018 the provisions of this text of the law were amended in the sense that the reconciliation of the parties is now no longer possible, under these conditions the provisions on mediation are no longer applicable.

*- Low issuance rates and implementation of protection orders*

Starting with the year 2020, at the level of the Prosecutor's Office of the Court of Cassation and Justice, statistical data is collected on the number of provisional protection orders registered at the subordinate prosecutor's offices, the number of provisional protection orders confirmed by the prosecutor and sent to the court with a request for admission and issuance of the protection order, the number of applications settled by the court by granting the application and issuing the protection order, the number of applications settled by the court by rejecting the application for issuing the protection order, the number of applications settled by the court and acknowledging the victim's waiver of the trial of the application and the issuance of the protection order and the number of provisional protection orders not acknowledged by the prosecutor.



From the analysis of these data, it appears that in 2020, 8.456 requests for confirmation of provisional protection orders were registered at the level of the Public Ministry, which were admitted by the prosecutor in a proportion of approximately 85% (6.996 provisional orders confirmed), and the court was also referred for the issuance of the protection orders. At the court level, 4.659 requests from the prosecutors were admitted, 765 requests were rejected, and in 1.758 cases the court took note of the fact that the victim had waived the issuance of a protection order, with an admissibility rate at the court level of approximately 65%.

During the year 2021, the number of applications for the confirmation of the provisional protection orders registered at the prosecutor's office level was 11.444, of which 9.908 orders were confirmed by the prosecutor (approximately 86%, an increase compared to 2020). At the court level, 6.352 applications submitted by the prosecutor for the issuance of the protection order were admitted, 905 applications were rejected, and in 2.642 cases the court took note of the victim's waiver of the issuance of the protection order. The percentage of admissibility at the court level remained comparable to that of 2020, i.e. 64%, against the background of a decrease in the percentage of the applications rejected (9% compared to 11% in 2020) and an increase in the number of situations where the victims waived the protection order (24% in 2020 and 27% in 2021).

Regarding the degree of compliance with the obligations imposed by the protection orders and provisional protection orders, in the ECRIS system existing at the level of the public prosecutor's offices data are recorded on the cases pending before these offices concerning the offence referred to in Article 47 paras. (1) and (2) of Law no. 217/2003, each structure being able to generate reports on the number of cases pending, the stage of resolution, the identification data of the parties, etc.

*- Restricted access to legal and psychological counselling:*

According to the same amendments brought to the above-mentioned Law no. 211/2004, the support and protection services provided to the victim of the offence or his/her family members are provided by the GDSACPs, free of charge, at the request of the victim or his/her family members, and may also be provided by the public social assistance services of the cities, municipalities, communes, as well as by private social service providers. These services include psychological counselling, counselling on the risks of secondary and repeat victimisation or intimidation and revenge, and information and counselling on the victim's role in the criminal proceedings, including the preparation for the participation in the trial<sup>25</sup> and the practicalities regarding the preparation and submission of the documents to the court or police authorities.

During the year 2021, the VERA Project was developed (implementation period: July 2022 - April 2023), which includes a component to be implemented in cooperation with the GDSACP and NAE0, with the broad involvement of the local communities. This component aims to improve the access to justice for victims of domestic and gender-based violence and the children affected, by providing support and information on the fundamental rights and freedoms, the competences of the courts, legal procedures (divorce, custody of minors, exercise of parental authority, protection order, etc.), as well as information and guidance on how to benefit from free legal aid.

To this end, a Unified Methodology regarding the information and guidance on legal matters for the victims of domestic and gender violence and the children affected will be developed, containing information on rights and obligations, other relevant legal provisions, modalities of effective counselling and guidance, in relation to the approaches the victim chooses to exercise. The methodology will also include integrated sections on specific issues related to domestic violence and gender-based violence against the Roma women.

In addition, through the VENUS - Together for a Safe Life! project, 42 support groups have been set up and developed at the national level providing specific psychological support and personal development programmes.

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<sup>25</sup> Article 7, Law no. 211/2004.

- *Number of shelters and crisis centres for victims*

The total number of social services and services in the field of preventing and combating domestic violence is 262.

Currently, at national level, there are 168 social services dedicated to the victims of domestic violence and to the aggressors), of which: 152 for victims and 16 for aggressors.

At local level there are also 84 specialised services: 42 support groups and 42 vocational counselling offices) plus 10 integrated centres for intervention in situations of sexual violence.

Of the 168 social services there are 114 residential services for victims of which:

- Emergency Reception Centres (ERCs): 52;
- Recovery centres for victims of domestic violence: 20;
- Sheltered housing: 42 (1/county) at GDSACP level and 3 at SAD level: Bistrita Nășăud, Craiova, Rădăuți);
- Day services for victims of domestic violence and perpetrators: 46 (38 for victims and 8 for perpetrators);
- Centres for preventing and combating domestic violence: 31;
- Centres for information and awareness-raising services: 7;
- Support centres for aggressors: 16;

Through the VENUS - Together for a Safe Life! project, funded by the Human Capital Operational Programme, Priority Axis 4, Specific Objective 4.4, for a total amount of EUR 11 million, with an implementation period of 4 years (2019-2023), measures have been developed, in line with the Istanbul Convention, focusing on the integrated and unified approach of the social, socio-professional and vocational training services for victims of domestic violence, for the purpose of preventing and combating the phenomenon of domestic violence at national level.

Within the project, the National Innovative Integrated Network of 42 sheltered housing for victims of domestic violence (accommodation for up to 1 year) was created and developed, including one sheltered housing set up in each county with the aim of ensuring the transfer to an independent living and the socio-professional reintegration of the victims of domestic violence.

At the same time, through the same project, 2 complementary services have been created and developed in each county, totalling 82 complementary services for the victims of domestic violence, i.e. 42 support groups providing specific psychological assistance and personal development programmes and 42 vocational counselling offices providing vocational counselling, professional guidance and accompaniment for the identification of a new job and empowerment, in order to overcome the crisis situations generated by the domestic violence and the professional reintegration of the victims.

- *Implementation of relevant legislation and measures and their impact on the prevention and mitigation of domestic violence.*

In October 2022, the EMIS was operationalised and will be implemented in accordance with Article 5 of GD no. 1025/2022 for establishing the technical and organisational aspects of the operation in the pilot system, as well as the operationalisation of the EMIS.

The system shall be developed in such a way as to enable the display in the geographic information system of the SNECS of the location data relating to the electronic surveillance device worn by the person under surveillance and that worn by the protected person, respectively, at the time of the alert being triggered.

The location data within the EMIS contains both the geographical position and location accuracy associated with the electronic surveillance device and the time coordinates associated with the determination and transmission of each geographical position. The application related to the Informatic System for Creating Alerts communicates with the Alert Generating Information System developed at the level of STS through standardised communication interfaces. The EMIS,

through standardised communication interfaces, has the capacity to allow the loading and use of the map of the geographical information system within the Single National Emergency Calling System, managed by STS.

Between 1 January 2018 and 31 December 2021, the texts of the law containing provisions on preventing and combating domestic violence against women were amended and supplemented. New legal provisions with an impact on the conduct of criminal investigations have also entered into force.

Thus, by Law no. 217/2020 amending and supplementing Law no. 286/2009 on the Criminal Code as well as amending Article 223 para. (2) of Law no. 135/2010 on the Criminal Procedure Code, the offences of rape and sexual intercourse with a minor were declared imprescriptible, the punishment limits for a number of offences were increased, including offences against sexual freedom and integrity, and the commission of the offence by a family member or a person living with the victim was introduced as an aggravating circumstance in the case of offences of trafficking in minors, provided for by Article 211 of the Criminal Code, pimping, provided for by Article 213 of the Criminal Code, in the case of offences against sexual freedom and integrity, and in the case of the offence of child pornography, provided for by Article 374 of the Criminal Code.

By Law no. 233/2020 amending Article 199 para. (2) of the Criminal Code, Article 199 has been amended to the effect that in the case of offences referred to in Articles 193 and 196 committed against a family member, the criminal action may also be brought ex officio.

By Law no. 274/2020 amending the Criminal Code, Article 154 was amended to the effect that, with the exception of the offences referred to in Articles 218 and 220, in the case of offences against sexual freedom and integrity, trafficking in and exploitation of vulnerable persons, as well as the offence of child pornography committed against a minor, the limitation period shall start to run from the date on which the minor became of age. If the minor has died before reaching the age of majority, the limitation period shall begin to run from the date of his or her death.

By Law no. 186/2021 amending and supplementing the Criminal Code, the offence of sexual assault, provided for by Article 219 was declared imprescriptible.

On 21 May 2021, Law no. 146/2021 on the electronic monitoring in the framework of judicial and criminal enforcement proceedings entered into force, which regulated the electronic monitoring during the execution of the measure of judicial control or judicial control on bail, according to Law no. 135/2010 on the Criminal Procedure Code, as subsequently amended and supplemented; the execution of the measure of house arrest, according to the Criminal Procedure Code, as subsequently amended and supplemented; the application of the provisional protection order and the protection order, according to Law no. 217/2003 on preventing and combating the domestic violence, republished; application of the European protection order, if Romania is the issuing state, according to Law no. 151/2016 on the European protection order, as well as for the modification and completion of certain normative acts, in the framework of the procedures referred to in letters a) and b); remote surveillance, according to Law no. 254/2013 on the execution of sentences and measures of deprivation of liberty ordered by the judicial bodies in the course of the criminal proceedings, with subsequent amendments and additions.

By Law no. 183/2020 amending Law no. 217/2003 on preventing and combating domestic violence, the punishment limits for the infringements of measures ordered by the protection orders and provisional protection orders have been increased and the possibility to extinguish the criminal proceedings following the reconciliation of the parties in case of these offences has been eliminated.

During the year 2021 the prosecutors of the Public Ministry participated, within the framework of the continuous professional training programme, in courses, organized by the National Institute of Magistracy within the project Justice 2020: Professionalism and Integrity-SIPOCA 453. The courses covered the topics of “Sexual abuse of minor victims,” “Combating domestic violence,”

“Effective prosecution of offences against sexual freedom and integrity,” “Interaction with the minors during the judicial proceedings” and were attended by a total of 122 prosecutors.

Also, during the year 2021, decentralized continuous training activities were held at the level of the prosecutor’s offices of the courts of appeal, attended by prosecutors from the prosecutor’s offices within the territorial jurisdiction, among the topics discussed were “The issue of the offences against the person, offences against a family member,” “The issue of vulnerable persons,” “Informing the victims of offences about their rights, especially in the case of domestic violence” and “Protection of children - victims of domestic violence.”

By GD no. 592/2020 the National Strategy for preventing and combating sexual violence “SINERGIE” 2021 - 2030 was approved, which has among its objectives:

- Development and implementation of the working procedures and best practice guidelines in the prevention of the sexual abuse of children in the family and in the community;
- Continuous training for all relevant professionals (teachers, doctors, psychologists, police officers, judges, prosecutors, social workers, etc.) as well as representatives of NGOs working in the field, on preventing and combating the sexual violence in all its forms, including the cyber violence (teachers, doctors, psychologists, police officers, judges, prosecutors, social workers, NGOs, etc.). The development of local and national campaigns to prevent trafficking in persons and sex tourism, with the involvement of the local authorities, the civil society and including the police representatives;
- Analysis of the current legislative framework from the perspective of the need to ensure the safety of the online environment and a strong response to combat pornography, revenge pornography, harassment/blackmailing regarding the dissemination of materials with sexual content;
- Analysis regarding the actions and measures needed to align with the European Commission's initiatives regarding the harmonisation of the response to specific forms of gender-based violence (in accordance with Article 83 para. (1) of TFEU<sup>26</sup>), the so-called Eurocrimes and/or additional measures to prevent and combat specific forms of gender-based violence, including the sexual harassment and the abuse against women;
- Establishment of a national monitoring system on all forms of sexual violence.

Also, the particularly important regulations and measures in the field of domestic violence (introduced by the amendments to Law no. 217/2003 (by Law no. 174/2018) have been successfully implemented:

- the regulation of the provisional protection order (valid for 5 days) under Article 52 of the Convention, as a specific form of protection for victims in situations of imminent danger (in the period 2019-2021 approximately 30.000 PPOs were issued);
- by extending the category of persons who are family members beyond the boundaries of marriage or common residence (ascendants and descendants, brothers and sisters, spouses and their children, as well as the persons who have become relatives by adoption and/or ex-spouses; siblings, parents and children from other relationships of spouses or ex-spouses), the scope of the law has been extended and many more persons can be protected;
- by regulating and extending the scope of the social services for the victims of domestic violence, such as:

- the national helpline 0800 500 333 (Article 24 of the Convention) for victims of domestic violence, gender discrimination and trafficking in persons (operating non-stop and fully supported by NAEO: funding of the operating costs (equipment, utilities, etc.) + 6 operators from the NAEO personnel):

- year 2018 - 1.963 calls;
- year 2019 - 1.985 calls;
- year 2020 - 3.760 calls;

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<sup>26</sup> Treaty on the Functioning of the European Union

- year 2021 - 5.547 calls;

- during the reference period, the creation and development of a national network of 42 sheltered housing units and 84 complementary services, the creation of 10 centres for the intervention in cases of sexual violence (Article 25) Bucharest, Timișoara, Piatra-Neamț, Satu Mare, Sibiu, Slobozia, Constanța, Brăila, Bacău, Craiova) and the creation of 8 centres of assistance for aggressors (Bucharest, Giurgiu, Timișoara, Sibiu, Slobozia, Constanța, Bacău, Craiova);

- More than 1.440 mobile teams have been created at the local level for emergency interventions and referral of victims to the appropriate social services;

- the electronic monitoring system of the provisional protection order and the protection order was regulated by Law no. 146/2021. The pilot phase is being implemented in the period 2022 - 2023 - at the level of the Municipality of Bucharest and the counties of Iași, Mureș and Vrancea;

- the continuous training of all categories of professionals (police officers, social workers, judges and prosecutors, teachers, etc.) has been carried out;

- the implementation of ongoing campaigns regarding the information and awareness-raising of the public opinion concerning the domestic violence and the violence against women;

- the development and implementation of the appropriate public policies (GD no. 559/2021 on the approval of the National Integrated Programme for the Protection of Victims of Domestic Violence and of the Framework Methodology on the organisation and functioning of the national integrated network of sheltered housing for victims of domestic violence, draft GD on the approval of the National Strategy on the promotion of equal opportunities and treatment of women and men and the prevention and combating of domestic violence for the period 2022-2027);

At the same time, important projects have been developed and implemented:

- VENUS project described above;

- The pre-defined project Support for the implementation of the Istanbul Convention in Romania (currently developed by NAE), developed through the Norwegian Financial Mechanism 2014-2021, under "Justice" programme, managed by the Romanian Ministry of Justice as Programme Operator, amounting to € 2.5 million. The project is a strategic action to support the Romanian authorities in adopting a coordinated action to address the challenges posed by the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence - Istanbul Convention.

One of the main pillars of the project focuses on developing a network of social services. Thus, 8 centres for counselling the aggressors were created within the project (Bucharest, Giurgiu, Timișoara, Sibiu, Slobozia, Constanța, Bacău, Craiova) and a network of 10 integrated centres for victims of sexual violence (Bucharest, Timișoara, Piatra-Neamț, Satu Mare, Sibiu, Slobozia, Constanța, Brăila, Bacău, Craiova).

The creation of these centres marks a change in the approach to the way in which the medical-social services are available to victims of sexual violence, by ensuring an integrated management so that the victim can benefit directly from all the necessary services in the hospital.

Thus, in addition to the medical services, the victim can benefit free of charge from a range of social services (psychological and/or legal counselling) and can initiate the legal procedure for filing a complaint of sexual assault, followed by a statement and the collection of evidence.

This national network of centres provides a range of services for victims, including: medical examinations, counselling and post-traumatic assistance, provided by a multidisciplinary team addressing the needs of victims.

- GLORIA project - Integrated assistance for victims of domestic and gender-based violence, funded by the Norwegian Financial Mechanism and implemented by the Institute of Forensic Medicine Iași as Project Promoter, in partnership with: NAEOWM, Corona Foundation, Mediation and Community Safety Centre of Iași and Hedda Foundation from Norway.

The project provides quality integrated services, multidisciplinary addressing the issues of domestic and gender-based violence, encompassing specific measures of social, medical, educational, occupational and housing assistance for at least 550 persons (adults and children) victims of domestic and gender-based violence in rural and small urban areas of Iași, Vaslui, Bacău and Neamț counties, covering an area of 250 local communities where services of this type are lacking or are insufficient.

▫ VERA project - Positive Change through Integrated Action in Challenging Times, funded from the reserve of the Norwegian Financial Mechanism 2014-2021 under the Justice Programme, managed by the MoJ, amounting to € 823.530 (March 2022 - March 2024) is implemented by NAEO, as Promoter in partnership with a Consortium of NGOs Centre for Training and Evaluation in Social Work, Sensiblu Foundation, Necuvinte Association, Centre for Mediation and Community Security Foundation, and the Association for Socio-Economic Development and Promotion CATALACTICA.

The overall objective of the project is to improve and adapt the response capacity of the central and local public authorities in order to provide a better and adequate support to the victims of domestic violence and gender-based violence, through: the training of the coordinators of the mobile teams for emergency intervention in cases of domestic violence, the training of the specialists from the domestic violence departments of the GDSACP and the provision of legal advice to the victims of domestic violence and gender-based violence, the facilitation of access to justice and to legal information (e.g. the issuance of the protection order, divorce application, child custody, legal aid, etc.), the development of a barometer in the field of the domestic violence and gender-based violence focusing on the evolution of the phenomenon, practices and trends, at county level, in particular in relation to the COVID 19 pandemic.

▫ The VioGen RoJust project is implemented under the Open Call for Projects “Human Rights - National Implementation,” Area 17 “Human Rights - National Implementation,” EEA Grants 2014-2021, by the NAEO, as Project Promoter, in partnership with: TRANSCENA Association, ANAIS Association, FILIA Centre and GRADO Association.

The project is supported by a grant of approximately € 732.000 and the implementation period is December 2021-September 2023. The objective of the project is to strengthen the capacity of the Romanian authorities to implement/execute the ECHR judgments, as well as the country recommendations issued by the Council of Europe in the field of abuse, domestic violence and gender-based violence.

