



United Nations Secretary-General's Study on Violence against Children

Questionnaire to Governments

Introduction

This questionnaire is designed to obtain information from Governments for the United Nations Secretary-General's in-depth Study on the question of violence against children requested by the General Assembly in its resolution 57/190. Mr. Paulo Sergio Pinheiro has been appointed by the Secretary-General as the independent expert to direct the study, in collaboration with the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), and he has developed a concept paper on the study (E/CN.4/2004/68, annex).

In preparing the report, the independent expert will draw on a variety of sources and available information and statistics in addition to the responses to this questionnaire. These will include reports submitted by States parties under the Convention on the Rights of the Child, as well as other human rights treaties, and information generated by United Nations conferences and summits, and their reviews, including the special sessions of the General Assembly, in particular the twenty-seventh special session of the General Assembly on children. Official statistics available from the United Nations Statistics Division and other statistical information available in the United Nations system, including UNICEF, WHO and the International Labour Organization (ILO) will be used. United Nations field presences will also be asked to provide pertinent information. Information will also be gleaned from non-governmental organizations and from regional and field-level consultations and expert group meetings which will form an integral part of the study.

The Committee on the Rights of the Child has emphasized that the study "should lead to the development of strategies aimed at effectively preventing and combating all forms of violence against children, outlining steps to be taken at the international level and by States to provide effective prevention, protection, intervention, treatment, recovery and reintegration" (A/56/488, annex). The General Assembly called for the study to put forward recommendations for consideration by Member States for appropriate action, including effective remedies and preventive and rehabilitative measures.

Responding to the questionnaire

In providing responses to the questionnaire, Governments are requested to consider approaches which have been adopted at national level with respect to violence generally, and towards children in particular. They are also asked to take account of the fact that responses to all forms of violence against children might not be the task of one Government department only, and depending on your Government's structure may be within the competence of the federal, state, provincial or municipal authorities.

Governments may wish to identify a **focal point** responsible for coordinating responses to the questionnaire, and make this focal point known to the secretariat of the study.

If information called for by the questionnaire has been provided by the Government in another context, for example in reporting under the Convention on the Rights of the Child, reference to that document should be provided, and information contained in that document should not be repeated. Governments are also encouraged to provide copies of relevant laws, policies, reports etc.

The questionnaire is divided into seven parts, which deal with (I) the legal framework, (II) the institutional framework and resources to address violence against children, (III) the role of civil society in addressing violence against children, (IV) children as actors in addressing violence, (v) policies and programmes to address violence against children, (VI) data collection, analysis and research, and (VII) awareness, advocacy and training. Examples of issues and questions which are to be covered under each part of the questionnaire are provided for guidance. Governments are not required to cover each of these issues, but to select those which are most relevant to their national context. Additional issues, over and above those provided as guidance, can also be raised in responses.

Governments are encouraged to provide examples of good practices and innovative approaches to addressing all forms of violence against children, in order to assist in the dissemination and sharing of positive experiences. Governments are also asked to outline obstacles encountered in addressing the issue.

Definition of child

Governments should note that in providing information for this questionnaire, a child is defined as in article 1 of the Convention on the Rights of the Child as “[e]very human being below the age of eighteen years unless, under the law applicable to the child, the majority is attained earlier.” Accordingly, information on strategies to address violence against girls and boys under 18 should be provided throughout.

Submission of responses

Responses to this questionnaire should be sent in both hard copy and electronic format in one of the six official United Nations languages no later than 31 July 2004 to:

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QUESTIONNAIRE

I. LEGAL FRAMEWORK

This part of the questionnaire aims to determine how your country's legal framework addresses violence against children, including prevention of violence, protection of children from violence, redress for victims of violence, penalties for perpetrators and reintegration and rehabilitation of victims.

International human rights instruments

1. Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.

International human rights instruments, such as, for example, the Convention on the Child Rights and its optional protocols, have been ratified by Romania and secondary legislation has also been approved – as it will be further described.

Legal provisions on violence against children

2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.

Mostly, the sexual abuse and its multiple forms are addressed in Romanian legislation (Criminal Court) and recently the domestic violence. Emotional abuse is not yet addressed.

Constitution of Romania has provisions for the protection of children, youths and disabled persons.

As a result of the new governmental strategy in the field of social protection, the Romanian Parliament adopted in 2003 the Law no.217 regarding the prevention and combating domestic violence. Following this new normative act, the National Agency for Family Protection was created, subordinated to the Ministry of Labour, Social Solidarity and Family.