Through its specific activities, the project will generate long-term positive effects that can systematically contribute to increasing the understanding of the profile of victims of domestic and gender-based violence, their needs, and modalities to address them, in order to avoid any form of discrimination and to enhance the confidence in the justice system, as a corollary of the respect for the rights of women and facilitating the access to justice as an essential part of the fundamental human rights, as follows:

- Creation, development and promotion at regional/multi-regional/national level of mechanisms for the protection of the rights of vulnerable persons and of measures for the fight against discrimination and/or for the promotion of human rights, piloted at national level, with a focus on the victims of gender discrimination and domestic or gender-based violence;

- Initiating and promoting a programme of initial and continuous training/education for judges, lawyers, prosecutors and police officers on the implementation of international human rights documents ratified by Romania (ECHR, CEDAW, Istanbul Convention, Lanzarote Convention) and avoiding the procedural flaws that led to the delivery by the ECHR of judgments by which Romania was sentenced to pay amounts by way of reparations;

- Carrying out a national campaign for the information and awareness of the public opinion and the professionals in the judicial field and in the field of preventing and combating the domestic violence and gender-based violence regarding the observance of the victims' rights, avoidance of revictimisation and non-discrimination;

- Creation of an online platform as a resource point for informing the public, with a segment dedicated to the professionals in the field: judges, prosecutors, lawyers, police officers and a component dedicated to reporting abuses in the judicial system (police, prosecutors' offices, courts) and providing counselling/guidance to vulnerable persons regarding the defence of their rights and ways of reporting to the competent authorities
- Organisation of a nationwide VioGen RoJust Virtual Legal Caravan to increase the capacity of the national institutions to implement in practice the recommendations resulting from the ECHR judgments and other country-specific recommendations;
- Carrying out of advocacy activities to create effective communication mechanisms between the different institutional actors with responsibilities in the process of implementing the country decisions and recommendations on the issue of abuse, domestic violence and gender-based violence;
- Elaboration of a Study regarding the ECHR case law relevant for the legal professionals and examples of good practice.

### ***Childcare facilities***

*The Committee asked for information as to how the Government ensured that affordable, good quality children facilities were available, in particular, in terms of number of children under the age of six in childcare, staff qualifications and suitability of the premises and the size of the financial contribution parents were asked to make.*

Early education (children from birth to 6 years old) is part of the pre-university education and comprises, according to the National Education Law no. 1/2011, as amended and supplemented, Article 23, (a): pre-school level (0-3 years) and pre-school education (3-6 years).

At the express request of the parents, within the limit of the number of places, the children aged 2 years and over may be enrolled in pre-school education.

According to Article 27 (1) of the National Education Law, the pre-school education is organised in nurseries and, where appropriate, in kindergartens and day-care centres.

The nurseries are part of the national pre-university education system and provide integrated education, care and supervision services for the pre-school children aged 0 months to 3 years.

Starting with the 2021-2022 school year, the state nurseries will be annexed at the request of the mayors, following the decisions of the deliberative authorities, by decision of the county/municipality school inspectorates, to the educational establishments that have a pre-school level with extended program with legal personality or to the educational establishments that have a pre-school education in their structure. If the authorities of the local public administration do not request the annexation, the state nurseries become educational establishments with legal personality, the local authorities having the quality of founding legal person, the financing being provided in accordance with the provisions of paragraph (4<sup>1</sup>) of the National Education Law. In this case, the county/town school inspectorates ensure the methodological coordination of the respective nurseries.

The State supports the early education, as part of the lifelong learning, by granting social vouchers. These will be granted for educational purposes, in accordance with the legislation in the field of social assistance, depending on the family's income, from the state budget, through the budget of the MoLSS.

Two types of programmes are offered in early education, namely:

- normal schedule (5 hours);
- extended programme (10 hours).

In the case of the regular programme, which is common in rural areas because it covers the educational needs of the children in these areas, this can be organised either in a separate structure from the school/kindergarten or within the school/kindergarten. In the urban environment, the extended programme is predominant, offered in a single structure with legal

personality (nursery/kindergarten) or a combination of normal and extended programme offered in the same structure or in separate structures of the same institution with legal personality (nursery, kindergarten, school/kindergarten).

Most nurseries (pre-primary level) offer extended schedule and are located in the urban environment.

In the localities where there are not enough nurseries and kindergartens, complementary early education services can be developed, such as “ludotechs” (play centres), playgroups and community kindergartens, which can operate as part of the educational establishments.

The conditions and modalities for the organisation and operation of THE nurseries intended for the pre-school children (under 3 years old) are laid down in the Methodology for the organisation and operation of nurseries and other pre-school early education establishments (GD no. no. 566/2022) and, for the pre-school education, in the Framework Regulation for the organisation and operation of pre-university education establishments (Ministerial Order no. 4183/2022).

The quality standards for the early education (pre-primary and pre-school level) are developed by the Romanian Agency for Quality Assurance in Pre-University Education and approved by GD no. 994/2020.

At the same time, the MoE has developed and approved by Order no. 4143/2022, the Standards for teaching-learning materials in early education and the Minimum Equipment Standard for early education services for children from birth to 6 years.

The curriculum for early education, recently promoted by Order no. 4694/02.08.2019, sets the pedagogical framework for supporting the children's development in a holistic way, through educational and care practices that enable the children to reach their full potential, while allowing the educators to customize their approach according to each child's interests, needs and potential.

Knowing that one of the important keys to quality in education is the teacher, the MoE, in the process of building a unified system of inclusive and quality early education, has also focused its efforts on the human resource. Thus, within the framework of the non-competitive project, financed by European funds: Inclusive and quality early education, carried out by the MoE in partnership with three major universities in Romania, which provides the training in early education of the necessary teachers: University of Pitești, Aurel Vlaicu University of Arad and Ștefan cel Mare University of Suceava, two training programmes have been developed and implemented for a total of 2283 teachers and 94 curriculum development experts, with a particular focus on the issue of early pre-school education.

*Number of children under 6 benefiting from these services:*

- 21.872 children under 3 years and 525.411 children 3-6 years (2018-2019);
- 22.506 children under 3 years and 526.216 children 3-6 years (2019-2020);
- 17.400 children under 3 years and 505.179 children 3-6 years (2020-2021);

Most of the children enrolled in pre-primary and pre-school education are in public institutions (over 96%). The extended programme prevails.

### *Staff qualifications*

According to Article 236 para. 1 of the National Education Law, the initial training for the teaching positions in the pre-university education includes:

- a) initial theoretical training in the speciality, carried out by universities, within the framework of programmes accredited in accordance with the law;
- b) completion of a two-year master's degree in teaching or training in level I and II psycho-



pedagogical training programmes carried out by specialist departments in higher education institutions;

c) practical traineeship of one school year in an educational establishment, usually under the supervision of a mentor teacher.

By way of exception to the provisions of paragraph (1), the training of the pre-school education personnel for the position of kindergarten teacher, of the pre-school and primary education personnel for the positions of educator and teacher shall be carried out by the pedagogical high schools, and of the master instructors and coaches by the non-university tertiary education establishments.

According to Article 248 of the National Education Law, in order to be employed in the teaching positions, it is necessary to complete a practical training period of one school year, carried out in an educational establishment, in the teaching position corresponding to the studies, usually under the guidance of a mentor teacher, and the following minimum educational requirements must be met:

- for the teaching posts of kindergarten teacher, educator, teacher - graduation from a pedagogical high school or an equivalent school, with the specialisation corresponding to each teaching post;

- for the position of pre-school teacher - a degree in “Primary and pre-school pedagogy” or a degree from a pedagogical high school with the specialisation “educator” and “teacher educator” or from a university college of teachers or other equivalent schools and a degree from a higher education institution with a bachelor’s degree;

In order to provide the necessary teaching personnel in nurseries, the teaching position of kindergarten teacher shall be filled by:

a) graduates of the pedagogical high school, specialization: kindergarten teacher;

b) graduates of the pedagogical high school or an equivalent school, specialising in educator or teacher, who have followed or will follow by 1 September 2025 early education courses within the framework of projects run by the MoE with third parties;

c) graduates with a bachelor’s degree, specialising in pre-school and primary education pedagogy, who have attended or will attend by 1 September 2025 early education courses within the framework of projects run by the MoE with third parties;

d) Graduates of the master’s degree in teaching, specialising in early education.

The graduates of pedagogical high schools, pedagogical post-secondary schools, university colleges of teachers or other equivalent schools, enrolled in pre-school and primary education, who, before the entry into force of the National Education Law, have completed the bachelor’s degree, are considered to have fulfilled the condition for the teaching positions of pre-school teacher and primary school teacher respectively.

For the teaching positions in special education, the conditions set out above must be duly fulfilled, and for specializations other than psycho-pedagogical specializations, a certified theoretical and practical training stage in special education is required, under the conditions set out by order of the Minister of Education.

### *Adequacy of premises*

Starting with the school year 2012 - 2013, the school network is organised by the authorities of the local public administration with the approval of the school inspectorates.

The organisation of the school network is carried out annually on the basis of a Methodology approved by ministerial Order.

In the process of organising the school network, the educational establishments may retain their status and structure or may be reorganised following certain specific operations, i.e. their merger or division.

### *Financial contribution of the parents*

Article 9 of the National Education Law establishes the financing of education.

Thus, the principles of financing the pre-university education are as follows:

- a) transparency of the grounds and allocation of funds;
- b) fairness in the distribution of funds intended for an education of quality;
- c) the adequacy of the volume of resources in relation to the objectives pursued;
- d) predictability, through the use of coherent and stable financial mechanisms;
- e) efficiency in the use of the resources.

The State provides the basic funding for all pre-school children and for all pupils/school students in the compulsory general state education, as well as in the private and denominational accredited education. Funding is based on and within the limits of the standard cost per pupil/student or per pre-school child, according to the methodology drawn up by the MoE.

The state education is free of charge. Fees may be charged for some activities, levels, cycles and study programmes, under the conditions established by law.

The MoE, through the specialised body, sets the standard cost per pre-school pupil/pupil/student each year, which is the basis for the basic funding. This amount is available to all pre-school children and pupils/school students in the state pre-university education, as well as to the pre-school children and pupils/school students in the compulsory general education, vocational and secondary education, as well as private and denominational education, who study in educational establishments that are accredited and periodically evaluated in accordance with the legislation in force.

The basic funding of the pre-university education is based on the principle of “the financial resource follows the pupil/student,” whereby the budget allocation for a pupil/student or pre-school child is transferred to the school where he/she attends.

Education may also be financed directly by economic operators, as well as by other natural or legal persons, in accordance with the law.

Education may be supported through scholarships, study credits, fees, donations, sponsorships, own sources and other legal sources.

Regarding the nurseries, according to Article 55 para. (1) of GD no. 566/2022, the parents/legal guardians whose children benefit from the services of the pre-university education establishments with public pre-school level are obliged to pay a monthly maintenance/feeding contribution, established by the decision of the board of directors of the educational establishment, after the consultation with the parents.

### *Number of public and private nurseries nationwide*

- 2019 - 2020 - 369 nurseries;
- 2020 - 2021 - 365 nurseries.

### *Number of public and private kindergartens nationwide*

- 2019 - 2020 - 1175 kindergartens and 9661 departments within the school groups or other units providing education and training;
- 2020 - 2021 - 1153 kindergartens and 9529 departments within the school groups or other units providing education and training.

## ***Housing for families***

*The Committee calls for the following report to provide figures on the availability of social housing in areas with high poverty rates.*

According to the NHS for the period 2022-2050 (approved by GD no. 842/2022), the purpose of the social housing construction programme under Law no. 114/1996 is the construction of social housing - rent-subsidised housing for categories of disadvantaged persons provided for by the law, whose standard of living does not allow them to own or rent a dwelling under the market conditions. The objective is to ensure decent housing conditions for disadvantaged social groups. The promotion of social housing investments is, by law, the task of the local public authorities. The financing of the social housing is provided from the local budgets, within the limits of the annually approved budgetary provisions of the local councils. The State supports the construction of social housing through the multiannual programme for the construction of social housing through which it transfers amounts from the State budget, within the limits of the commitment appropriations and the budget appropriations approved annually for this purpose and the estimates for the next 3 years, provided for in the annual budget law, to the MoDPWA. The social houses built under Law no. 114/1996 cannot be sold. The families or persons with an average monthly net income per person, achieved in the last 12 months, below the average monthly net income in the total economy, communicated by the NIS in the last Statistical Bulletin prior to the month in which the application is considered, and prior to the month in which the housing is allocated, have access to social housing for rent. The persons or families are not eligible for social housing if: they own a dwelling; they have disposed of a dwelling after 1 January 1990; they have received state support in the form of loans and execution for the construction of a dwelling; they own, as a tenant, another dwelling from the state housing fund.

In the period 2007-2022, through the social housing construction programme financed by MoDPWA under Law no. 114/1996, 90 social housing blocks were completed, totalling 3.911 social housing units nationwide.

*The Committee requests that the following report clarify whether other types of housing benefit are available to vulnerable or low-income families who do not have access to social housing.*

Currently, the following measures are regulated for vulnerable groups with no or low income, provided from the state budget and/or from European funds granted for the prevention and fight against poverty and the risk of social exclusion:

➤ **The social aid programme.** It is granted on the basis of *Law no. 416/2001 on the guaranteed minimum income, with subsequent amendments and additions*, to all families and single persons with low or no income, who are in difficulty, to help them overcome this situation. The social welfare is calculated as the difference between the net monthly income of the family or single person and the monthly level of the guaranteed minimum income provided for by the law. The entitlement to social welfare is determined by taking into account the family's income and the movable and immovable property owned.

In the context of the social assistance measures linked to the activation measures, the persons receiving social welfare are subject to an active job search, but also to the obligation to work for the community for a number of hours equivalent to the amount of social welfare, based on the minimum wage and if they can prove that they are registered with the territorial employment agency and have not refused a job or participation in the employment stimulation and vocational training services offered by these agencies.

These measures have been introduced to contribute to their integration into the labour market, precisely in order to prevent and limit any form of dependence on the state or community support. If the beneficiaries refuse to fulfil their legal obligations, their entitlement to social assistance measures is suspended or, where appropriate, terminated.

The monthly level of the guaranteed minimum income is currently:

Family type	Amount -RON-
single person	149
2 persons	269
3 persons	376
4 persons	465
5 persons	554
for each other person over 5 persons	39

*Notice period for forced evictions. Forced evictions in winter.*

Law No 134/2010 on the new Civil Procedure Code, as subsequently amended, establishes a new special procedure, namely: eviction from the property used or occupied without right, which may concern:

- (i.) the former tenant who has used the immovable property by virtue of a title, or
- (ii.) a third party who occupies the property without right.

The notions of tenant and occupant are defined in Law no. 134/2010, for example, the occupant is defined as any person, other than the owner or tenant, who actually occupies the building with or without the permission or consent of the owner.

The scope of the procedure takes into account various situations that may arise in practice, namely:

- i. cases where the person to be evicted has lawfully occupied the property by virtue of a title conferring a right of use of the property (but whose right has ceased), and
- ii. where the person to be evicted occupies the property without any right.

It should be mentioned that the special eviction procedure is jurisdictional. Thus, according to the Civil Code, Article 1.831 para. (1), in the case of tenants<sup>27</sup>, the rule is that their eviction is done **only by court order**. Moreover, in order to give the tenants the possibility to voluntarily vacate the occupied property, the eviction by court order is preceded by a preliminary procedure, consisting of their notification.

With regard to the time limit for notifying the former tenant/third party, it should be noted that:

- (i.) notification of the former tenant in order to vacate and surrender the property shall be made within a longer period, namely 30 days from the date of notification<sup>28</sup>,
- (ii.) in the case of a third party occupying the property without any right, the third party is obliged to vacate the property within 5 days of the service of the eviction notice<sup>29</sup>.

If the tenant or the occupier notified under the terms of this title refuses to vacate the property or if the tenant has waived his or her right to be notified and has lost, for any reason, the right to use the property, the landlord or owner shall apply to the court to order, by enforceable judgment, the immediate eviction of the tenant or occupier from the property for lack of title.

Among the specific features of the special eviction procedure are:

- the application for eviction shall, as a rule, be heard by summoning the parties; by way of exception, the application for eviction shall be heard without summons (i.e. where the eviction of the property for non-payment of rent or lease is requested on the basis of

<sup>27</sup> Meaning the former tenant/third party.

<sup>28</sup> Article 1.038 para. 1 of the Civil Procedure Code.

<sup>29</sup> Article 1.039 of the Civil Procedure Code.

a contract which constitutes, for the payment thereof, an enforceable title, according to the law<sup>30</sup>);

- the eviction order can be appealed<sup>31</sup>, which may be lodged against the judgment delivered by the first instance, thus ensuring two proceedings on the merits, i.e. a double degree of jurisdiction;
- against the execution of the eviction order issued by the court, the interested parties may lodge an appeal against execution, in accordance with the law<sup>32</sup>;
- the institution of suspension of the enforcement of the eviction order is more restrictive, in view of the particular legal situation of the person to be evicted: the person occupying the property concerned without right.

In consideration of the different legal situation of those to be evicted through the special procedure, the legislator has established a differentiated legal regime determined by humanitarian and social protection reasons, situation in which **the prohibition of eviction from residential buildings during the period between 1 December and 1 March of the following year was established**; On the other hand, this protective measure is not applicable: if the creditor proves that, within the meaning of the provisions of the housing legislation, he/she and his/her family do not have a suitable dwelling at their disposal, or if the debtor and his/her family have another suitable dwelling to which they could move immediately; in the case of eviction of persons who are in fact occupying a dwelling without any title, or of those who have been evicted because they are endangering the relations of cohabitation or seriously disturbing the public peace.

For humanitarian and social protection reasons, and in view of the different legal situations of the evictees (irrespective of the procedural route taken - special or common law), the legislator has introduced a series of measures to protect these persons<sup>33</sup>, measures that are stipulated in the secondary legislation in this field<sup>34</sup>.

In conclusion, the judicial eviction of the abovementioned persons is likely to ensure adequate procedural safeguards for the purpose of complying with the fundamental right to a fair trial. On the other hand, the purpose of this judicial procedure is ultimately to ensure the protection of the right to (public or private) property, which is guaranteed by the Romanian Constitution in Article 44<sup>35</sup>. Finally, the social protection of the evacuees is achieved through a wide range of measures, such as those exemplified above.

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<sup>30</sup> Article 1.042 para. 1 of the Civil Procedure Code.

<sup>31</sup> Article 1.042 para. 5 of the Civil Procedure Code.

<sup>32</sup> Article 1.044 of the Civil Procedure Code.

<sup>33</sup> We take into account *the situation of the evicted/to be evicted tenants from the buildings nationalized by the Romanian state, returned to the former owners through administrative/judicial means.*

<sup>34</sup> GEO no. 40/1999 on the protection of tenants and the establishment of the rent for the premises intended for housing; GEO no. 68/2006 on measures for the development of housing construction activity through nationwide programmes; GEO no. 74/2007 on the securing of the social housing fund for the tenants evicted or to be evicted from the dwellings retroceded to the former owners; *regarding the situation of the persons or families whose economic situation does not allow them to own or rent a housing under the market conditions*, see for example: Housing Law no. 114/1996; Law no. 152/1998 on the establishment of the NHA; *even regarding the situation of the persons concerned in the letter*, see, also by way of example: GD no. 1237/2008 approving the pilot programme "Social housing for Roma communities."

<sup>35</sup> "Right of private property

(1) *The right of property, as well as the debts incurring on the State are guaranteed. The content and limitations of these rights shall be established by law.*

(2) *Private property shall be equally guaranteed and protected by the law, irrespective of its owner. Foreign citizens and stateless persons shall only acquire the right to private property of land under the terms resulting from Romania's accession to the European Union and other international treaties Romania is a party to, on a mutual basis, under the terms stipulated by an organic law, as well as a result of lawful inheritance.*

(3) *No one shall be expropriated, except on grounds of public utility, established according to the law, against just compensation paid in advance.*

(4) *The nationalization or any other measures of forcible transfer of assets to public property based on the owners' social, ethnic, religious, political, or other discriminatory features.*

(5) *For projects of general interest, the public authorities are entitled to use the subsoil of any real estate with the obligation to pay compensation to its owner for the damages caused to the soil, plantations or buildings, as well as for other damages imputable to these authorities.*

*The measures already taken or envisaged to improve the housing situation of Roma families.*

a) Extract from the Evaluation Report<sup>36</sup> of the 2014-2020 OPHC interventions aimed at reducing the number of marginalised communities as well as the number of persons at risk of poverty and social exclusion, including the Roma population.

The interventions funded under Priority Axis 4, SO 4.1, 4.2 of the OPHC 2014-2020 have targeted persons at risk of poverty and social exclusion in marginalized communities, including Roma communities. Among the types of eligible actions were the interventions to improve the housing conditions (mandatory), as well as the provision of legal assistance for the regulation of acts (optional) - where deemed appropriate.

An impact assessment of these interventions was carried out, with a baseline date of 31.12.2020, by which time 130 projects had been contracted, of which 43 were completed. In terms of projects contracted by the assessment baseline date, only 208 communities were targeted, representing 6% of the total number of marginalised census sectors identified.

Also, the 2014-2020 OPHC supported under Priority Axis 5, SO. 5.1, 5.2, through a multi-fund approach (OPHC, ROP<sup>37</sup>, NRDP<sup>38</sup>), the reduction of the number of marginalized communities, with a focus on those with Roma minority population through the implementation of integrated measures carried out within the framework of the community-led local development mechanism. 108 projects have been contracted up to the reference date of the evaluation, the vast majority of which are intended to support the development of Local Development Strategies and the functioning of Local Action Groups, and 31 projects for the implementation of Local Development Strategies in marginalized communities. Again, the strategies developed and the projects contracted included, among the eligible activities, the support for legal assistance aimed at regulating the identity documents, property and civil status documents, at obtaining social assistance rights, as well as measures in the field of discrimination or segregation and/or housing.

In terms of the projects contracted under SO. 5.1, 5.2, up to the baseline date of the evaluation, 296 communities were targeted, representing 9% of the total number of marginalised census sectors identified.

The territorial analysis of the projects contracted under the four SOs 4.1, 4.2, 5.1, 5.2 up to the baseline date of the evaluation shows that they were not evenly distributed across the development regions. Comparing the territorial distribution of the projects with the EUROSTAT and NIS data regarding the rate of persons at risk of poverty by development regions, it can be seen that the regions with the highest rates recorded in the case of the poverty indicators are not always the same as those with the most projects contracted. This indicates the existence of an insufficient level of expertise and a limited capacity to develop and implement the interventions/projects in those regions where the needs are most acute.

By the end of 2020, 31.400 marginalised Roma persons had been supported through integrated measures under the four SOs 4.1, 4.2, 5.1, 5.2 of OPHC 2014-2020, most of them from the Centre region (9.100). Of the total number of marginalised Roma supported, almost 70% lived in rural areas - 21.364.

All the data and information collected through the research tools within the evaluation, other than the documentary research and the analysis of the statistical data, point to a considerable short-term improvement of the situation of the marginalised communities in which the

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*(6) Compensation provided under paragraphs (3) and (5) shall be agreed upon with the owner, or by the decision of the court when a settlement cannot be reached.*

*(7) The right of property compels to the observance of duties relating to environmental protection and ensurance of neighbourliness, as well as of other duties incumbent upon the owner, in accordance with the law or custom.*

*(8) Legally acquired assets shall not be confiscated. Legality of acquirement shall be presumed.*

*(9) Any goods intended for, used or resulting from a criminal or minor offence may be confiscated only in accordance with the provisions of the law."*

<sup>36</sup> The evaluation report was finalised in February 2022 and the data and information analysed in the report have as reference date 31.12.2020. The evaluation report is available at the link [www.evaluare-structurale.ro](http://www.evaluare-structurale.ro)

<sup>37</sup> Regional Operational Programme

<sup>38</sup> National Rural Development Programme

interventions were implemented. The vast majority of the stakeholders involved in the management or implementation of the interventions as well as the representatives of the target groups confirmed an improvement in the perception of the standard of living and that there is a real decrease in the number of persons at risk of poverty and social exclusion within the targeted marginalised communities. However, at the time of the evaluation, the projects have not been able to produce major changes in the living standards of the communities.

While important progress could be identified in terms of human capital, employment and improved housing conditions, the most notable effects seem to be in the increase in the number of persons (aged 16-64) who are employed in the formal labour market or attending education. In terms of the access to the labour market, it was possible to notice mainly a positive evolution in the number of newly established businesses in the marginalised communities - more than 1.600 businesses by the end of 2020. Also, according to the project beneficiaries, in the education sector the main progress materialised in the reduction of early school leaving.

Other effects that were highlighted by the evaluation were: a change in the perspective of the persons from the marginalised communities on these types of interventions and an increase in their willingness to get involved in improving their own living conditions, improved relationships within households/families, especially for young adults with dependent children, where it was possible to observe an increased level of interest and attention paid to the dependent children, reflected in a greater awareness of the need to send them to school and a greater concern for their care.

The associations which form the LAGs and which collaborate in these projects have an improved degree of communication and direct collaboration without the intermediation of the ATU. This is beneficial to the projects being implemented, but also to the future projects in the region. The interaction between LAG members, but also between LAGs and local communities, is a net beneficial effect of the application of the community-led local development mechanism.

b) In the framework of the Inclusion and Social Dignity Operational Programme (SDOP) 2021-2027, through Priority 3 - Protecting the right to social dignity, the following two actions directly aimed at improving the housing situation of Roma families are supported:

- **Action 3.1. Social housing** responds to Specific Objective 3.2 *Adequate, safe, healthy and affordable basic housing and services, including Action Direction 3.2.1 “Increasing the access to adequate housing for all categories of persons, in particular for young persons and other vulnerable groups, as well as persons living in informal settlements”* from the National Strategy on Social Inclusion and Poverty Reduction for 2022-2027.

The improvement of the housing conditions for the vulnerable population, including Roma persons, will be achieved through the **construction, rental/purchase and rehabilitation/renovation of affordable social housing**. This measure will be located in the ATUs where persons in need of social housing already live, including where the informal settlements need to be relocated. Complementary, **accompanying measures** will be provided for the integration of vulnerable/marginalised persons benefiting from social housing in order to access/ benefit from services such as identity documents/ access to health services/ access to health education/ access to education/ vocational training/ employment provided by specialised services of the LPA alone or in partnership with NGOs.

In the implementation of this measure, the principles of avoiding the spatial/geographical/social segregation will be observed, according to the European Commission Guidelines (*Guidance for Member States on the use of European Structural and Investment Funds in tackling educational and spatial segregation*). The applicants will be ATUs in partnership with NGOs/service providers, under a competitive call.

The measure dedicated to the construction of social housing is complementary to the NRRP *Component 10: Local Fund, Reform 4: Improving the quality of housing*, which aims to reduce the severe housing deprivation of vulnerable groups and categories, in particular persons from marginalised communities in urban and rural areas, and *Reform 5: Development of the Planning System - Planning, Urban Development and Building Code, Investment 2: Construction of housing for young persons and for health and education professionals*, the objective of which is to increase the access to quality housing for young

persons in need and for health and education professionals providing such services in marginalized communities and marginalized groups.

- **Action 3.3 (FSE+) Supporting the local authorities in regulating the situation of the informal settlements** responds to the *Specific Objective 3.2: Adequate, safe, healthy and affordable housing and basic services* in the above-mentioned Strategy.

The improvement of the housing conditions for vulnerable persons, including Roma, will be achieved by supporting persons in around 200 informal settlements, i.e. through **regulatory measures accompanied by integrated services** that will facilitate community inclusion. This will include cadastral-urban land regulation, identification of the legal and economic status of the land on which the informal settlement is located, registration of the properties in the cadastral and land registry system and provision of integrated services on a case management basis, such as identity documents/ access to health services/ access to health education/ access to education/ vocational training/ employment. The applicants will be the local authorities in partnership with NGOs with experience in this field.

The above two measures will be implemented with the support of the European Commission's TSI project with the World Bank, *21R004 - Support for addressing the needs of vulnerable groups living in informal settlements*, which will provide the criteria for the **prioritisation of the informal settlements**, as well as for the **prioritisation of the need for social housing** for the situations where relocation of the population is required, with due respect to the principle of desegregation.

- c) Strategy of the Romanian Government for the inclusion of Romanian citizens belonging to the Roma minority 2022-2027

The measures foreseen in the framework of the Strategy adopted in May 2022, according to Annex 1 - SO1 Measure Plan for Housing and Infrastructure, aim at improving the housing situation of the Roma families, as follows:

- building social housing to which the Romanian citizens belonging to the Roma minority with low incomes have non-discriminatory access;
- rehabilitation of certain buildings owned by the local public administration authorities in areas with a disadvantaged Roma population;
- development of the infrastructure of public utilities in the local communities with disadvantaged Roma population;
- identification of informal settlements with a view to developing appropriate policies;
- ensuring the appropriate legislative and methodological framework for improving the quality of housing conditions and the development of disadvantaged areas;
- cadastre and free registration of the real estate, with special attention to vulnerable groups and Romanian citizens belonging to the Roma minority.

*The Committee requests information on the housing situation of the refugee families.*

According to the legal provisions, namely Law no. 122/2006 on asylum in Romania, with subsequent amendments and additions, Article 17 (1) letter k) regulates the right of the applicant for international protection to benefit, upon request, from free accommodation in one of the 6 centres under the MoA.

✓ These accommodation centres have well-equipped rooms and kitchens, as well as recreational facilities (prayer rooms, clubs, playrooms, computer rooms and gyms) which are used free of charge by the asylum seekers. Accommodation in these regional centres also includes the provision of personal hygiene and cleaning products, as well as the provision of the material goods necessary for the preparation of food and the serving of meals.

✓ According to Article 20, letter b) of Law no. 122/2006 on asylum in Romania, with subsequent amendments and additions, "the applicant has the right to choose his/her place of residence and to move freely, under the conditions established by law for foreigners".

✓ According to GO no. 44/2004 on the social integration of foreigners who have acquired a form of protection or a right of residence in Romania, as well as of the citizens of the Member States of the European Union, the European Economic Area and the Swiss Confederation, the beneficiaries of a form of international protection can benefit from accommodation in one of



the centres administered at the MoIA level, for a period of 12 months, provided that they are enrolled in the integration programme.

✓ MoIA runs a project financed by the **Fund for Asylum, Migration and Integration**, as an alternative to providing access to social housing, which aims to provide housing for the persons who have obtained a form of protection in Romania.

## Article 17 - The right of children and teenagers to social, legal and economic protection

### Paragraph 1

*The Committee asks what steps have been taken to reduce the statelessness?*

Law no. 21/1991 on the Romanian Citizenship, republished, with subsequent amendments and additions, transposes to a significant extent the standards on preventing and combating the statelessness established by the relevant international conventions to which Romania is a party, namely the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the 1997 European Convention on Citizenship.

Thus, the national legislation provides both for measures to reduce and prevent the statelessness and for facilitations in the process of granting or regaining Romanian citizenship on request, the access of the persons without citizenship to these procedural facilitations being itself a measure to resolve the existing cases of statelessness.

#### ***a) Measures to prevent and reduce the statelessness***

Although the Law on Romanian citizenship is based on the principle of *jus sanguinis*, it also contains elements of *jus soli*, as in the case of children born in Romania whose parents are unknown.

In this situation, since it cannot be established whether the minor was conceived by at least one Romanian citizen, he/she is considered to be a Romanian citizen until proven otherwise, and loses the Romanian nationality if, by the age of 18, his/her filiation to at least one of his/her parents has been established and he/she/they are foreign citizens.

In the same sense, considering the principle of *jus sanguinis*, the child who has at least one parent who is a Romanian citizen, regardless of the nationality or statelessness of the other parent or of the place of his or her birth on the territory of the Romanian State or outside it, is a Romanian citizen according to the provisions of Article 5 para. (2) of Law on the Romanian Citizenship.

At the same time, the Romanian citizenship cannot be withdrawn from the person who acquired it by birth, thus preventing the potential statelessness of the person who would only have the Romanian citizenship acquired by birth. The relevant provisions of Article 25 para. (2) of Law on the Romanian Citizenship, reproduce at the level of organic law the constitutional provision of Article 5 para. (2) of the Romanian Constitution.

Another measure, regulated at national level, for preventing the cases of statelessness is to make the approval of the application for renunciation of the Romanian citizenship conditional on the prior acquisition or, at least, the prior application for another citizenship, accompanied by the assurance that the person renouncing the Romanian citizenship will acquire another citizenship.

#### ***b) Facilities in the process of regaining/applying for citizenship for the citizens without citizenship***

In accordance with the provisions of the European Convention on Citizenship, adopted in Strasbourg in 1997 and ratified by Romania through Law no. 396/2002, the Law on Romanian Citizenship provides in Articles 10 and 11 for an easier procedure for former Romanian citizens and their descendants who apply to regain or, as the case may be, to be granted the Romanian citizenship on the basis of the kinship with former Romanian citizens, within the degree allowed by the law.

The access to the simplified procedure is also granted to stateless former Romanian citizens and their descendants up to the degree of kinship allowed by the legislator.

Thus, the provisions of the Law on Romanian Citizenship are in line with the provisions of the relevant international or regional conventions on the protection of the rights of children and the status of the stateless person, and are also consistent with the concerns of the international community regarding the reduction and even eradication of statelessness.

*The Committee asks what measures have been taken to facilitate the birth registration especially for vulnerable groups in RO such as Roma, asylum seekers, children in irregular situations.*

At the level of the MoIA, monitoring activities are constantly carried out on particular situations and those aimed at legalizing the civil status and identity documents of Romanian citizens from disadvantaged backgrounds, including Roma.

At the same time, the aim is to strengthen the responsibility of the decision-makers in the prefectures and in the community public services for the registration of persons with a view to intensifying the activities concerning the knowledge of the issues of the Roma ethnic group, for the purpose of registering them in the civil status records, issuing civil status certificates and identity documents, as well as providing them with the appropriate counselling.

The legislation on the civil status and personal records regulates the obligation of the Romanian citizen to request the registration of the birth of his/her child and the issuance of an identity card. Thus, according to the legal provisions in force, the conditions are created for every Romanian citizen to have a civil status certificate and to obtain an identity card, regardless of the documents he/she may present, the only condition being to request these documents from the competent public authorities.

In terms of the legislative changes undertaken to simplify the birth registration procedures, the period covered by this report is marked by the effects of the adoption of *GEO no. 33/2016 amending and supplementing certain normative acts on civil status documents and identity documents of Romanian citizens* and *GD no. 801/2016 establishing procedures for the collection and deletion of data of persons with declared identity*.

The adoption of these legislative acts was intended to **simplify the procedures for registering the birth of children whose identity cannot be proved**, since the previous legislation on the subject made birth registration conditional on the completion of procedures involving the presentation of certain documents, which delayed the issue of the birth certificate and, consequently, the access to various services and the enjoyment of fundamental rights.

By amending the regulatory framework governing the registration of the birth of the Romanian citizens in the civil status records, the judicial procedure for the late registration of the birth was eliminated, which involved a succession of activities, of longer duration, subject to the rules specific to any civil process and the procedural deadlines set by the courts. In these circumstances, the competence became administrative, so that in the absence of certain documents necessary for the declaration and registration of birth, such as the mother's identity card, specific checks were carried out by the civil status officer in conjunction with the police.

With regard to facilitating the registration of the births in the civil status registers of certain categories of persons considered vulnerable, we mention that during the period under analysis certain problematic issues were highlighted which required legislative intervention, so that steps were taken which resulted in regulatory amendments regarding the procedure for transcribing the birth certificates issued by foreign authorities into the Romanian civil status registers. Thus, according to the adopted framework, in order to clarify the situation of the Romanian citizen children born abroad, whose civil status certificates have not been transcribed in the Romanian civil status registers because the parents have not requested it, article 41 of

Law no. 119/1996 on civil status documents, republished, with subsequent amendments and additions was supplemented by GO no. 26/2022, for the purpose of inserting after paragraph 12 four new paragraphs 121 to 124, which regulate the possibility of applying for and registering in the civil status registers the following categories of children:

✓ Romanian citizen children born abroad for whom a special protection measure has been ordered, under the terms of *Law no. 272/2004 on the protection and promotion of the rights of the child, republished, with subsequent amendments and additions*;

✓ Romanian citizen children born abroad and living in the country with their parents or with the person designated to take care of the child during the absence of the parents or the guardian, under the conditions of Article 104, paragraph (2) of *Law no. 272/2004*.

Thus, through these legislative amendments, the scope of competence for the free registration of the above-mentioned categories of children has been increased in favour of the state authorities, i.e. the mayor of the administrative-territorial unit of the person's residence or the institutions with attributions in the field of the protection of the rights of the child, as opposed to the old regulations, according to which only the parents, the legal representatives or the persons expressly authorised could request the registration of the birth of these children.

*The Committee requests a description of the different types of care.*

Law no. 272/2004 establishes the types of special protection services for children who have been temporarily or permanently separated from their parents. The following types of services have been organised and have become operational: *day services, family-type services and residential-type services*.

**The day services** are those services that ensure the maintenance, restoration and development of the child's and his/her parents' capacities, in order to overcome situations that could lead to the child's separation from his/her family. Access to these services is based on the service plan or, where appropriate, on the individualised protection plan, in accordance with the law.

**Family-type services.** According to the provisions of the relevant national law, foster care is the placement of a child permanently or temporarily separated from his/her family with a person/family or a professional foster carer.

The person or family receiving a foster child must be domiciled in Romania and must be assessed by the general directorate for social assistance and child protection in whose administrative-territorial area the child is domiciled or, where appropriate, by an accredited private provider, regarding the moral guarantees and material conditions they must meet in order to receive a foster child. The person or family may also take into care a child residing in another administrative-territorial unit, if the best interests of the child so require.

It is important to bear in mind that, according to the Romanian law, the placement of a child who has not reached the age of 7 can be ordered only with an extended family, a substitute family or a foster carer, while the placement in a residential service is prohibited.

The principles underlying the determination of the placement measure are:

- a) placement of the child, as a priority, with the extended family or foster family;
- b) keeping the siblings together;
- c) facilitating the exercise by the parents of the right to visit the child and to maintain the contact with the child.

The measure of the placement is determined by the commission for the protection of the child, if the parents agree.