In 2004 a new legislative package in the field of child protection has been adopted by the Parliament¹:

- Law no.272 for the protection and promotion of the child rights;
- Law no.273 for the legal conditions of adoption;
- Law no.274 for the creation, organizing and functioning of the Romanian Office for Adoptions;
- Law no.275 of amending the Emergency Ordinance of the Government no.12/2001 regarding the creation of the National Authority for the Child Protection and Adoption – according to this, the National Authority for the Protection of Child Rights will be created by reorganizing the former National Authority for the Child Protection and Adoption.

The four laws have come into force on the 1st of January 2005.

Law no.211/2004 regarding certain measures for ensuring the protection of crime victims has also come into force on the 1st of January 2005. This law establishes four categories addressing directly the needs of the victim, namely: informing the crime victims of their rights, psychological counselling, judicial assistance free of charge and financial compensation of crime victims by the state.

There are in force Government Decisions regarding Action Plans for the field of child protection against abuse, neglect and exploitation 2004-2005 (Government Decision no.726/2004), for the prevention and combat of trafficking in children (Government Decision no.1295/2004), for the prevention and combat of sexual abuse and sexually exploitation for commercial purposes (Government Decision no.1504/2004) and for elimination of child labour (Government Decision no.1769/2004).

3. Provide details of any specific legislative provisions on:
 - Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse – **Law no.272/2004 (see further)**;
 - Protection of children from all forms of violence - **Law no.272/2004 (see further)**;

Law no.272/2004 has a special chapter with provisions for the prevention and intervention in case of child abuse, neglect and exploitation, including child labour and trafficking in children (Chapter VI). From its

¹ The reform in this field begun in 1997, when the child protection system was created.

beginning, it states that “the child has the right to be protected against any forms of violence, neglect, abuse or maltreatment” (art.85 (1)). The chapter is divided in five sections:

SECTION 1 - The protection of the child against economic exploitation – with its central statement “the child has the right to be protected against exploitation and cannot be forced to perform any work with a potential risk and which is likely to compromise the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development” (art.87 (1)). The Labour Inspection and the National Authority for the Protection of Child Rights are mentioned as primary central institutions in prevention, especially through awareness and information campaigns targeted on (art.87 (4)):

- the children – focusing on the protection measures they can receive and on the risks involved by economic exploitation;
- the general public – which include parental education and training activities for the professionals who are working with and for children, in order to help them provide real protection for the children against economic exploitation;
- the employers and potential employers.

SECTION 2 - The protection of the child against the illegal use of drugs – states the involvement of The National Anti-Drug Agency and the National Authority for the Protection of Child Rights as primary central institutions that must take the appropriate measures in order to (art.88 (3)):

- prevent the involvement of children in the illegally production and trafficking of these substances;
- raise the public awareness and especially the awareness of children on this issue, including through the education system and, if the case, by introducing this topic in the school curriculum;
- support the children and their families through counselling and guidance – of a confidential nature, if necessary – but also through the elaboration of policies and strategies which guarantee the physical and mental rehabilitation and the social re-integration of the drug addicted children, including by developing, for this purpose, methods of alternative intervention to the traditional psychiatric institutions;
- further develop the data collection systems, in order to gather real data on the occurrence of the drug abuse in children, as well as on the involvement of children in the illegal production and trafficking of drugs; conduct an ongoing assessment of these situations, of the progress made, of the difficulties encountered, and of the future objectives, respectively;
- develop a public information system which should lower the tolerance level on drug abuse and should help identify the first symptoms of illicit drug consumption, especially in the case of children.

SECTION 3 - The protection of the child against abuse or neglect – states that “it is forbidden to enforce physical punishments of any kind or to deprive the child of his or her rights, which may result in the endangerment of the life, the physical, mental, spiritual, moral and social development, the bodily integrity, and the physical and mental health of the child, both within the family, as well as in any institution which ensures the protection, care and education of children” (art.90). In view of providing special protection for the abused or neglected child, the General Department for Social Assistance and Child Protection shall (art.92):

- verify and provide a solution for all notifications concerning child abuse and neglect cases, including those coming from family social workers;
- provide the services specialized in addressing the needs of children victims of abuse and neglect and their families.

In case the child abuse or neglect were committed by persons who, based on a legal working contract or another type of contract, were providing the protection, upbringing, care and education of the child, the employers of these persons must notify immediately the criminal investigation authorities and must separate the respective persons from the children who are in their care (art.96).