The placement measure is determined by the court, at the request of the GDSACP, if there is no consent of the parents or, where appropriate, of one of the parents, for the establishment of this measure.

**Residential services** are services that provide protection, raising and care for the child separated, temporarily or permanently, from his/her parents, following the establishment of the placement measure, under the conditions of this law.

The category of residential services includes all services providing accommodation for a period of more than 24 hours.

The following are considered residential services: family-type homes, apartments, emergency reception centres and maternity centres.

(a) A family-type home is a dwelling that covers the essential needs of rest, food preparation, education and hygiene, providing the minimum requirements for a maximum of 12 children for whom emergency placement or, where appropriate, foster care has been established under the terms of this Law. In exceptional circumstances, the number of children may not exceed 16, subject to the minimum requirements, but only for the duration of the exceptional situation.

(b) The apartment is the dwelling which covers the essential needs of rest, food preparation, education and hygiene, ensuring the minimum requirements for a maximum number of 6 children for whom the measure of emergency placement or, as the case may be, placement has been established under the conditions of this law.

(c) The emergency reception centre is the structure providing temporary accommodation for a maximum of 6 months, without the possibility of extension, and shall be organised in accordance with the minimum requirements laid down in para. (8) for a maximum number of 30 children for whom the measure of emergency placement has been established under the terms of this Law. A maximum of 3 emergency reception centres may be organised in each county.

(d) The maternal centre is the structure that provides temporary accommodation for a period of up to 2 years and is organised in compliance with the minimum requirements set out in para. (8) for a maximum of 9 mother-child couples.

For the residential services referred to under letters a) - c) the number of children is established according to the living space, in compliance with the minimum requirements concerning the sanitary rooms, the minimum equipment of the sanitary rooms, the kitchen, the minimum equipment with electrical installations, spaces and installations of common use for buildings with more than one dwelling, approved by Annex no. 1 to the Housing Law no. 114/1996, republished, with subsequent amendments and additions.

The residential services belonging to the public administration authorities are organised only within the structure of the GDSACP, as functional components of these services, without legal personality. They may be specialised according to the needs of the children placed there.

*The Committee asks what measures have been taken to guarantee that the children are not taken into care on the basis of the financial or material situation of their families.*

Under the national law, the special protection measures are established in the following situations:

a) the child whose parents are deceased, unknown, or whose parental rights have been terminated, or who has been deprived of their parental rights, and who is receiving legal counselling if the parents cannot exercise parental authority by law, or special guardianship, who have been declared judicially dead or missing, when the guardianship could not be established;

b) a child who, in order to protect his or her interests, cannot be left in the care of his or her parents for reasons beyond his or her control;

c) an abused or neglected child;

d) a child found or a child left in a health facility;

e) a child who has committed an offence under the criminal law and is not criminally responsible.

f) the unaccompanied child, foreign citizen or stateless person, including the child who is seeking asylum or benefiting from international protection in Romania, under the terms of Law no. 122/2006, with subsequent amendments and additions.

The authorities at community level (PSAS) have a duty to identify these causes and provide services and benefits to the family and children to support the family unit and prevent the artificial separation of any child from his or her parents.

*The Committee requests information on what measures have been taken to prevent and address the cases of abuse and neglect suffered by the children in care, both in institutions and in other settings.*

The main legislation on the basis of which the situations of violence against children are identified, reported, assessed and instrumented is as follows:

- Law no. 272/2004 on the protection and promotion of the rights of the child, republished, as amended and supplemented;
- GD no. 49/2011 approving the Framework Methodology on prevention and intervention in multidisciplinary team and networks in situations of violence against children and domestic violence and the Methodology for multidisciplinary and inter-institutional intervention concerning the exploited children and children at risk of exploitation through labour, children victims of trafficking in persons, as well as Romanian migrant children victims of other forms of violence in other countries;

Annex 1 of GD no. 49/2011 details the case management for the situations of violence against children, for all children, regardless of where they live, thus including the children placed in care, both in institutions and in other contexts, and is briefly as follows:

- The notification is submitted to the GDSACP and is mandatory for the professionals interacting with the children, according to Law no. 272/2004 (Article 96 paragraph 1). At the beginning of 2022, through the national programme "From care for children" approved by GEO no. 105/2021, the single national number 119 for reporting the cases of violence against children was implemented, a number managed by the GDSACPs, as provided for by Law no. 272/2004 in Article 96 para. (2).
- The field assessment (initial assessment) is mandatory. In emergency situations - defined by GD no. 49/2011 - the mobile team, which includes a police officer, intervenes within one hour of the report. On the spot it is decided whether the child needs immediate medical care and whether special protection measures are required.
- Subsequently, the multidisciplinary team assesses the child in his/her socio-family context, from a social, medical, psychological, legal and risk point of view (detailed assessment), and proposes a rehabilitation and social reintegration plan for the child, the family and the aggressor. If an offence is found to have been committed, a criminal investigation is initiated; the police officer is part of the multidisciplinary team.
- The services are provided throughout the implementation of the plan and, if necessary, during the court proceedings, then the child is monitored 6 months after the conclusion of the plan or the court decision.

GD no. 49/2011 is in the process of being updated and proactive actions to identify child victims in residential services and rural areas have been included.

*The Committee requests that the following report provide information on the measures taken to prevent the separation of children from their families and on measures taken to increase community based /family like care.*

As of 2005, with the entry into force of Law no. 272/2004, which represented the second stage of reform in the field of child protection, the obligation to establish services for the prevention of the separation of the child from the family was transferred to the public authorities at the level of municipalities, cities and communes.

The mission of these services is to maintain, restore and develop the capacities of the child and his/her parents in order to overcome situations that could lead to the separation of the child from his/her family.

As of 30.12.2020, 990 day-care services were in operation, of which 564 services were organised at the level of communes, towns and municipalities and 426 were organised by non-governmental organisations. The total number of children benefiting from these services was 35.689, of which 21.558 children were beneficiaries of the public services and 14.131 children were beneficiaries of the private services.

On 28 October 2021, the European Commission approved Romania's NRRP, which will thus be eligible for €14.2 billion in EU grants and €14.9 billion in loans under the Recovery and Resilience Mechanism.

One of the reforms foreseen under Component 13 - Social Reforms, aims to create a new legal framework to prevent the separation of children from their families.

This will create a new framework for the implementation of measures to prevent the separation of the children from their families and to support the families in raising and caring for the child at risk of separation, with the main result of reducing the number of children separated from their families and entering the special protection system.

The draft law establishes clear rules on the basis of which the intervention of the local public administration authorities will be carried out in order to fulfil the task of preventing the separation of the child from his or her family, i.e. keeping the child in the family.

The identification, registration of children at risk of separation from their families, as well as the monitoring of interventions and services offered to the children at risk of separation from their families, will be carried out by the public social assistance services of the local public administration authorities.

Another novelty of the draft law is the financing of services for the prevention of the separation of the child from his/her family established by municipalities, towns and cities:

- a) the state budget;
- b) the local budget of municipalities, cities and communes;
- c) the state budget;
- d) donations, sponsorships or any other legally established sources.

The draft law also establishes the legal framework necessary for the financing of the programmes designed to prevent the separation of the child from his/her family by the MoFYEO.

The programmes designed to prevent the separation of the child from his/her family will take into account:

- a) granting emergency aid to the families caring for children at risk of being separated from their family;
- b) habilitation/rehabilitation of the disabled child at risk of separation from the family;
- c) psychological and psychotherapeutic intervention services for the children exposed to the risk of being separated from their families;
- (d) organisation of courses for the development of parenting skills for families caring for children at risk of being separated from their families.

*The Committee requests information on the mechanisms in place to monitor the care provided to children in institutions and in care generally.*

According to the national legislation, the circumstances underlying the establishment of special protection measures, ordered by the child protection commission or by the court, must be verified quarterly by the GDSACP.

If the circumstances have changed, the GDSACP is obliged to immediately refer the matter to the child protection commission or, where appropriate, to the court with a view to amending or, where appropriate, terminating the measure.

The GDSACP or, where appropriate, the accredited private provider is obliged to monitor the implementation of special protection measures, the development and care of the child during the period of the implementation of the measure.

In fulfilling this obligation, the GDSACP or, where appropriate, the accredited private provider shall draw up, on a quarterly basis or whenever a situation arises which requires it, reports on the child's physical, mental, spiritual, moral or social development and the way in which he or she is cared for.

If it is established on the basis of the report that the measure needs to be modified or, where appropriate, terminated, the GDSACP shall immediately refer the matter to the child protection commission or, where appropriate, to the court.

*The Committee asks whether in the case of a minor's sentence of internment in a detention centre for a period of 15 years, there are regular reviews of the minor's sentence/status.*

According to Article 146 paras. (1) and (2) of Law no. 254/2013 on the execution of sentences and measures of deprivation of liberty ordered by the judicial bodies in the course of the criminal proceedings, a commission is established in each detention centre for the establishment, individualization and amendment of the regime of execution of the detention measure, composed of the director of the centre, who is also the chairman of the commission, the deputy director for education and psychosocial assistance, the deputy director for detention security, the chief physician, the educator in charge of the case, a psychologist and a social worker.

In the case of the minors, there may participate in the work of the commission, as guests, a probation counsellor from the probation service competent according to the law in whose jurisdiction the detention centre is located and a representative of the general directorate for social assistance and child protection subordinated to the county council, respectively to the local council of the district of Bucharest municipality in whose territory the detention centre is located.

The conditions and procedure for replacing the measure of internment to a detention centre or an educational centre for the educational measure of daily assistance are provided for in Article 179, which stipulates that before reaching the age of 18, the measure of internment to a detention centre or an educational centre may be replaced by the educational measure of daily assistance, if they meet the conditions laid down in Article 124 para. (4)<sup>39</sup> and Article 125 para. (4)<sup>40</sup> of the Criminal Code.

The educational council or the committee provided for in Article 146, with the participation of the judge supervising the deprivation of liberty, as chairman, and a probation counsellor from the probation service competent under the law in whose jurisdiction the centre is located, shall determine whether the minor has shown constant interest in acquiring the school and professional knowledge and has made progress towards his/her social reintegration, in his/her presence, and shall formulate the proposal to replace the detention with the educational

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<sup>39</sup> Criminal Code, Article 124 para. (4): "If, during the internment period, (the minor) an underage offender proves a continuous interest in acquiring knowledge and professional training, and shows (an) obvious progress in view of (the) social reintegration, following (the) execution of at least half of the internment period, the court may order as follows: a) replacement of the internment by the educational measure of daily assistance for a period equal to the duration of the internment still to be served, but no more than six months, if the person admitted has not reached the age of 18; b) release from the educational centre, if the person admitted has reached the age of 18."

<sup>40</sup> Criminal Code, Article 125 para. (4): "If, during the internment period, (the minor) an underage offender proves a continuous interest in acquiring knowledge and professional training, and shows (an) obvious progress in view of social reintegration, following the execution of at least half of the internment period, the court may order as follows: a) replacement of the internment with the educational measure of daily assistance for a period equal to the duration of the internment still to be served, but no more than six months, if the person admitted has not reached the age of 18; b) the release from the detention centre, if the person admitted has reached the age of 18."

measure of daily assistance. The previous periods of detention shall also be taken into account when formulating the proposal.

The term set by the educational council or the commission provided for in Article 146 in case it is found that the internee does not meet the conditions for replacing the measure of commitment in the detention centre or educational centre with the educational measure of daily assistance, may not exceed 4 months [Article 179 (5) of Law no. 254/2013].

In accordance with Article 309 para. 2 of the GD no. 157/2016, “after the execution of at least one third of the duration of the educational measure, in the case of the internees for whom supervision was initially ordered, the educational council shall determine whether the activities should be carried out without supervision. In the case of the continuance of the activities under supervision, the educational council is obliged to re-examine the situation of the internees every 3 months or in the case of an amendment of the Recovery Intervention Plan.”

According to Article 153, para. (1) and (6) of Law no. 254/2013 (Change of the regime of execution of the educational measure of internment in a detention centre): “the Commission provided for in Article 146 has the obligation to analyse, after the execution of one fourth of the duration of the educational measure, the conduct of the internee and the efforts made towards his/her social reintegration. The decision of the commission referred to in Article 146, ordering the continuation or modification of the execution regime, shall also include the period for review, which may not exceed 6 months.”

Moreover, according to Article 38 paragraph (2) of the Order of the minister of justice no. 1322/C/2017 for the approval of the Regulation on the organization and development of educational, psychological and social assistance activities and programs in places of detention under the NAP, “*the assessment of the persons deprived of liberty during the execution of the sentence is mandatory in the period prior to the analysis in the commission for the determination, individualization and modification of the execution regime, under the conditions provided by law or whenever necessary.*”

*The Committee requests an explanation of the difference between the placement in an educational centre and the placement in a detention centre.*

Internment in an educational centre (Article 124 Criminal Code)	Internment in a detention centre (Article 125 Criminal Code)
The educational measure of internment in an educational centre consists of the minor's internment in an institution specialising in the rehabilitation of minors, where he/she will follow an educational and vocational training programme in accordance with his/her aptitudes, as well as social reintegration programmes.	The educational measure of internment in a detention centre consists in the placement of the minor in an institution specialising in the rehabilitation of minors, <b>under guard and supervision, where he/she will undergo intensive social reintegration programmes, as well as school and vocational training programmes in accordance with his/her aptitudes.</b>
The internment is ordered for a period of between <b>1 and 3 years</b> .	The internment is ordered for a period of between <b>2 and 5 years</b> , unless the punishment prescribed by the law for the offence committed is imprisonment of 20 years or more or life imprisonment, when the internment is ordered for a period of between 5 and 15 years.
If during the period of internment the minor commits a new offence or is tried for a concurrent offence committed previously, the court may maintain the measure of internment in an educational centre, extending its duration, without exceeding the maximum provided for by law, or may replace it with the measure of internment in a detention centre.	If, during the period of detention, the juvenile commits a new offence or is tried for a previously committed concurrent offence, the court shall extend the detention measure, without exceeding the maximum provided for in paragraph (2), determined in relation to the heaviest punishment prescribed by law for the offences committed. The duration of the educational measure shall be reduced by the period served up to the date of the



	judgment.
The regime of execution of the educational measure of internment in an educational centre is common to all internees and is individualised from the point of view of the recovery measures intended for them in order to meet their physical and psychological development needs.	The regimes for the execution of the educational measures of internment in a detention centre are based on the progressive and regressive systems, with the internees moving from one regime to another, under the conditions provided by Law 254/2013. The regimes of execution of the educational measure of internment in a detention centre are: a) <b>the closed regime;</b> b) <b>the open regime.</b>
In each educational centre, an educational <b>council</b> is set up, whose purpose is to individualise the regime of execution of the educational measure of internment in an educational centre, by determining the educational, psychological and social assistance given to each internee.	In each detention centre, a committee is set up to determine, individualise and modify the regime of execution of the internment measure, composed of the director of the centre, who is also the chairman of the committee, the deputy director for education and psychosocial assistance, the deputy director for detention security, the head physician, the educator in charge of the case, a psychologist and a social worker.

*The Committee asks whether the children can be placed in solitary confinement and if so, for how long and under what circumstances.*

Juvenile internees may **not** be subject to the disciplinary sanction of solitary confinement in accordance with Article 174 para. 1 of Law no. 254/2013.

*The Committee requests further information on the accommodation facilities for migrant children, whether accompanied and unaccompanied, including measures taken to ensure that children are accommodated in appropriate settings.*

According to Article 131 para. (1) letter b) of GEO no. 194/2002 on the regime of foreigners in Romania, the unaccompanied minors are accommodated in the accommodation premises of the GDSACP, under the same conditions as the Romanian minors.

Regarding the accompanied illegally staying minors, they are exceptionally accommodated (as the imposition of a restrictive measure is ordered in duly justified situations) in the MoIA's Accommodation Centres for Aliens in Public Custody, only with their families, and the Centres have playgrounds for children.

According to the Law no. 122/2006 on asylum in Romania, with subsequent amendments and additions, the minors seeking asylum benefit from the following assistance measures:

- if the parents do not have the means to support themselves, they can benefit, together with the family, from free accommodation in one of the accommodation centres and procedures for the asylum seekers
- the asylum seekers accommodated in the MoIA Regional Centres are provided with personal hygiene and cleaning products, as well as with material goods necessary for the cooking, preparation and serving of meals;
- if the unaccompanied minors have not reached the age of 16, they are automatically taken over by the Directorates of Social Assistance and Child Protection and placed in placement centres;
- if the unaccompanied minors have reached the age of 16, they, together with their legal representative, decide whether to stay in the MoIA Regional Centres;
- provision of free health care under the same conditions as the Romanian minors;
- the asylum-seeking minors attend Romanian language courses for one school year, after which they are enrolled in the compulsory school education system under the same conditions as the Romanian citizen minors;
- school kits are provided in order to ensure their participation in the courses;

- participate free of charge in cultural adjustment activities and may benefit from counselling and psychological assistance if needed;
- the minors seeking asylum benefit from the state allowance granted to the minors, under the same conditions as the Romanian citizens;
- In order to benefit from all the rights provided by the law for the Romanian minors, MoIA issues them a personal numeric code - CNP;
- the material assistance consists of the granting of sums of money necessary for food, accommodation, clothing, differentiated according to the season (hot/cold) and sums necessary to cover other personal needs.

The amounts granted to the asylum seekers who have no material means of support are:

- food within the limit of RON 20/person/day;
- clothing up to RON 135/person/summer season (April to September) and RON 200/person/winter season (October to March)
- other expenses up to a maximum of RON 12 per person per day;
- an increase in the food allowance of RON 10 per day for each child aged 0 to 5 months inclusive;
- an increase of RON 14 per day in the feeding allowance for each child aged between 6 and 12 months inclusive;

The assistance granted to the minors who have obtained a form of protection:

- ✓ For complete families (parents with minors), the integration programme runs for a maximum of 12 months and includes the following support measures:
  - accommodation in one of the centres run by MoIA;
  - a material aid for a period of 2 months equal to that of the asylum seekers, and after the end of this period a non-reimbursable aid of RON 568 for 12 months during the integration programme;
  - cultural orientation courses;
  - social counselling and psychological support;
  - Romanian language courses organised with the support of the MoE through the school inspectorates;
  - after attending the Romanian language courses, the minors are enrolled in the compulsory school education system under the same conditions as the Romanian citizen minors. To ensure their participation in the courses, they are provided with school supplies;
  - the minors receive a state allowance under the same conditions as the Romanian citizens.
- ✓ In the case that the persons who have obtained a form of protection fall into the category of special cases: unaccompanied minors, persons with disabilities, persons who have reached the retirement age and do not receive a pension, pregnant women, single-parent families with minor children, victims of trafficking in persons and victims of torture, rape or other serious forms of psychological, physical or sexual violence) may benefit from the extension of the integration programme and free accommodation in MoIA centres for an indefinite period until the situation of vulnerability ends.

The unaccompanied minors who have obtained a form of protection can be taken in by the Directorates of Social Assistance and Child Protection and placed in placement centres.

In 2019, there were 73 unaccompanied minors for whom GDSACP nominated a representative, and in 2020, there were 1.049.

In 2021, there were 3.404 unaccompanied minors for whom GDSACP has nominated a representative, of which 3.254 were accommodated in GII centres - following the children's choice and 150 were placed with special protection measure in residential services in the child protection system.

#### *The measures taken to ensure the accommodation of the minors in appropriate environments*

Regarding the situation of **the unaccompanied minors**, as they are accommodated in the premises of GDASPC, we specify that they are accommodated under the same conditions as the Romanian minors.

Regarding the situation of **the accompanied minors**, in order to observe their right to privacy, they are accommodated only with their family members, separately from the rest of the foreigners in the Centre. We also reiterate that playgrounds for children are provided in the Centres.

The residential services in the child protection system are licensed on the basis of quality standards approved by ministerial order. Compliance with these standards and the fulfilment by the social service providers of all the criteria on the basis of which the licence to operate is issued are verified by the CAPSI in each county.

*The Committee requests further information on the assistance given to unaccompanied children, in particular to protect them from exploitation and abuse.*

During the monitoring visits carried out by the representative appointed by GDSACP for the unaccompanied minors in the GII centres, the risk of child abuse or violence is also assessed.

In the case of the residential services belonging to the special protection system, the quality standards include provisions aimed at preventing and combating violence against the child, including ways of reporting such cases.

*The Committee asks whether the children who are irregularly present in the State whether accompanied by their parents or not, may be detained and if so under what circumstances.*

According to Article 131 of GEO 194/2002 on the regime of foreigners in Romania, in the case of the unaccompanied minors, accommodation is provided in the premises of GDSACP, but the family reunification procedure is carried out by MoIA.

Thus, the unaccompanied minors are not subject to a measure restricting their freedom of movement.

On the other hand, in the case of the accompanied minors, a measure restricting their freedom of movement may be ordered only for the purpose of their return from Romania. In all cases, the family unit is maintained, both when the restrictive measure is ordered and when they are accommodated in the Centre.

*The Committee asks whether RO uses bone testing to assess age and, if so, in what situations the state does so.*

In Romania **bone testing is not performed** for the determination of the age of the children.

The determination of the age of the unaccompanied minor is performed according to Article 131<sup>1</sup> of GEO no. 194/2002 on the regime of foreigners in Romania, as follows:

If the foreigner declares that he/she is a minor and cannot prove his/her age, but there are serious doubts as to his/her minority, he/she will be considered to be of age. In this case, the GII will request a medico-legal expert assessment of the applicant's age, with his/her prior written consent.

In the event that the foreigner refuses to undergo a medico-legal age assessment and no conclusive evidence is provided regarding his/her age, he/she will be considered to be of age and will be deemed to have reached the age of 18 years at the time of the determination of his/her illegal residency, unless the refusal to undergo a medico-legal age assessment is based on valid reasons, as determined by a psychologist from the GII.

The interpretation of the result of the medico-legal expert assessment of the foreigner's age is carried out taking into account the principle of the best interests of the minor.

The medico-legal expertise for the determination of the age of a person in the forensic anthropology laboratory of the National Institute of Forensic Medicine "Mina Minovici" is carried out in accordance with the recommendations of the German Study Group for the medico-legal determination of the age, which provide for the following methodology (comprising 3

examinations):

- physical examination and anthropometric measurements to assess the physical development and to detect diseases that may influence the bone and dental development/maturation;
- dental examination (by inspection) to estimate the dental age, and
- radiographic examination (in children over 1 year of age) to assess the development of the bones (bone age); in the case of the minors, the radiography of the left hand and in the case of the persons over 20 years of age - radiography of the medial extremity of the clavicle.

*The Committee requests that the next report provide information on the measures adopted to reduce child poverty, including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing, etc.*

In Romania's social health insurance system, the insured benefit from a package of basic services in the event of illness or accident, from the first day of illness or from the date of the accident until the cure, in a fair and non-discriminatory manner, under the conditions of the efficient use of the UNHIF.

According to the provisions of Law no. 95/2006 on healthcare reform, republished, with subsequent amendments and additions:

- one of the objectives of the social health insurance system is to ensure the universal, equitable and non-discriminatory protection of the insured persons under the conditions of the efficient use of the unique national social health insurance fund.
- the package of the basic services to be granted to the insured, comprising medical services, health care services, medicines, sanitary materials, medical devices and other services to which the insured are entitled, shall be approved by GD.

According to Article 224 paragraph (1) letter a) of Law no. 95/2006, republished, with subsequent amendments and additions, children up to the age of 18 years, young persons from 18 to 26 years of age, if they are students, including high school graduates, up to the beginning of the academic year, but not more than 3 months after the end of their studies, apprentices or students, doctoral students who carry out teaching activities, according to their doctoral study contract, up to a maximum of 4 to 6 conventional teaching hours per week, as well as the persons who follow the individual training module, on their request, to become professional soldiers or professional ranks, shall benefit from insurance, without the payment of contributions, under the conditions of Article 154 of Law no. 227/2015 on the Fiscal Code, as amended.

The following measures have been taken in the field of education:

- **CRED Project.** The overall objective of the project "Relevant Curriculum, Open Education for All - CRED" is to prevent early school leaving, through systemic measures of innovative and sustainable implementation of the new national curriculum, aiming at increasing the access to quality learning experiences for primary and secondary school pupils/school students. The project proposes the Curriculum empowerment/training of 55.000 primary and secondary school teachers for a methodological approach focused on key competences in line with the new curriculum and adapting learning activities to the specific needs of each pupil/student, including those at risk of dropping out; facilitating the student-centred teaching-learning, i.e. facilitating the learning in a way that enables and supports each pupil/student to progress in learning, regardless of his/her possible learning difficulties, ethnicity, disability etc.; designing and implementing the teaching-learning process centred on competence building in the context of the new National Curriculum Framework developed through the project, etc.
- **The National Programme of Remedial Learning Activities for Pupils/school students.** The aim of the project is to prevent early school leaving through systemic measures to increase the access to learning experiences of primary and secondary school pupils/school students.

- **The National Pilot Programme “School after School”** for pupils/school students up to and including 8th grade. The main aim of the National Pilot Programme “School after School” is to organise remedial activities in schools with primary and secondary education classes, in order to support the pupils/school students in the formation of specific competences, to increase their chances of success at school and access to higher levels of education and to reduce the risk of early school leaving.
- **The scholarships** are awarded to pupils/school students coming from families with an average net monthly income per family member, for the last 3 months preceding the application, at most equal to the net minimum wage in the economy.
- **The social welfare grants** are awarded to the pupils/school students, upon request, depending on the material situation of the family or of the legal guardians.

*The Committee requests information on measures focused on combating discrimination against and promoting equal opportunities for children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities and children in care.*

During the reporting period, the NCCD carried out measures to prevent the acts of discrimination within the framework of the implementation (in partnership with the Public Policy Institute Association), starting from 01 December 2020, for a period of 24 months, of the project “Combating discrimination in the classroom - a guide for teachers” - ProfsAgainstDiscrimination, funded by the European Commission through the Programme REC-RDIS-DISC-AG-2020, under Agreement No. 963306.

The specific objectives of this project were:

1. Analysis of the legislation at national level regarding the implementation of the principle of non-discrimination and three nationwide surveys among teachers, parents and County School Inspectorates on the existence of discrimination. The results and recommendations from the surveys will be included in a Study to be distributed nationally;
2. Increasing the awareness and the capacity to identify, combat and report cases of discrimination in schools, at national level, through training sessions for 200 teachers and the development of a Practical Guide on combating discrimination in the classroom;
3. Increasing the level of data and statistics regarding the knowledge and application of the anti-discrimination legislation and the tools that could be used to combat this phenomenon;
4. Addressing the gaps in legislation and practice through a series of concrete and specific recommendations in public policies.
5. Training activities for 200 teachers carried out during the implementation of the project.

At the same time, the LIT have carried out:

In 2019: 11 activities on the prevention of discrimination, with 1.576 beneficiaries, of which 1.137 children and 3 activities on the theme of tolerance, with 102 beneficiaries, of which 101 children;

In 2020: 3 activities on the prevention of discrimination, with 487 beneficiaries, of which 432 children and 4 activities on the theme of tolerance, with 683 beneficiaries, of which 601 children;

In 2021: 6 activities on the prevention of discrimination, with 1.916 beneficiaries, of which 1.844 children, and 2 activities on the theme of tolerance, with 501 beneficiaries, of which 423 children.

*The Committee asks to provide information on the children's participation in work directed towards combating child poverty.*

The children in Romania have the opportunity to participate in different consultative structures, at European and national level, being involved in the mechanisms of permanent participation in

the life of the school and taking part in different punctual contexts of involvement in consultations and surveys on various topics (e.g. education, discrimination, violence, child safety).

An example is the Bucharest EU Children’s Declaration (2019), organised during the Romanian Presidency of the Council of the European Union.

The initiative to consult the children across the European Union came from the Romanian Children’s Board and aimed to promote the need to prioritise the right of the children to participate in the political and democratic life: “Nothing for children without the participation of the children.”

The proposals of the Declaration aimed at: developing a concrete action plan for the implementation of international policies in the field of the rights of the child; establishing a mechanism for the regular monitoring of the equitable participation of the children; supporting the children’s participation through educational programmes for children and parents; developing local and national mechanisms for the children’s participation; consulting the children when drafting laws which affect them.

## Paragraph 2

### *Enrolment, absenteeism and dropout rates*

*The Committee requests that the following report provide the enrolment, absenteeism and dropout rates during the reporting period.*

Enrolment rates (percentages)<sup>41</sup>:

	School year 2017/2018	School year 2018/2019	School year 2019/2020	School year 2020/2021
Primary education	85,6	86,1	85,5	84,4
Gymnasium (secondary) education	80,1	79,2	78,7	77,8

Dropout rates (percentages)<sup>42</sup>:

	School year 2017/2018	School year 2018/2019	School year 2019/2020	School year 2020/2021
Primary education	1,6	1,6	1,3	1,3
Gymnasium (secondary) education	1,8	1,7	1,3	1,0
High school and vocational education	2,6	2,6	2,0	1,7

*The Committee requests that the following report provide information on the measures taken to address the problems related to these rates.*

During the reporting period, the MoE took the following measures:

- The pilot programme to provide food support for pre-school children and pupils/school students in 150 state pre-schools;

<sup>41</sup> Data source: NIS, Statistical Research in Education.

<sup>42</sup> *Idem.*

- The national programme “School Supplies” to provide financial aid to pupils/school students;
- The Education Support Programme “Going to school for pupils/school students in primary, secondary vocational and upper secondary state education.” The sums are allocated for school supplies, school textbooks, Euro 200 programme, pupil/students transport, student transport, competitions, sports clubs and children’s palaces, tenure, standardized forms;
- Scholarships which are awarded to pupils/school students coming from families with an average net monthly income per family member, for the last 3 months preceding the application, at most equal to the net minimum wage;
- Social welfare grants awarded to pupils/school students, on request, depending on the material situation of the family or of the legal guardians;
- Children with SEN integrated in the mainstream education, following the mainstream education curriculum, children with SEN integrated in special classes/groups organised in the mainstream education, children with SEN in special education, children with SEN requiring periods of hospitalisation longer than 4 weeks for which there are organised, where appropriate, groups or classes in the health unit in which they are hospitalised, and children with special needs who, for medical reasons or because of a disability, are not mobile and for whom home schooling is organised for a fixed period, shall receive material support under Article 51 para. (2) of the National Education Law no. 1/2011, with subsequent amendments and additions, and GD no. 564/2017 on the procedure for granting the rights of children with special educational needs attending school in the pre-university education system, with subsequent amendments and additions. In school year 2021-2022 the number of beneficiaries of this measure was 65.981 children.
- By Order of the minister of education no. 5150/30.08.2021, on the organization and conduct of admittance to upper secondary education for school year 2022-2023, separate places were allocated to the mainstream education units, in addition to the number of places allocated to the respective education units, for the individual integration of the pupils/school students with SEN from the mainstream and special education, for their admittance to the state upper secondary education.

### **Costs related to education**

*The Committee requests information on the measures in place to mitigate the costs of education such as transport, books, uniforms and stationery.*

In terms of reinforcing the social package for education, targeting the pupils/school students from groups at particular risk, the MoE continues to run annual national social programmes:

- **The National Social Protection Program High school money**, which provides financial support to upper secondary school students to continue/finish their studies. Following the adoption of GD no. 712/2018, starting from the school year 2018-2019, each beneficiary student receives the amount of RON 250/month for the entire duration of the courses, provided that all legal conditions are met. In addition to the indexation of this amount (from RON 180/month), the maximum scholarship ceiling was increased from RON 150 to RON 500/ family member. In School year 2021-2022, the number of beneficiaries is 22.853 students;
- **Euro 200 Programme** is a national programme that helps the pupils and students with limited financial means to purchase computers. In 2021, the number of beneficiary pupils and students was 2.150;
- **Professional Scholarship Programme** is a national social programme for all students attending the vocational education and consists of a monthly financial support for the children of foreign citizens who are beneficiaries of a form of protection in Romania or of foreign citizens with the right of stay/residence on the Romanian territory, attending the vocational education. In School year 2021-2022, a total of 99.342 students will benefit from vocational scholarships through this programme;

- **The social welfare grants** were funded, up to and including 2020, only from the local budgets of the ATU. For the school year 2020-2021, the Romanian Government established, by GD no. 1064/2020, a minimum amount of RON 100 for performance, merit, study and social welfare scholarships, which will be provided from the state budget, from quotas deducted from VAT. In 2021, the Romanian Government established, by GD no. 1094/2021, a new amount of the scholarships to be awarded to students in the School year 2021-2022, differentiated, for the first time, according to the category of scholarships, as follows: RON 500 for performance scholarships, RON 200 for merit and social welfare scholarships and RON 150 for study scholarships.

- **Romania's Programme for Schools** provides for the free distribution of fresh fruit and vegetables, milk and dairy products and bakery products to pre-school children in authorised/accredited state and accredited private kindergartens with a normal 4-hour daytime schedule and to pupils/school students in state and private primary and secondary schools, up to a daily limit per pre-schooler and pupil/student, as well as the financing of educational measures accompanying the distribution of fruit, vegetables, milk and dairy products. For school year 2021-2022, the amount allocated is RON 501.553 million. The total number of pre-school, primary and secondary school pupils/school students benefiting from the programme is 1.903.851.

- **The transport of the pupils/school students** is targeted through actions to ensure the mobility of the pupils/school students and the reimbursement of their transport. In 2021, GEO no. 50 of 16 June 2021 was approved to amend and supplement the National Education Law no. 1/2011, which regulates the reimbursement of the student/pupil transport costs. Thus, the pupils/school students who cannot attend school in their locality of residence will be reimbursed for the transport costs between their locality of residence and the locality where they attend school, for the duration of the school courses, from the MoE budget, through the educational establishments where they attend school, up to a limit of 50 km. In addition, the pupils/school students living in boarding or host families are reimbursed the cost of eight return journeys per semester from the MoE budget through the schools. The pupils/school students will be able to claim the amount in advance, with the reimbursement in the following month

- **The school supplies** are provided to the pupils/school students as an incentive to attend school. At the beginning of each school year, school supply packs specific to each class are distributed through the School Supplies Programme. The number of beneficiaries in school year 2021-2022 is of 258.356 pupils/school students.

- The provision of **educational support based on electronic social vouchers** is ensured by GEO no. 133/2020 whereby the pre-school and primary and secondary school pupils/school students from low-income families receive social vouchers for educational support in the amount of RON 500 each. The request for funding for the implementation of this social programme has been approved and the project budget has been increased from RON 130 million to RON 216.26 million, so that as many children as possible can benefit from this facility. The social vouchers in electronic format offer the beneficiaries the possibility to choose the school supplies for the children who attend a state educational establishment - kindergarten or comprehensive school - the programme will be implemented over two school years. The total number of beneficiaries for whom cards have been issued is 245.018 (children/pupils/school students) in 10.115 educational establishments, delivered by mid-April 2022.

The Romanian Government will also implement the **Support for Romania** package, which includes measures to support the pupils/school students who benefit from social scholarships, by granting vouchers in the amount of EUR 30 per month for the purchase of food, school supplies and clothes, as well as guaranteeing loans to students, through the National Student Invest Programme, to cover expenses such as tuition fees, publication of books or specialised studies, payment of accommodation in student hostels.

**The Hot Meal Programme** was initially introduced in 2016 as a pilot programme and included 50 schools in the first phase. The main aim of the programme is to reduce school drop-out rates. In February 2022, the Romanian Government approved by GD no. 185/2022 the allocation of RON 66.8 million from the reserve fund to finance the pilot programme to provide food support for



the pre-school children and pupils/school students in 150 state pre-university education establishments for the second semester of the 2021-2022 school year.

By Ministerial Order no. 3300/2021, the methodological rules for the implementation of the **National School After School Pilot Programme** for pupils/school students up to and including the 8th grade were approved. The organization of remedial education activities, materialized in learning activities, aims at improving the pupils/school students' acquisitions that contribute, as a priority, to the formation of literacy and STEM skills, including activities for the formation of specific behaviours of the "Learning to learn" competence. Thus, the national pilot programme POCU/933 School After School, with an allocation of EUR 30 million, was launched on 25 March 2021, through a call for non-competitive projects funded by POCU 2014-2020. More than 170.000 pupils/school students participated in the remedial activities, which took place between March and August 2021, in 2.354 primary and secondary education schools, of which more than 120.000 from the rural areas, more than 20.000 Roma pupils and more than 2.000 disabled pupils/school students.

POCU/74 **School for All** call - promoting integrated measures to prevent and reduce early school leaving for young and adult learners, support for the teaching staff, including through programmes such as Second Chance and School After School. To date, 127 projects have been contracted, of which 44 are under implementation and 100 projects have been completed. By 31 March 2022, 25.010 children, 141.689 pupils/school students and 10.648 young persons/adults have been supported to participate in education programmes.

### ***Vulnerable groups***

*The Committee asks whether all children in an irregular migration situation beyond those who are seeking asylum or who are unaccompanied) may access education.*

Regarding the children in a situation of **irregular migration**, according to Article 131 para. (1) letter d) of GEO no. 194/2002, the minors in an illegal residence situation (whether unaccompanied or accompanied) **benefit from the access to the education system.**

For the unaccompanied minors, the access to the education system is effectively provided through GDSACP and for the accompanied minors through the care of MoIA.

*The Committee asks what measures have been taken to ensure the right to education for children in street situations and children in rural areas.*

The annual national social programmes run by the MoE, as described above, apply also to the homeless children and the children from rural areas.