It is also forbidden to employ a person against whom a final and irreversible court decree has been issued for intentionally committing a crime, in the public or private institutions, as well as in the public or private residential services, which provide the protection, upbringing, care or education of children (art.97).

SECTION 4 - The protection of the child against kidnapping and any form of trafficking states that the Ministry of Administration and Internal Affairs and the National Authority for the Protection of Child Rights, in cooperation with the Ministry of Education and Research, will undertake the necessary steps in order to adopt all legal, administrative and educational measures that are destined to ensure the efficient protection against any forms of internal or international child trafficking, for any purpose or in any form, including by the child’s own parents.

SECTION 5 - The protection of the child against other forms of exploitation – states that the relevant institutions must take all measures in order to prevent, among others (art.98 (1)):

- the illegal transfer and the failure of returning of the child;
- the conclusion of adoptions, either national or international, for any other purposes than the best interests of the child;
- sexual exploitation and sexual violence;
- the kidnapping and trafficking in children, for any purpose and in any form;

- the involvement of children in armed conflicts;
- the forced development of children's abilities to the detriment of their harmonious physical and mental development;
- the exploitation of the children by the media;
- the exploitation of children as part of scientific researches or experiments.

- Redress, including compensation, for child victims of violence – **Law no.211/2004** (see point 2);
- Penalties for perpetrators of violence against children – **Law no.217/2003, Criminal Code** (see further);

Through the adoption of the **Law no.197/2000** concerning the modification and completion of Penal Code, there are stipulated new measures and aggravator punishments for a person who produce harm to the members of his/her own family, including the children. In the same time, the new Penal Code, approved through **Law no.301/2004** (which will be in place on June 2005), stipulates, as a special measure for assuring the security of the victims, the interdiction for perpetrators to reenter in the family home if the victim is asking for; this measure would be possible to be requested in any moment after the victim is pressing charge.

- Reintegration and rehabilitation of child victims of violence – **Law no.272/2004, 217/2003, 211/2004** (see point 2 and further).

Law no.272/2004 specifies that children who are victims must receive the proper rehabilitation and reintegration (art.86 (1)). Thus, the child's parents or, if the case, any other legal representative of the child, the public authorities and private institutions must take all the appropriate measures in order to facilitate the physical and mental rehabilitation and the social re-integration of any child who has been the victim of any form of child neglect, exploitation or abuse, torture, cruel, inhuman or degrading punishments or treatments. The persons that were mentioned above will provide the necessary conditions so that the reintegration of the child should have as primary consideration the child's health, self-respect and dignity.

4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:
- The family/ home;
 - Schools and pre-school care and education (both formal and non-formal, state and private);
 - Military schools;
 - Institutions including care, residential, health and mental health;
 - The context of law and public order enforcement including in detention facilities or prisons;
 - The neighbourhood, street and the community, including in rural areas;
 - The workplace (informal and formal);
 - Sports and sporting facilities.

Law no.272/2004 prohibits all forms of violence against children (art.90): "It is forbidden to enforce physical punishment or any kind or to deprive the child of his or her rights, which may result in the endangerment of the life, the physical spiritual, mental moral and social development, the bodily integrity and the physical and mental health of the child, both within the family, as well as in any institution which ensures the protection, care and education of children".

Specifically, the **Education Law No.84/1995**, modified and completed, at art.157 (1) forbids corporal punishment on pupils. The same interdiction is to be found in art.48 (2) from **Law no.272/2004**. These legal provisions apply to the whole education system, including the military one, which is an integral part of the national education system in Romania.

In the second semester of the school year 2004-2005, the General Direction for Pre-university Studies in The Ministry of Education and Research will inform the school inspectorates on the coming into force of the **Law no.272/2004** and will request that all schools should organize informative meetings and debates on this topic.

The **Labour Inspection** controls the observance of the current labour legislation concerning the work relations (employer/employee), the health and safety at the workplace, the protection of employees working in difficult conditions and the observance of the legal provisions concerning the social insurances. It controls the application of legal protective measures of children and young persons who perform a working activity based on an employment agreement or who have a work relationship defined by the current legislation.

The specific legislation concerning the activity of the Labour Inspection in this field has not provisions addressing exactly all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place at the workplace. However, if we accept that the employment of young persons who are still subject to compulsory education or are under the minimum employment age of 15 years old as well as the admission

to employment of the young persons under 18 years old in occupations regarded as dangerous or unhealthy are in fact forms of abuse, then these forms are addressed in the legal provisions and there are penalties for the infringement of the law.