*The Committee asks what measures have been taken to introduce anti-bullying policies in schools, i.e., measures relating to awareness raising, prevention and intervention.*

The MoE has taken the following measures:

- Order no. 4343/2020 of 27 May 2020 approving the Methodological Rules for the application of Article 7 para. (1<sup>^</sup>), art. 56<sup>^</sup> and point 6<sup>^</sup> of the Annex to the National Education Law no. 1/2011, on psychological violence - bullying.
- The National Joint Action Plan for increasing the safety of the pupils/school students and teaching staff and preventing the juvenile delinquency in the premises and adjacent areas of the pre-university educational establishments, registered at MoE under no. 10044/08.09.2020.
- Strategy on the mitigation of violence in pre-university educational establishments, approved by Order no. 1409/29.06.2007.
- Cooperation protocol on preventing and combating juvenile delinquency in and around pre-university educational establishments, concluded between the MoE and the MoIA - General Inspectorate of the Romanian Police, no. 32104/20.02.2013.

*The Committee asks what measures have been taken to facilitate the participation of children in decision-making and education-related activities.*

According to the Regulation of Organization and Functioning, approved by the Order of the minister of education no. 3838/2016, the National Council of Pupils is the national structure representing the students in state and private pre-university education in Romania and is a partner of the MoE, with an advisory role in the decision-making process.

Article 7 letter c) of the School Students' Statute approved by the Order of the minister of education no. 4742/2016 states that the school students have the right to be consulted and to express their choice for the subjects of the curriculum decided by the school, in the educational offer of the educational unit, in accordance with the school students' learning needs and interests, the school's specificity and the needs of the local community/economic partners.

Also, according to letter aa) the school students have the right to give termly feedback to the teachers who teach the class, through anonymous forms. These will be completed in class and handed in to the teachers in order to identify the most effective teaching methods.

Article 10 of the same order states that pupils have the following rights of association:

a) the right to form, join and participate in groups, organisations, structures or movements which promote the interests of the pupils, including non-formal, economic, social, recreational, cultural or similar groups and organisations, in accordance with the law;

b) the right to protest, under the conditions laid down by the legislation in force, without disrupting the school hours;

c) the right to assemble outside the daily timetable. The activities may be organised in the pre-university educational establishment, at the request of the initiative group, only with the approval of the board of directors. The exercise of the right of assembly may be subject only to such limitations as are prescribed by the law and are necessary in a democratic society in the interests of national security, public order, the protection of public health and morals or the rights and freedoms of others;

d) the right to participate in the meetings of the Council of Pupils under the conditions laid down in these Statutes;

e) the right to be elected and to elect representatives, without any limitation or influence from the teaching or administrative staff;

f) the right to publish magazines, newspapers, brochures and other information materials and to distribute them to the pupils in the pre-university educational establishment, without the obligation of the educational establishment to publish the materials. It is prohibited to publish and distribute materials which are harmful to the national security, public order, citizens' rights and freedoms, which constitute xenophobic, denigrating or discriminatory attacks.

In order to represent the rights and interests of the pupils, they may associate in: the council of pupils or in the representative associations of pupils.

The school students' interests and rights are represented and defended by:

a) the participation of the school pupils' representatives in bodies - forums, councils, commissions and other bodies and associative structures - which have an impact on the educational system;

b) the participation of the elected representatives of the pupils in the administrative bodies and the decision-making or consultative forums within the high-school and vocational education unit;

c) the participation of the school pupils' representative in the board of directors of the school, according to the law;

d) submission of memoranda, petitions, complaints, requests or the like, as the case may be;

e) transmission of press releases, public statements and other forms of communication to the public;

f) other ways of expressing the wishes, rights and position of the pupils' representatives, including the organization of protest actions, in compliance with the legal norms in force.

The National Council of Pupils and the representative associations of the school students have the following rights:

a) the right to be consulted for all major decisions regarding the development of pre-university education and of the educational process, as the case may be and according to the level of representativeness;

b) the right to use the space of the school for carrying out the assumed objectives and to carry out the internal activities, with the agreement of the school's board of directors, under the law.

## **Article 19 - Right of the migrant workers and their families to protection and assistance**

### **Paragraph 7**

During the reference period there were no legislative changes or novelty elements regarding Article 19 paragraph 7 which is in accordance with the provisions of the Charter.

### **Paragraph 8**

*The Committee requests statistics on expulsions of foreigners during the reference period.*

Regarding the expulsion of the foreigners during the reference period, at the level of MoIA, the number of foreign citizens returned, for reasons related to the expulsion, is 27 (in 2018), 19 (in 2019), 10 (in 2020), 8 (in 2021).

## **Article 27 - Right of the workers with family responsibilities to equal opportunities and treatment**

### **Paragraph 2**

Throughout the state of emergency and until December 31, 2020, it was approved the automatic extension of the rights to child-raising allowance (parental leave) in the case of the beneficiaries who were receiving the child-raising allowance at the date of the establishment of the state of emergency. They continued to receive this allowance, even if the child reached the age of 2 years, respectively 3 years or 7 years, in the case of the disabled child.

Both measures relating to the extension of the child-raising leave (parental leave) and the child-raising allowance as well as the insertion incentive continued to apply to the persons working in areas where the restrictions on activity were maintained, but no later than 31 December 2020.

In the same context of supporting the families with children, the period of granting the leave and the accommodation allowance (granted to the adopted children) and of the parental leave for the children with disabilities aged between 3 and 7 years was extended.

Through these measures the supervision of the child was ensured during the closure of the school units throughout the pandemic, adequate incomes being granted to all parents who could not return to their professional activities due to the restrictions imposed in certain areas of activity.

## Appendix Revised Charter

### Questions on Group 4 provisions (Conclusions 2023)

#### Children families and migrants - Romania

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

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;

*a) Please provide information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. In this regard, please provide information on the number of children actually working (either from existing statistics on this issue or from surveys to be conducted to obtain such information), as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally (General question, Conclusions 2019).*

Annex 2 of the GD no. 49/2011 for the approval of the Framework Methodology on prevention and intervention in multidisciplinary team and in network in situations of violence against children and domestic violence and of the Methodology for multidisciplinary and inter-institutional intervention on exploited children and children at risk of labour exploitation, child victims of trafficking in human beings, as well as Romanian migrant children victims of other forms of violence on the territory of other states regulates all aspects related to the identification of cases of child labour exploitation and the case management for these children.

Thus, the identification of the situations of child exploitation through labour is carried out:

1. based on the reports submitted by the child, other persons, professionals;
2. on the basis of the self-reporting of the GDSACP following certain visits to places where exploitation is suspected or in known high-risk areas.

Specific aspects of identifying each form of labour exploitation - both intolerable and hazardous work - are detailed so that the social workers at GDSACP level can assess whether labour exploitation is involved and in what form.

Regarding the statistics on children exploited through labour, in 2018, 290 cases were registered, in 2019 - 389 cases, in 2020 - 220 cases and in 2021 - 304 cases.

With each control action of the labour inspectors, the presence of minors at work is checked at the inspected workplace.

For the employment of a minor in breach of the legal age requirements or the use of a minor for work in breach of the legal provisions on the employment of minors is an offence and is punishable by imprisonment for a term of three months to two years or a fine.

*b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 7 para. 1 in the 22<sup>nd</sup> Report.

**2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;**

*No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the question(s) raised.*

Please see the information provided under article 7 para. 2 in the 22<sup>nd</sup> Report.

**3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;**

*No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 7 para. 3 in the 22<sup>nd</sup> Report.

**4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;**

*No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 7 para. 4 in the 22<sup>nd</sup> Report.

**5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;**

*a) Please provide updated information on net minimum wages and allowances payable to persons under 18 years of age. Please provide information on measures taken to ensure that fair remuneration is guaranteed to young workers: i) In atypical jobs (part-time work,*

*temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers.); ii) in the gig or platform economy and iii) having zero hours contracts.*

According to Article 164 of Law no. 53/2003 - Labour Code, the minimum gross basic wage per country guaranteed in payment, corresponding to the normal working hours, is established by GD, after the consultation with the trade unions and the employers.

In case the normal working hours are, according to the law, less than 8 hours per day, the minimum gross basic hourly wage is calculated by dividing the minimum gross basic wage per country by the average number of hours per month according to the approved legal working schedule.

The employer is not allowed to negotiate and fix basic wages in the individual employment contract below the minimum gross basic hourly wage in the country.

Starting from 1 January 2022, the guaranteed gross national minimum basic wage may be applied to an employee for a maximum of 24 months from the date of the conclusion of the individual employment contract. After the expiry of that period, he/she shall be paid a basic wage higher than the guaranteed gross national minimum wage. This provision also applies to an employee who is paid the guaranteed gross national minimum basic wage and who already has an individual employment contract, the maximum period of 24 months being calculated as from 1 January 2022.

The employer is required to guarantee a gross monthly salary at least equal to the minimum gross basic wage in the country. These provisions also apply if the employee is present at work during the working day but is unable to work for reasons beyond his/her control, except for reasons of strike action.

*b) Please provide information on measures taken to ensure that this right is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions) (General question, Conclusions 2019).*

According to Article 260 para. 1 letter a) of the Labour Code, as amended and supplemented, failure to comply with the provisions on guaranteeing the payment of the gross minimum wage is an offence and is punishable by a fine.

The protection of wages and wage rights for the employees under the age of 18 is guaranteed by law and is supplemented, where appropriate, by more favourable provisions negotiated through collective agreements. The clauses of collective agreements may not derogate from the legal conditions, under the sanction of nullity by law (Article 132, Article 142 Law no. 62/2011 on social dialogue).

The minimum gross (monthly/hourly) wage, guaranteed in payment to workers at national level (legal minimum wage), which is the basis for individual and collective wage negotiations, is established within the National Tripartite Council and adjusted annually taking into account the inflation, the productivity and the reference indicator of 50% of the gross average wage.

The wage protection can be adapted through the collective negotiation of pay scales/coefficients.

The application of the collective agreement at enterprise and group level is extended by the direct effect of the law to all employees (Article 133 (1) a) - b) Law 62/2011).

The employers are bound to comply with the legal rights of the employees under 18 years of age and to ensure their information on their wage rights and the applicable collective agreement.

The LI is the state authority responsible for registering the collective agreements at enterprise level, publishing information on the legal minimum wage, managing the record system of the employment relations (Revisal), as well as monitoring the compliance with the rights and the enforcement of the sanctions.

The trade unions are members of the Advisory Council of LI and partners in the European network of cooperation between the labour inspectorates.

There is no legal obligation incumbent on the trade unions to monitor and report on the data held and the actions taken to adapt and enforce the wage protection in practice.

In order to provide the trade unions with access to the wage data, the legislation establishes the obligation to inform and consult the trade unions (Article 3 d) and Article 5 Law 467/2006 establishing a general framework for informing and consulting the employees, in conjunction with Article 130 para. 2) Law no. 62/2011 - Law on social dialogue). The confidentiality of the wages is not opposable to the trade unions in the framework of information but there may be deficiencies in the access to detailed information regarding the wages (wage payments by components, average and median wages by age categories, etc.).

The trade unions can autonomously check the application of the wages also through the verification of the trade union fees in the case of the trade union members, with the mention that the employees over 16 years of age can freely associate and join the trade union (Article 3 paragraph 5) and Article 24 - Law on social dialogue).

*c) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 7 para. 5 in the 22<sup>nd</sup> Report.

**6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;**

*No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 7 para. 6 in the 22<sup>nd</sup> Report.

**7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;**

*No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 7 para. 7 in the 22<sup>nd</sup> Report.

**8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;**

*No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 7 para. 8 in the 22<sup>nd</sup> Report.

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

*No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 7 para. 9 in the 22<sup>nd</sup> Report.

**10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.**

*a) Please provide updated information on the measures taken to strengthen the protection of children, including migrant, refugees, and displaced children, from sexual exploitation and abuse (in particular in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.*



According to Law no. 272/2004, at the request of the GII, the GDSACP shall appoint a representative to assist the unaccompanied minor asylum seeker throughout the asylum procedure, including during the procedure of first country of asylum, the procedure of the safe third country, the procedure of the safe European third country or the procedure of determination of the Member State responsible, as appropriate. The representative shall also assist the child after the acquisition of the international protection in Romania, i.e. until a special protection measure has been established.

*b) Please provide information on the impact of the Covid-19 pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.*

The COVID-19 pandemic has had a relatively low impact on the number of child abuse cases, with 15.996 in 2019, 14.170 child victims of abuse, neglect and exploitation in 2020 and 15.925 children in 2021).

The impact was significant in terms of labour exploitation, in 2019 there were 389 cases, in 2020 there were 220 cases and in 2021 there were 304 cases. In contrast, the number of cyberbullying cases increased from a few before 2020 (5 in 2018, 0 in 2019) to 79 in 2020 and 13 in 2021.

The reports of the 2020 LIT for Preventing and Combating Violence against Children were: *Modalities for adapting the case management for the children victims of violence during the COVID-19 pandemic*. From the work carried out in the first year of the COVID-19 pandemic, the following good practices emerged and will continue to be used after the end of the pandemic:

- For the cases where it is difficult to travel from home to the GDSACP headquarters, the initial assessment of the child abuse case can also be carried out by audio-visual means.
- The use of online and mobile applications for the transmission of data and for information both in relation with the beneficiaries and with the institutions involved in the assessment and provision of services for the child victims.
- Conducting online counselling activities with the child victims.

The monitoring of the child victims of violence who were provided with a rehabilitation plan was carried out according to the legislation in force, i.e., every 3 months and 6 months after the end of the services. The monitoring was carried out through remote communication means or through follow-up visits with precautionary measures for COVID-19.

*c) Please provide information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).*

In order to promote the safe use of the Internet by the children, to prevent their exposure to harmful content or their involvement in various illegal practices in the online environment, as

well as to effectively combat illegal acts committed online or via mobile phones against the children, legislative measures have been initiated and implemented and partnerships have been developed between the central authorities, the local authorities and the non-governmental organisations with programmes in the field.

Online and mobile phone violence against the children and bullying are seen as major challenges at national level, given the rapid pace of modernisation of the electronic devices, access to such devices by children of younger and younger ages, and the increased interest in child pornography, can only be reduced, punished and stopped at national level by coordinating the efforts of the central authorities, law enforcement institutions and services, the industry of the online electronic communication technology, the civil society working in this field and, last but not least, the children, their parents and the specialists (teachers, child protection specialists, etc.).

At the national level, the NAPCRA has developed and strengthened over the years, starting in 2008, the partnership with the Save the Children Organization for the Ora de Net<sup>1</sup> Program, [www.oradenet.ro](http://www.oradenet.ro), relaunched from Sigur.Info on its three components: safe Internet awareness, Helpline - counselling line which children, teenagers and parents can contact for help or advice when facing a difficult situation online, [www.ctrl\\_AJUTOR](http://www.ctrl_AJUTOR) (can be contacted both by phone and online) and Hotline - reporting line [www.esc\\_ABUZ](http://www.esc_ABUZ), the civil point-of-contact reporting service that gives its users the possibility to inform the competent authorities, anonymously, about the images of child sexual abuse they might encounter online.

Also, [www.esc\\_ABUZ](http://www.esc_ABUZ) is a component of the Safer Internet project which was taken over by Save the Children in 2015 from its consortium partner FOCUS - Centre for Missing and Sexually Exploited Children. Since 2015, [www.esc\\_ABUZ](http://www.esc_ABUZ) has been a member of INHOPE, the global network of hotlines for fighting the online promotion of child sexual abuse material (CSAM).

As a best practice at national and European level, the Ora de Net Programme promotes the internet safety among the Romanian children, parents, teachers and specialists, by creating and running public awareness campaigns, by offering information sessions, trainings, as well as by improving the educational methods used in schools, studies and research and proposals for public policies and a better legislation in this field. The programme also aims to combat illegal or harmful content and internet-related crime, encourage the responsible use of the internet and new communication technologies by children, parents and teachers, and support the decision-makers by bringing together the key stakeholders in order to formulate and implement realistic policies in this field.

In Romania, the European Strategy for a Better Internet for Children (BIK<sup>2</sup> Strategy) is implemented through its four-pillar approach:

Pillar 1: High quality online content for children and young persons;

Pillar 2: Raising awareness and empowerment;

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<sup>1</sup> Net Hour

<sup>2</sup> Better Internet for Kids

Pillar 3: Creating a safe online environment for children;

Pillar 4: Fight against the child sexual abuse and sexual exploitation of children.

*d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 7 para. 10 in the 22<sup>nd</sup> Report.

#### **Article 8 - The right of employed women to protection of maternity**

**With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:**

**1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;**

*a) Please provide information whether the Covid-19 crisis had an impact of on the right to paid maternity leave (in particular whether all employed women concerned - in the private as in the public sector - continue to receive at least 70% of their salary during the whole length of the compulsory maternity leave during the Covid-19 crisis).*

The Covid-19 pandemic had no impact on the entitlement to paid sick leave, so the insured persons in the public or private sector who were granted maternity sick leave received maternity benefits during the Covid-19 period.

*b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 8 para. 1 in the 22<sup>nd</sup> Report.

**2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;**

*a) Please provide information:*

*i) whether the Covid-19 crisis had an impact on the possibility of dismissing pregnant employees and employees on maternity leave and*

*ii) whether there were any exceptions to the prohibition of dismissal during pregnancy and maternity leave during the pandemic.*

The Covid-19 pandemic did not lead to changes in the maternity protection legislation in the workplace in terms of the prohibition to dismiss the pregnant employees or the employees on maternity leave, therefore the Covid-19 pandemic had no impact and there were no exceptions on this issue.

*b) If the previous conclusion was one of non-conformity, please explain whether and how the non-conformity was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 8 para. 2 in the 22<sup>nd</sup> Report.

**3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;**

*No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 8 para. 3 in the 22<sup>nd</sup> Report.

**4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;**

*a) Please provide updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.*

In the case of the night work, the change in the working conditions or the relocation to another job does not lead to the loss of wages. According to Article 19 of GEO no. 96/2003:

- The employees provided by Art. 2 letters c) - e)<sup>3</sup> cannot be coerced to develop (perform) night work.

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<sup>3</sup> c) the pregnant employee is a woman who informs her employer in writing of her physiological state of pregnancy and encloses a medical document issued by her general practitioner or specialist certifying this state;

d) the female employee who has recently given birth is a woman who has returned to work following the maternity leave and requests the employer in writing to implement the protective measures provided for by the law, enclosing a medical document issued by the general practitioner, but no later than 6 months after the date of giving birth;

e) the breastfeeding employee is a woman who, on returning to work following the maternity leave, breastfeeds her child and notifies her employer in writing of the presumed start and end of the breastfeeding period, enclosing medical documents issued by the general practitioner to this effect;

- Provided that the health of employees mentioned at Article 2 letters c) - e) is affected by the night work, the employer is obliged, based on the employee's written request, to transfer her to a daily place of employment, mentioning the monthly gross basic wage.

In the case of exemption from work due to pregnancy and maternity, the woman is entitled to paid leave.