On the other hand, if the labour inspectors find in their control activity cases of violence against children, as defined in this questionnaire, they are entitled to inform the competent institutions that will investigate and dispose measures and penalties such as the general departments of social assistance and child protection, police, prosecutors.

5. Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.

See point 4 (art.90 of Law no.272/2004). Secondary legislation will be elaborated and approved.

Criminal Code has provisions for punishment in case of physical injuries:

- Art.180 - hitting and other violence acts; when there is a previous report; aggravating sanctions in case of physical injuries that need more than 20 days of medical care or in case that facts are committed against husband/wife, relative (family member);
- Art.181 - physical injury that needs at most 60 days of medical care; when there is a previous report;
- Art.182 – severe physical injury that needs more than 60 days of medical care or has one of the following consequences: loss of an organ or sense, cease of functioning of those, permanent physical or psychical invalidity, mutilation, abortion or putting a person's life in danger; aggravating sanctions when the act was made in order to obtain the mentioned above consequences;
- Art.183 – hitting and physical injuries causing death.

Criminal Code has also provisions for maltreatment against children (art.306) – putting in severe danger, through measures or any kind of treatment, of the physical, intellectual or moral development of the child, by the parents or any other person to whom the child was entrusted for raise and education.

6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds.

The Criminal Code does not permit corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds. The capital punishment as a sentence for any crimes committed is repealed since 1990.

New Criminal Code has, in this particular field, the aim to bring in a re-orientation of the punishment system, through viable alternatives to custody (e.g. non-custodial penalties – community service (Art.53(3)(a)), non-custodial measures – non-application of penalty to minors (Art.124) and postponement of application of penalties applicable to minors (Art.122) and also to introduce the necessary provisions for enhancing the role of the probation offices, as specialized bodies in charge with the supervision and re-socialization of the convicted persons during the execution of a non-custodial sentence (e.g. a new educative measure for juvenile offenders – liberty under severe supervision, which consists of including the juvenile offender in probation supervision and assistance for a period of maximum 3 years is being introduced (Art.113).

Minors convicted to penalties of detention shall execute penalties separately from adult convicts or in special places of detention, while ensuring the possibility for them to continue the obligatory education and to acquire professional training according to their abilities. (Art.61).

Minors convicted to imprisonment or strict imprisonment can be released after the execution of one third of the penalty applied. When the person convicted has reached the age of 60 years old for men and 55 for women, she/he may be release on parole after the execution of one third of the penalty of imprisonment or strict imprisonment or half for the severe detention. (Art.70).

Regarding the minor who is criminally liable, one can take an educatory measure or can apply a penalty. In choosing the sanction, one shall take into account the seriousness of the act committed, the physical condition, the intellectual and moral development of the minor, his/her behavior, the conditions in which he/she was raised and lived and any other elements likely to characterize the minor's person. The penalty shall be applied to minors only if it is deemed that educatory measures would not be sufficient for correcting the minor's behavior. (Art.114).

Educatory measures that can be taken with regard to minors shall be (Art.115):

- a) reprimand;
- b) supervised freedom;
- c) freedom under severe supervision;
- d) admission into a re-education center;
- e) admission into a medical-educatory institute.

Penalties applicable to minors shall be the following (Art.123):

- a) strict imprisonment from 5 to 15 years, when the law provides the penalty of life detention for the offence committed;
- b) strict imprisonment from 3 to 12 years, when the law provides the penalty of severe detention for the offence committed;
- c) strict imprisonment within the limits provided in the law for the offence committed reduced by half, when the law provides the penalty of strict imprisonment, while the minimum of strict imprisonment applicable to the minor shall not exceed 3 years;
- d) imprisonment within the limits provided in the law for the offence committed reduced by half, when the law provides the penalty of imprisonment for the offence committed;
- e) fine in the form of days/fine, from 5 to 180 days, each day equalling 50.000 to 500.000 lei;
- f) community service, from 50 to 250 hours.

Penalties applied to minors shall be executed according to the treatments established in the law on penalty execution. No complementary penalties shall apply to minors.

Convictions uttered for acts committed during minority shall not incur any incapacity or loss.

The Criminal Procedure Code has been amended by Law no.281/2003 and Law no.159/2004 in order to amend and complete the section on preventive measures applicable to juvenile offenders and also to complete the provisions under the special procedure in cases involving juveniles.

Preventive measures applicable to juvenile offenders (Art.160):

- Juvenile offenders benefit of special conditions of preventive arrest, related to the characteristics of their age;
- The minors are held in custody in specially designated places, separate from adults;
- Juveniles, confined or preventively arrested, are ensured in all cases legal assistance;
- When a juvenile is confined or preventively arrested, the parents, the tutor, the person in whose care or supervision the juvenile is, other persons designated by the latter, and, in case of arrest, also the probation office attached to the court competent to judge the case in first instance shall be noticed, immediately, in the case of confinement, and within 24 hours, in the case of arrest;
- The observance of rights and of the special conditions provided by the law for juveniles who are in custody is ensured through the control of a judge appointed by the court president, through the visits of the preventive arrest locations by the prosecutor, as well as through the control of other bodies authorized by law;
- The duration of custody and of preventive arrest for minors as well as the maximal duration of the days of preventive arrest are reduced compared with those applicable to adults offenders according to law;
- The measures of confinement and preventive arrest can be taken in the case of the juveniles only for serious offences (offences punished by law with life detention or imprisonment for 10 years or more).

The special procedure for cases involving juveniles:

- The cases where the offender is a minor are solved by judges specially appointed according to the law (Art.483);
- The probation office attached to the competent court may be subpoenaed to the trial of the case, together with the parties, the tutelary authority and the parents, tutor, the person in whose care or supervision the juvenile is (Art.484(2)).

However, even before these amendments, the Criminal Procedure Code provided special measures applicable in procedures involving minors, the most important being the obligation incumbent on the criminal investigation body or the court to order the social investigation including data on the personal condition of the minor and any other elements which could facilitate taking an appropriate measure or applying a sanction to the juvenile (Art.482).

7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.

The Romanian Criminal Code does not regulate, nor define the notion of "sexual abuse", but the third chapter, entitled "Offences regarding the sexual life" contains stipulations connected to the sexual liberty,

which means that one person - regardless her/his gender - can make a decision about her/his own sexual life, without being afraid that someone else could offend him/her. The law ensures a person with his own sexual liberty, but in the same time requires that this liberty should not be excessively exercised. Therefore, there are considered offences, being socially harmful, not only those acts that infringe the sexual liberty, but also those of exercising this liberty beyond certain limits, like:

- Rape - sexual intercourse of any kind with a person of the same or different gender, by forcing her/him or taking advantage of her/his impossibility of self-defense. If the victim is an underage person, who has not reached the age of 15 years old, the punishment is much severer, this situation being an aggravating circumstance;
 - Sexual intercourse with a minor - sexual intercourse of any kind with a person of the same or different gender who has not reached the age of 15 years old. This deed is considered an offence too if the victim is of age between 15 - 18 years old, and if the offender is a tutor, a supervisor, a guardian, doctor, teacher or instructor, exercising his/her position.
 - Seduction - the deed of a person who, by marriage promises convince an underage, feminine person to have a sexual intercourse with him.
 - Sexual perversion - the deed of sexual perversion committed in public or provoking a public scandal. There is an aggravating circumstance committing sexual perversions with a person who has not reached the age of 15 or when the person is between 15-18 years of age and the offender is a tutor, a supervisor, a guardian, doctor, teacher or instructor, exercising his/her position.
 - Sexual corruption - those obscene deeds committed upon a minor or in his/her presence, or alluring a person to commit such sexual acts with a minor, regardless his/her gender. The deed is severer if committed within a family.
 - Incest - sexual intercourse among ascendants and descendants or among brothers and sisters.
8. Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.

National survey of the population in 2003 reveals the extension of a new family model in children population: 1,443 of children under 14 years old declare they are living as concubines (1,271 girls and 87 boys). It is possible that many of these cases to be arranged marriages by parents specific to traditional communities or Roma communities. For the group of age between 15-19 years old the phenomenon is more extended: 41,517 persons, often in the rural areas. Also 32,766 persons with age between 15-19 years old declare as married (31,205 girls and 1,561 boys).

9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.

The provision of Law no.272/2004 are applied to all children, including refugees.