According to Article 10 of GEO no. 96/2003, the employees referred to in Article 2 letters c) - e) are entitled to maternity leave as follows:

a) prior to the date of the application for the maternity leave, determined in accordance with the provisions of GEO no. 158/2005 on leaves and allowances of social health insurance, approved with amendments and additions by Law no. 399/2006, as subsequently amended and supplemented, the employees referred to in Article 2 letter c);

b) after the date of return from the compulsory maternity leave, the employees referred to in Article 2(d) and (e), if they do not apply for parental leave and childcare allowance until the age of 2 years or, in the case of a disabled child, until the age of 3 years.

*b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 8 para. 4 in the 22<sup>nd</sup> Report.

**5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.**

*a) Please provide updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that the women concerned retain the right to return to their previous employment at the end of the protected period.*

According to the legal provisions in force, a change in the working conditions or a relocation to another workplace does not lead to the loss of wages in accordance with Articles 9 and 13 of GEO no. 96/2003.

In case a change in the working conditions and/or the working hours is not possible or cannot be carried out for well-founded reasons, the employer shall take measures to assign the employee to another job without risk to her health or safety, as recommended by the occupational physician or the general practitioner, while maintaining her income.

On the basis of the general practitioner's recommendation, a pregnant employee who is unable to work normal working hours for health reasons for herself or her unborn child shall be entitled to a one-fourth reduction in the normal working hours, with the retention of her earnings, to be paid in full from the employer's wage fund, in accordance with the legal regulations.

At the same time, the female employees to whom the provisions of Article 8.5 apply retain the right to return to their previous place of work at the end of the protected period according to Article 21 of GEO no. 96/2003:

It is forbidden for the employer to terminate the employment or service relationship in the case of:

- a) the employee provided by Art. 2 letters c) - e), for the reasons in a direct report to her condition;
- b) the employee who is under maternal risk leave;
- c) the employee who is in the maternity leave;
- d) the employee who is in the maternity leave for the child up to 2 years old or, in the case of the child with a handicap, up to 3 years old;
- e) the employee on leave for the care of a sick child up to the age of 7 years or, in the case of a disabled child with an intercurrent medical condition, up to the age of 18 years.

According to Article 10 of Law no. 202/2002 on equal opportunities and equal treatment between women and men, on termination of maternity leave, parental leave for children up to the age of 2 years, or 3 years in the case of a disabled child, paternity leave or carer's leave, the employee has the right to return to her last job or to an equivalent job with equivalent working conditions, and also to benefit from any improvement in the working conditions to which she would have been entitled during her absence.

On returning to work, the employee shall be entitled to a programme of reintegration into employment, the duration of which shall be laid down in the internal rules of organisation and operation and may not be less than 5 working days.

*b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 8 para. 5 in the 22<sup>nd</sup> Report.

#### **Article 16 - The right of the family to social, legal and economic protection**

**With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means**

*a) Please provide updated information on measures taken to reduce all forms of domestic violence against women including information on incidence and conviction rates.*

- Development and implementation of the two Action Plans with specific measures related to the COVID 19 pandemic period: the Action Plan on preventing and combating the domestic violence, against the background of measures imposed at national level to combat the spread of COVID-19 and the Action Plan on preventing and combating gender-based forms of discrimination, including gender-based violence, in the context of combating the spread of COVID-19. The two plans include complex measures covering, among others: the scope of the permanent information campaigns for women, support through the social services, innovative measures adapted to the COVID 19 pandemic (e.g., Bright Sky app launched in partnership with VODAFONE), visibility and support campaigns for the frontline female professionals, recommendations and guidelines for the local public authorities - GDSACPs.

- The protocol concluded in June 2021 by NAEO with the STS establishes concrete ways of action, according to the legal obligations of the parties, for the purpose of addressing the calls related to situations of domestic violence, human trafficking and gender discrimination, received through the single national emergency call system 112, respectively through the Helpline 0800 500333, a service made available by the NAEO, in serving the victims of domestic violence, gender discrimination and trafficking in human beings; the service is free of charge and operates on a permanent basis.

- The development and the implementation of appropriate public policies (GD no. 592/2020 on the approval of the National Strategy for Preventing and Combating Sexual Violence “SINERGIE<sup>4</sup>” 2020-2030, GD no. 559/2021 on the approval of the National Integrated Programme for the Protection of Victims of Domestic Violence and the Framework Methodology on the Organisation and Functioning of the National Integrated Network of Sheltered Housing for Victims of Domestic Violence, draft GD on the approval of the National Strategy on the Promotion of Equality of Opportunities and Treatment between Women and Men and the Prevention and Combating of Domestic Violence for the period 2022-2027), draft Joint Order of the Minister of Family, Youth and Equal Opportunities and the Minister of Internal Affairs on the approval of the Methodology on Measures for the Prevention of Domestic Violence.

- Implementation of specific projects (please see the information provided under article 16 in the 22nd Report).

*b) For States Parties not having accepted Article 31, please provide updated information on the availability of adequate affordable housing for families.*

NHA is an institution of public interest that carries out the national housing construction programmes and operates under the coordination of MoDPWA.

The main objectives of the NHA, established by Law no. 152/1998 on the establishment of the National Housing Agency, republished, with subsequent amendments and additions, are the promotion and development, at sectoral and national level, of housing construction

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<sup>4</sup> SYNERGY

programmes, so that the NHA carried out the following programmes during the reference period:

a) government programmes for housing construction:

- housing for young persons for the purpose of renting;
- company housing;
- social housing for Roma communities;

b) own programme for housing construction:

- private property, undertaken by mortgage credit.

**I. Housing for young persons for the purpose of renting.** The programme aims to provide housing for young persons whose incomes do not allow them to have access to housing under the market conditions, while at the same time ensuring stability for the young professionals. The houses are to be built on land transferred free of charge to the NHA by the local councils, which shall provide the technical and civil works in accordance with the law.

The housing for young persons intended for rental may be sold to the holders of the rental contracts, only at their request, after the expiry of at least one year of uninterrupted rental to the same holder and/or to the person for whose benefit the rental has been continued in accordance with the law, without the sale being conditional on the age of the applicant.

**II. Company housing.** The housing built under the government's programme for the construction of company housing is intended for civil servants and employees of the central and local public institutions. These service dwellings are public property of the State and are administered by the central/local public institutions which requested their construction, in accordance with the law. The company housing cannot be sold.

**III. Social housing for Roma communities.** The programme aims to implement projects for the construction of social housing in the 8 development regions of Romania, in locations determined by MoDPWA together with the local public administration authorities and the National Agency for Roma.

The construction of social housing foreseen in the programme is carried out through public investment objectives promoted and implemented by the NHA with funding from state budget sources, allocated for this purpose through the MoDPWA budget.

**IV. Home ownership with a mortgage loan.** The programme is addressed to all persons with Romanian citizenship, who have reached the age of 18 and who want to buy a house built by NHA. In order to benefit from a dwelling built through this programme, financing is required, represented by a down payment (deposited by the applicant) and a mortgage loan (contracted from the partner banks). The housing built under this programme can be flats or individual houses, built on the land made available by the local councils to the NHA during the construction period. The local councils also provide utilities for housing developments built under the Mortgage Loan Programme.



c) Are family or child benefits provided subject to a means-test? If so, what is the percentage of families covered?

Among the child and family support measures, only the **family support allowance**, regulated by Law no. 277/2010, is granted according to the family's income and assets, but also according to the number of children in the family.

The allowance for family support stimulates the improvement of the children's education level by making the allowance conditional on the attendance of educational courses by the school-age children from the beneficiary families; the amount of the allowance may be reduced in relation to the school absences (based on the situations transmitted by the territorial school inspectorates).

Average monthly number of recipients of family support allowance in 2019 - 2021:

2019	2020	2021
184.563	160.613	146.125

d) Please provide information about the amounts paid in child/family benefit as well as the median equivalised income for the reference period.

I. Measures from the state budget for the protection of families with children:

➤ The programme for the granting of the state allowance for children, carried out on the basis of Law no. 61/1993, republished, with subsequent amendments and additions, which is addressed to all children up to the age of 18, young persons who have reached the age of 18 and are continuously attending secondary or vocational education, organised according to the law, until the completion of the courses, as well as to young disabled persons who are attending a form of pre-university education provided for by the law, but not later than the age of 26. The monthly amounts of the state child allowance have recently been increased, starting with the rights corresponding to January 2022, by the **GEO No. 126/2021 amending Law No. 61/1993 regarding the State allowance for children and granting a compensatory allowance for disabled persons** and are currently as follows:

- **RON 243** for children between the ages of 2 and 18, and for young persons who have reached the age of 18 and are in secondary or vocational education organised under the conditions laid down by the law, until they complete their studies, and for young persons with disabilities who are enrolled in a form of pre-university education provided for by the law, but not later than their 26th birthday;
- **RON 600** for children up to 2 years of age or up to 18 years of age in the case of a child with a disability.

➤ **Programme for granting the family support allowance** c according to the provisions of Law no. 277/2010, republished, as amended and supplemented. This allowance is granted according to the family's income and assets, but also according to the number of children in the family.

The Family Support Allowance stimulates the improvement of the children's education level by making the allowance conditional on the attendance of educational courses by the school-age children of the beneficiary families; the amount of the allowance may be reduced in relation to school absences (based on the statements submitted by the territorial school inspectorates).

**Amount:** the monthly level of the family support allowance shall be, as from March 2022, of:

Family support allowance	BENEFICIARIES: FAMILIES	Monthly amount
Support allowance for two-parent family with income $\leq$ RON 210.2	with 1 child	87
	with 2 children	173
	with 3 children	259
	with 4 or more children	345
Support allowance for two-parent family RON 210.2 < income $\leq$ RON 557.03	with 1 child	79
	with 2 children	158
	with 3 children	237
	with 4 or more children	316
Support allowance for one-parent families with income $\leq$ RON 201.2	with 1 child	113
	with 2 children	225
	with 3 children	338
	with 4 or more children	450
Support allowance for one-parent families with RON 210.2 < income $\leq$ RON 557.03	with 1 child	108
	with 2 children	215
	with 3 children	322
	with 4 or more children	429

➤ **Programme for granting the monthly foster care allowance.** According to the provisions of *Law no. 272/2004 on the protection and promotion of the rights of the child*, republished, with subsequent amendments and additions, for each child for whom the measure of placement with a family, person, foster carer or in a residential service of an authorised private body has been established or guardianship has been established, under the provisions of the law, a monthly placement allowance is granted.

Thus, for each child in this situation, the monthly foster care allowance is **RON 631**. For a child with a disability, a 50% increase in the placement allowance is granted, i.e. **RON 946**.

➤ **Leave and monthly child-raising allowance** (*GEO no.111/2010 on parental leave and monthly child-raising allowance*): the leave and the monthly allowance are granted to persons who, in the two years preceding the date of the child's birth, have earned income subject to income tax for at least 12 months in accordance with the provisions of the Tax Code. All forms of employment are taken into account when determining the entitlement to child-raising leave and allowance, as well as all categories of income, i.e. income from employment, income from independent activities and income from agricultural activities. Also, according to the provisions of the *Labour Code* all types of individual employment contracts (indefinite, part-time, fixed-term, etc.) are taken into account when determining the child-raising leave. Child-raising

allowance represents a compensation, provided from the state budget, for the parents who decide to interrupt their professional activity and apply for the child-raising leave up to the age of 2 years, respectively 3 years in the case of a child with disability. **The minimum amount of child-raising allowance has been increased to RON 1.314/month. The maximum amount of the child-raising allowance has been set at 85% of the parent's average net income, but not more than RON 8.500/month.** This programme also includes job protection measures for the persons who decide to undertake the childcare: according to the provisions of the *Labour Code* the employee has the right to request the suspension of the individual employment contract in order to benefit from the maternity and childcare leave. According to the provisions of *GEO no.111/2010* the leave for the child raising is approved by the employer at the request of the entitled person and the employer is under the obligation to approve the leave period in agreement with the employee. The legislation on the granting of the leave for child raising also provides for other job protection measures for the persons entitled to such leave.

➤ **Monthly insertion incentive (*GEO no.111/2010 on leave and monthly child-raising allowance*).** This incentive is a measure designed to encourage the parents to return to work before the child reaches the age of 2 or 3 in the case of a child with disabilities. The persons who are entitled to child-raising allowance and who are in employment and earn taxable income are entitled to a monthly insertion incentive as follows:

- **in the amount of RON 1.500**, if the persons entitled earn taxable income, at any time before the child reaches the age of 6 months, or 1 year in the case of a child with disabilities, granted until the child reaches the age of 2 years, or 3 years in the case of a child with disabilities;
- **in the amount of RON 650**, if the persons entitled earn taxable income, at any time after the child reaches the age of 6 months, or 1 year in the case of a child with disabilities, until the child reaches the age of 2 years, or 3 years in the case of a child with disabilities. If the persons entitled earn taxable income at any time after the child reaches the age of 2 years, or 3 years in the case of a child with disabilities, the incentive is granted until the child reaches the age of 3 years, or 4 years in the case of a child with disabilities. The insertion incentive is also granted in the amount of RON 650 to persons who earn taxable income during the period in which they are entitled to leave for the care of a child with disabilities aged between 3 and 7.

➤ **The leave and the accommodation allowance** shall be granted in accordance with Article 50 of *Law no. 273/2004 on the adoption procedure, republished, as amended and supplemented*. The adopter or, optionally, any of the spouses of the adopting family, who earns income subject to income tax according to the provisions of Law no. 227/2015 on the Tax Code, as amended and supplemented, from wage and wage-related activities or, where appropriate, independent activities, royalties or agricultural activities, may benefit from an accommodation leave of up to one year, which includes the period of the child's placement for adoption, as well as a monthly allowance. The amount of the monthly allowance is 85% of the average net income in the last 12 months of the last 2 years preceding the date of the court order for placement for adoption. **The amount of the monthly allowance may not be less than the amount resulting from the application of a multiplication coefficient of 3.4 to the value of the social reference indicator, i.e. RON 1.787, and its maximum amount may not exceed**

**RON 8.500.** The funds necessary for the payment of the accommodation allowance, the administrative expenses, as well as those for the transfer of the rights are provided from the state budget, through the budget of the Ministry of Labour and Social Solidarity (MoLSS).

➤ **Monthly support allowance amounting to RON 600**, is granted in accordance with Article 100<sup>1</sup> of Law No 273/2004 *on the adoption procedure, republished*, with subsequent amendments and additions. For each child who, on the date of the final decision granting the adoption, is in one of the following situations:

- (a) is aged between 3 and 6 years
- b) is classified as mildly or moderately disabled
- c) is part of a group of 2 siblings adoptable together

The monthly support allowance is increased as follows:

**By 50%** for a child in one of the following situations:

- (a) is 7 years old;
- b) is classified as severely or seriously disabled, HIV infected or suffering from AIDS;
- c) is part of a group of at least 3 adoptable siblings together.

**By 75%** if the adopted child meets two of the conditions set out in points 1 or 1.1 above.

**By 100%** if the adopted child meets all the conditions set out in point 1 or 1.1 above.

The monthly support allowance may be granted to the adopted person, on request and after the age of 18, for the duration of the continuation of the studies in a form of day education, but not beyond the age of 26 years.

➤ **Allowances granted to carers of children with disabilities:**

- leave and allowance for the raise of a child with disabilities, granted to parents caring for a child with disabilities aged between 3 and 7 years, in the amount of **RON 1.314**;
- allowances and benefits for raising a child with disabilities (Articles 31 and 32 of *GEO no. 111/2010 on leave and child-raising allowance*, as subsequently amended and supplemented). Granted to persons caring for children with disabilities up to the age of 7 or to persons with disabilities who become parents and have children in their care. The amounts vary between **RON 197** and **RON 591**;
- allowance paid to persons caring for a child with disabilities who are in employment or wish to return to work on a part-time contract. They receive an allowance equal to 50% of the minimum allowance (**RON 657**), which can be added to the person's wage.

## **II. Measures to support the families with dependent children supported by other funds:**

➤ **Programme for granting the educational incentive**, represents another programme addressing to children from disadvantaged families and was established by *Law no. 248/2015 on stimulating the participation of children from disadvantaged families in pre-school education*. It is granted in the form of social vouchers with the aim of stimulating the participation in pre-school education of the children from disadvantaged families and increasing their access to education. The financing of the educational incentive is covered by the state budget through sums deducted from the value added tax, allocated to the local budgets for this purpose. Recently, *Law no. 49/2020* amended *Law no. 248/2015 on stimulating the participation of children from disadvantaged families in pre-school education*. Thus, as of 1

January 2021, some changes have been introduced to the programme itself and the educational incentives are granted to children attending a form of pre-school education and belonging to families who have established their entitlement to the family support allowance granted on the basis of *Law no. 277/2010 on the family support allowance, republished, with subsequent amendments and additions*, regardless of whether the family is in payment of this entitlement or the entitlement is suspended. Monthly amounts granted: **RON 105/month for each child enrolled in kindergarten from the family entitled to family support allowance.**

➤ **Paternity leave.** Another measure coming to the aid of the parents, but which is supported by the employers, concerns the paternal leave regulated by *Law no. 210/1999 on paternity leave*. Paternity leave is granted in order to ensure the father's effective participation in the care of the new born child. Recently, *GEO no. 117/2022* was approved to amend and supplement *Law no. 210/1999 on paternity leave*, according to which the father of a new born child who is a worker is entitled to a paternity leave of 10 working days, with the possibility of extending it by another 5 working days if the father of the new born child has obtained a certificate of completion of the childcare course. The paternity leave allowance is paid from the company's wage fund and **is equal to the wage for the period in question.**

According to Eurostat, in 2021, the median available income in Romania was 8.703 PPS (standard units of purchasing power) per capita.

*e) Is there a length of residence requirement imposed on nationals of other States Parties lawfully resident in your country for eligibility to child/family benefits?*

There is no residence requirement imposed on the nationals of other countries under the current legislation. According to the national legislation, namely Article 4 of *Law no. 292/2011*, the right to social assistance benefits is guaranteed in Romania, without any kind of discrimination, for all Romanian citizens, as well as for the citizens of other states or for the stateless persons, who have their domicile or residence in Romania. According to this principle, the vulnerable persons benefit from social protection measures and actions without restriction or preference on grounds of race, nationality, ethnic origin, language, religion, social category, opinion, gender or sexual orientation, age, political affiliation, disability, chronic illness or membership to a disadvantaged category.

According to the provisions of Article 20 of *Law no. 122/2006 on asylum in Romania*, the recognition of the refugee status or the granting of subsidiary protection entitles the beneficiary to social assistance under the conditions provided by the law for the Romanian citizens.

The persons who have refugee status or are beneficiaries of subsidiary protection are also entitled, on request, to receive a monthly non-reimbursable allowance for a maximum period of 12 months if, for objective reasons, the person lacks the necessary means of subsistence. The amount of the non-reimbursable monthly allowance is RON 568 per month (approximately EUR 113) per family member, including the children. The funds needed to grant the monthly non-reimbursable aid are provided from the budget of the MoLSS through NAPS and the county

agencies for payments and social inspection. The administrative data on the granting of the non-reimbursable aid for refugees are given in question 100.

Foreigners may also benefit from other types of temporary protection measures if they are not entitled to a form of protection in Romania, these measures being coordinated by MoIA through its subordinate institutions: GIES and GII.

*f) What measures have been taken to ensure that vulnerable families can meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services)?*

The current legislative framework allows the European Union and Member States to take measures to mitigate the effects of rapidly rising prices. The current price increases require a rapid and coordinated response. The immediate responses must give priority to the measures supporting vulnerable consumers, measures which can be flexibly adjusted. In the medium term, the solutions must focus on making energy use in the European Union more efficient and reducing the dependence on fossil fuels in order to provide the consumers with an accessible energy and with low carbon emissions.

In view of the situation caused by the increase in prices on the international electricity and natural gas markets, as well as the impact of these increases on the Romanian population, it was necessary to adopt compensation measures for the vulnerable consumers, in order to prevent the electricity and natural gas prices from aggravating the level of energy poverty.

Thus, the Romanian Parliament adopted Law no. 226 of 16 September 2021 on establishing social protection measures for vulnerable energy consumers, published in the Official Gazette of Romania No 891 of 16 September 2021, which regulates the social protection measures (financial and non-financial) for the vulnerable consumer in order to prevent and combat the energy poverty.

Law no. 226 of 16 September 2021 regulates the social protection measures (financial and non-financial) for the vulnerable consumer for preventing and combating the energy poverty, namely:

➤ **Financial social protection measures** consist of granting subsidies intended to ensure the minimum energy needs and are represented by:

**1. Home heating allowance**, with a focus on the following aspects:

- setting the maximum income threshold up to which a person or family can benefit from the heating allowance, i.e., RON 1.386/person in the family and RON 2.053 for a single person;
- setting the amount of the allowance, i.e., by means of a percentage compensation applied to a reference value differentiated according to the heating system. The percentage compensation is 100% for the beneficiaries with the lowest income and at least 10% for those whose income is at the maximum limit.
- the home heating allowance is granted on the basis of the net monthly income of the

families or the single persons:

Level of income	Percentage of compensation
RON	Families and single persons
Up to 200	100%
200,1 - 320	90%
320,1 - 440	80%
440,1 - 560	70%
560,1 - 680	60%
680,1 - 920	50%
920,1 - 1.040	40%
1.040,1 - 1.160	30%
1.160,1 - 1.280	20%
1.280,1 - 1.386 (families) /2.053 (single persons)	10%

- the amounts are variable depending on the type of heating used (centralized system, natural gas, electricity, solid or liquid fuels), the net income per family member and also the family assets mentioned in the List of assets leading to the exclusion, on the right, Annex to GD no. 50/2011.
- setting the reference value to which the percentage compensation is applied, for the four heating systems of the dwelling: heating with centrally supplied heat (the reference value is set monthly, within the limit of the average consumption and according to the local price of the heat energy invoiced to the population), heating with natural gas (RON 250/month), heating with electricity (RON 500/month) and heating with solid or liquid fuels (RON 320/month);
- payment from the state budget, through the MoLSS budget, of the allowance for heating the dwelling with wood for the beneficiaries of the social allowance granted on the basis of Law no. 416/2001, this being no longer the direct responsibility of the local public administration authority;

**2. The allowance for energy consumption for covering part of the household's energy consumption throughout the year.** The average net monthly income up to which the supplement for the energy consumption is granted is RON 1.386 per person in the case of a family and RON 2.053 in the case of a single person and is granted as follows:

- RON 30/month for electricity consumption;
- RON 10/month for natural gas consumption;
- RON 10/month for heat consumption;
- RON 20/month for the consumption of solid and/or liquid fuels;

By exception, RON 70, if the only source of energy used is electricity.

**3. Aid for the purchase of energy-efficient household equipment for lighting, cooling, heating and hot water supply,** for the replacement of technically and morally obsolete household appliances by energy-efficient household appliances and for the use of energy-using means of communication.

**4. Aid for the purchase of products and services** to improve the energy performance of the buildings or for establishing the connection to the energy sources.

- **The non-financial measures** consist of facilities for the access and connection to the available energy sources necessary to ensure the minimum energy needs, including the prohibition of disconnection from the energy sources for certain categories of vulnerable consumers, as well as transparent and accessible advice and information to the population on energy sources, costs and procedures for accessing them, in accordance with the legislation in force. The measures are implemented starting from November 2021.

At the same time, the rising of the prices on the international electricity and gas markets have led to the adoption of complementary measures for the protection of the population exposed to difficulties in paying these costs. GEO no. 118/2021 on the establishment of a scheme for the compensation of the electricity and natural gas consumption for the 2021-2022 cold season regulated a compensation mechanism for the period from 1 November 2021 to 31 March 2022, so that the electricity and natural gas prices paid by the household consumers do not increase the level of energy poverty.

At the same time, the provisions of GEO no. 27/2022 on the measures applicable to the final customers in the electricity and gas market were approved, establishing provisional measures so that the electricity and gas prices paid by the final customers should not increase the level of energy poverty. The legislative act provides for electricity and gas price caps for both household and non-household customers, with the new measures to be implemented from 1 April 2022 to 31 August 2023.

*g) If specific temporary measures were taken to financially support vulnerable families during the Covid-19 pandemic, will they or are they expected to they been maintained or withdrawn? If they have been withdrawn, what effect is this expected to have on vulnerable families?*

During the pandemic, in the context of the epidemiological situation caused by the spread of the SARS-CoV-2 coronavirus, which led to the establishment of a state of emergency from 16 March to 14 May 2020 and subsequently to the state of alert and its extension, measures were taken in the field of social protection covering several social categories and ensuring the elimination of inequalities and, at the same time, the respect of employers and employees, as well as all other categories of population at risk of exclusion. This has been a difficult period economically and socially for most of Romania's citizens, but also for the economic actors, regardless of the sector in which they operate. Despite the difficulties in implementation, the measures taken have proved effective, concrete and, above all, have provided an immediate response to the many challenges posed by the pandemic.



The main measures adopted in the field of social protection were regulated by *GEO no. 30/2020 for amending and supplementing certain normative acts, as well as for establishing certain measures in the field of social protection in the context of the epidemiological situation determined by the spread of the SARS-CoV-2 coronavirus and for establishing additional social protection measures, as amended and supplemented by GEO no. 32/2020*, as well as by the other legislative acts amending and/or supplementing them or containing provisions relating to their implementation, these measures being taken in order to mitigate the impact of the effects of the spread of the SARS-CoV-2 coronavirus, related to the period of the state of emergency and the state of alert.

Also, the measures taken in the field of the social assistance benefits through the legislative acts approved in that period were aimed at ensuring the protection of the beneficiaries both during the state of emergency and during the state of alert, by guaranteeing the timely payment of the social benefits without delays, as well as to respond to all the needs of the beneficiaries, both at central, county and local level.

**Below please find a brief description of the main social measures taken to limit the negative effects of the pandemic:**

**Measures to protect the workers and support the employers:**

1. Ensuring from the state budget of the allowances for the persons who have interrupted their activity due to the effects of the SARS-CoV-2 coronavirus, other than the employees, i.e. the professionals (authorised natural persons, sole proprietorships, family businesses, etc.), persons who have concluded individual employment contracts on the basis of Law no. 1/2005 (cooperatives), lawyers, persons working under a sports activity contract, the natural persons who derive income exclusively from copyright and related rights as regulated by Law no. 8/1996. The allowances were set at a maximum of 75% of the average gross wage provided for by Law no. 6/2020. These allowances were granted both during the state of emergency and during the state of alert for those whose activity is carried out in areas where restrictions are maintained.

2. In addition to the active measures approved by GEO no. 92/2020, GEO no. 132/2020 and GD no. 719/2020 established the following:

- support for other categories of self-employed persons, i.e. other professionals as covered by Article 3(2) of Law no. 287/2009 on the Civil Code, republished, as amended, whose activity is reduced as a result of the establishment of a state of emergency/alert/curfew. For them, it is proposed that during the state of emergency/alertness/curfew, a monthly allowance of 41.5% of the gross average wage should be granted from the state budget through NAPSI on the basis of an application and an affidavit.
- support for the employers - beneficiaries of works - who use day labourers by paying 35% of the day labourer's remuneration per day worked. The amount paid to the day labourers by the beneficiary of the work is then paid from the budget of the MoLSS through NAPSI and the territorial agencies;
- for the seasonal workers, an allowance of 41.5% of the wage, but not more than 41.5% of the average gross wage in the economy for the period worked, was regulated. The

final beneficiaries are the employees with individual employment contracts of up to 3 months. The amount is paid by the employer and subsequently settled by the NAE through the territorial employment agencies.

**Measures for the protection of families with children and of the vulnerable persons:**

- the allowance for days off granted to parents who were responsible for the care and supervision of children during the temporary suspension of the educational establishments due to the current COVID-19 pandemic (nurseries, kindergartens and educational establishments). The paid days off represented working days during the state of emergency and state of alert and were granted until the end of the school year 2020 - 2021. The allowance for each day off was set at 75% of the basic wage corresponding to one working day, but no more than the daily equivalent of 75% of the average gross wage used to establish the state social security budget. This measure was applied until the end of the school year. The employers have requested the reimbursement of these amounts from the wage guarantee fund.
- ensuring the payment of the monthly insertion incentive and of the allowance for the support of children with disabilities, during the period of the state of emergency and until 31 December 2020. Thus, the payment of these rights has not ceased during this period, if the parent has not been active on the labour market due to the following situations: suspension or even termination of the employment relationship due to the restructuring or the restriction of the employer's activity, sick leave, technical unemployment or the payment of allowances for days off;
- for the duration of the state of emergency and until 31 December 2020, the automatic extension of the child-raising allowance entitlements (parental leave) for the beneficiaries who were receiving child-raising allowance at the time the state of emergency was established. They continued to receive this benefit even if the child reached the age of 2 years or 3 years or 7 years in the case of a disabled child. Both measures relating to the extension of the parental leave and the allowance as well as of the integration incentive continued to apply for the persons working in areas where activity restrictions are maintained, but no later than 31 December 2020. In the same context of supporting the families with children, the period of granting the leave and the accommodation allowance (granted to adopted children) and the parental leave for the children with disabilities aged between 3 and 7 years were also extended.
- the uninterrupted granting, for the duration of the state of emergency and until 30 June 2020, of social assistance benefits which are conditional on the attendance by the children or young persons of educational courses or which are conditional on the regular attendance at kindergarten in the case of pre-school children;
- with regard to the payment of the means-tested benefits (the guaranteed minimum income and the family support allowance) during the state of emergency and 30 days after the end of the state of emergency, the social inquiry for these entitlements has been suspended. Also, the obligation to carry out actions and works of local interest was suspended, for the amounts granted as social aid, according to Law no. 416/2001 regarding the minimum guaranteed income. At the same time, the persons did not have to prove that they were looking for a job and that they had not refused a job or participation in vocational training, qualification/ retraining courses, etc. or involvement in seasonal activities.

- introducing the possibility to apply for social benefits online, both during the state of emergency and during the state of alert: the possibility for the beneficiaries to use the e-mail as the main means of communication with the social assistance authorities and to submit in this way the application and the supporting documents for obtaining the social benefits to all local agencies, local government institutions or unemployment agencies. The measure has been a best practice example in support of digitisation and has been generalised outside the emergency/alert state as applicable in any situation.

In addition, through the OPHC 2014-2020 and the OPRDP 2014-2020, additional financial resources have been allocated through REACT-EU for supporting the individuals most affected by the COVID-19 pandemic.

At the level of the operational programme, OPHC targeted in particular:

- the unemployed and the persons who have lost their jobs as a result of the effects of the COVID-19 pandemic and the measures taken by the national authorities to limit the risk of the spread of the infection during the state of emergency and alert;
- students who were unable to participate in online lessons.

At the same time, the aim was to create jobs for persons from vulnerable groups, especially young people.

Through OPRDP, the measure of granting electronic vouchers was introduced, allowing the beneficiaries access to hot meals or basic food.

The support measures for vulnerable persons (young people, children at risk of poverty and social exclusion, victims of domestic violence, etc.) will continue in the 2021-2027 programming period through the EEP and the ISDOP and will target the areas of employment, education and social services, including social housing and food and basic material assistance.

*h) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 16 in the 22<sup>nd</sup> Report.

#### **Article 17 - The right of children and young persons to social, legal and economic protection**

**1. With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:**

**a) to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in**

particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;

b) to protect children and young persons against negligence, violence or exploitation;

c) to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;

a) Please provide information on measures taken by the State to:

i) reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth) and

ii) facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation. (General question posed in Conclusions 2019).

Please see the information provided under article 17 para. 1 in the 22<sup>nd</sup> Report.

b) Please provide information on measures taken to:

i) child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc.) and

ii) combat discrimination and promote equal opportunities for children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.

iii) States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

Please see the information provided under article 17 para. 1 in the 22<sup>nd</sup> Report.

c) Please provide information on any measures adopted to protect and assist children in crisis situations and emergencies.

The emergency situations in the field of violence against children are defined in Annex 1 of GD 49/2011 and intolerable labours such as slavery, trafficking, sexual exploitation and illicit activities are included in the list. The intervention in these situations is also described in Annex 1.

The emergencies are initially assessed by the GDSACP mobile team. When the travel time of the mobile team would exceed one hour, the counsellor contacts the PSAS social worker/person in charge of the social assistance and the initial assessment is carried out by the PSAS social worker/person in charge of the social assistance. The field check also involves a police worker alongside the mobile team.

In these situations, an EP is usually decided.

According to NAPCRA statistics on the cases of abuse, neglect and exploitation:

- In the year 2018, out of a total of 15.253 child victims, EP was established for 2.939.
- In the year 2019, out of a total of 15.996 child victims, EP was established for 3.077.
- In the year 2020, out of a total of 14.170 child victims, EP was established for 2.594.
- In the year 2021, out of a total of 15.925 child victims, EP was established for 3.360.

All children in the special protection system benefit from an individualised protection plan, which in these cases also includes the rehabilitation services necessary for child victims. The rehabilitation services usually involve: psychological counselling, psychotherapy, other therapies. The statistics include services provided globally for the child victims, but not broken down by emergency situations.

The rest of the children (who were not taken into the special protection system) remained in the family and received services: psychological counselling, psychotherapy, other therapies, medical services, educational services (school reintegration and vocational guidance) and legal advice/assistance.

Regardless of whether the child is taken into the special protection system or not, the case management for situations of violence against children, including emergency situations, is summarised as follows:

- Reporting is mandatory at GDSACP - for the professionals interacting with the children, according to Law no. 272/2004 on the protection and promotion of the rights of the child, republished, as subsequently amended and supplemented.
- The field assessment (the initial assessment) is mandatory. In emergency situations the mobile team, which includes a police officer, responds within one hour. On the spot, it is decided whether the child needs immediate medical care and whether special protection measures are needed.
- Subsequently, the multidisciplinary team assesses the child in his/her socio-family context, from a social, medical, psychological, legal and risk point of view (detailed assessment), and proposes a rehabilitation and social reintegration plan for the child, the family and the offender. If an offence is found, a criminal investigation is initiated; the police officer is part of the multidisciplinary team.
- The services are provided throughout the implementation of the plan and, if necessary, during the court process, then the child is monitored 6 months after the end of the plan, i.e. the court decision.

*d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 17 para. 1 in the 22<sup>nd</sup> Report.

**2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.**

*a) What measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention? (General question, Conclusions 2019).*

Please see the information provided under article 17 para. 2 in the 22<sup>nd</sup> Report.

*b) What measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children's specific learning environments)? (General question, Conclusions 2019).*

Please see the information provided under article 17 para. 2 in the 22<sup>nd</sup> Report.

*c) What measures have been taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children)?*

**- Amendment of legislation for learning under pandemic conditions.**

According to the GEO no. 144/2020 on certain measures for the allocation of non-reimbursable external funds necessary to carry out teaching activities related to the school/academic year 2020/2021 in the context of the risk of infection with the SARS-CoV-2 coronavirus, "a first measure refers to ensuring the students' access to the learning process in the online environment. In this regard, the measure aims to provide the students with mobile IT equipment such as school tablets so that the training during the teaching activities can take place online, in order to avoid the direct contact of the students with the teachers and other students and to prevent the risk of infection with SARS-CoV-2 coronavirus, which would jeopardise the normal conduct of all teaching activities necessary for the educational process.

The second category of measures for the teaching activities for the school year 2020-2021 concerns the provision of medical protective equipment such as medical masks, disinfectants, coveralls and other such equipment needed to prevent the spread of the SARS-CoV-2 coronavirus. The provision of such medical protective equipment would be carried out in state pre-university educational establishments which are exposed to a high risk of spreading the coronavirus as established by the methodological rules of the Ministry of Health."

**- "School after School" National Pilot Programme** for pupils/students up to and including the 8<sup>th</sup> grade. The main aim of the "School after School" national pilot programme is to organise remedial activities in schools with primary and secondary school classes in order to support the pupils/students in developing specific skills, increase their chances of success at school and access to higher levels of education and reduce the risk of early school leaving.

*d) Please provide information on the measures taken to ensure that state allocation of resources to private education does not negatively impact on the right of all children to access free, quality public education (based on a Statement of Interpretation from Conclusions 2019).*

- According to Article 84 para. (1) of the National Education Law no. 1/2011, as amended and supplemented: the pupils/students included in the compulsory, vocational and accredited/authorised secondary education benefit from a 50% reduction in fares for the local public, surface, naval and underground transport, as well as for domestic car, rail and naval transport, throughout the calendar year.

- The “Free transport for pupils/students” programme, according to GD no. 435 of 28 May 2020 on the approval of the procedure for the settlement of the pupils'/students' transport expenses, as well as for the modification and completion of the Methodological Rules on the granting of internal rail and underground transport facilities for pupils and students, approved by GD no. 42/2017, the pupils/students attending school in Romania benefit from free local road and sea transport, county road transport between their place of residence and the place where they attend school, intercounty transport and internal rail and underground transport.

- In accordance with Article 82 para. (1<sup>3</sup>) of the National Education Law no. 1/2011, as subsequently amended and supplemented, the performance scholarship may also be awarded to the students in full-time private pre-university education.”

*e) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 17 para. 2 in the 22<sup>nd</sup> Report.

**Article 19 - The right of migrant workers and their families to protection and assistance**

**With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:**

**7. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;**

**8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;**

*No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Please see the information provided under article 19 para. 7 and 8 in the 22<sup>nd</sup> Report.

**Article 27 - The right of workers with family responsibilities to equal opportunities and equal treatment**

**With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:**

**2. to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;**

*a) Please provide information on whether the Covid-19 crisis had an impact on the right to parental leave.*

Please see the information provided under article 27 para. 2 in the 22nd Report.

*b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

The previous conclusion was in conformity with the Charter.