10. Provide information on any difference in the definition of violence and the applicable legal framework according to:
- The sex or sexual orientation of the victim and/or of the perpetrator – **legislation has no explicit difference;**
 - The age of the victim and /or of the perpetrator;

There are two aspects regarding the age considered by the Criminal Code:

- **The minor as co-author of the offence. The adult offender is sentenced harsher if he commits the offence with a minor, another measure that is meant to protect minors;**

- **The minor as a victim of the offence. The special section of the Criminal Code includes offences in which the fact that the victim is under age aggravates the penalty that applies: rape, sexual perversion meanwhile sexual intercourse with a minor, sexual corruption are the very essence of the offence. The prosecutor investigates all the offences with under age victims.**

- The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement – **legislation has aggravating penalties when the perpetrators are the parents.**

11. Provide information on any recent comprehensive review of the legal framework to address violence against children – **Law no.272/2004 (see point 3 and further).**

Law no.272/2004 specifies the proper child protection measure to be decided in case of child abuse and neglect, besides the services to be provided to the child and his/her family.

In order to verify the notifications concerning cases of child abuse and neglect, the representatives of the General Department of Social Assistance and Child Protection have the right to gain access, according to the law, to the headquarters of the legal persons, as well as to the domicile of the natural persons who are legally responsible or provide child protection. In order to conduct these verifications, the police must

support the representatives of the general department for social security and child protection (art.93). In case when, following the verifications, they reach the conclusion that there are sound reasons to support the existence of an imminent dangerous situation for the child, as a result of child abuse and neglect, and they do not face any opposition from the persons that were mentioned above, the director of the General Department of Social Assistance and Child Protection will establish the emergency placement measure (art.94). After this measure is issued, the court will be notified in 48 hours in order to decide on either maintaining the emergency placement or replacing it with the placement measure, on the establishment of the legal guardianship, or on the re-integration of the child in his or her family. The court of law must also rule on the exercise of parental rights (art.66).

In case the parents or child representative(s) refuse or prevent in any way the representatives of the General Department of Social Assistance and Child Protection to conduct the verifications, and it is established that there are sound reasons to support the existence of an imminent dangerous situation for the child, as a result of child abuse and neglect, the general department for social security and child protection notifies the court of law, requesting the issuance of a presidential ordinance for the emergency placement of the child with a person, family, maternal assistant or in a residential service, which is licensed in accordance with the law (art.94).

12. Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.

In 2000, there was made a National Study regarding the prevalence of child abuse and neglect within the Romanian families (see annexes).

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.

Starting with 2005, according to Law 272/2004, special courts for children will be created.

The new Law on the Organization of the Judiciary (no.304/2004) provides that specialized courts shall be set up in the following matters:

- Juvenile and family law
- Commercial law
- Labour and social security
- Administrative-fiscal law

The new law provides that specialized tribunals shall be set up countrywide starting with its entry into force (end of September 2004) and shall be finalised by 1st of January 2008.

In 2004, 3 commercial courts and 1 court for juvenile and family law (Braşov, since the 22nd of November) were opened.

The establishment of each specialized tribunal shall be decided according to specific needs of each region, as they result from a thorough prior assessment regarding the caseload and public financial resources.

Minimum age for sexual activity

14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?

Art.198 from Criminal Code has sanctions for sexual act with persons under 18 years old, of the same gender or not. The New Criminal Code has aggravating sanctions as well as reducing the age to 15 years old.

15. Provide information on the minimum age of marriage for women and men.

The Family Code establishes the minimum age of marriage for men at 18 years old and for women at 16 years old. By way of exception, the women have the right to get married at 15 years old. Exception needs approval from the local representatives of the Government at the county level and Bucharest level, on the basis of a forensic doctor approval. Parents' approval is not requested by law.

According to the Decision no.31/1954, through marriage, the child obtain full capacity to exercise his/her rights (art.8). Consequently, there is a difference by gender regarding the age of building a family as well as the moment of obtaining the full capacity to exercise his/her rights.

Sexual exploitation of children

16. Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.

The Government Decision no.1504/2004 for the approval of the National Action Plan regarding the prevention and combat of sexual abuse and sexual exploitation of children for the commercial purposes (2004 - 2007) has coming to force on the 1st of January, 2005. Its main objectives are the following:

- **development of policies, national strategies and legal framework in order to protect children and youths from sexual abuse and sexual exploitation of children for the commercial purposes;**
- **establishment of partnerships and collaborations between the responsible factors of child and family protection in order to sustain and develop a coherent policy, at the national level, regarding the prevention and combat of sexual abuse, sexual exploitation of children, sale and trafficking in children and youths;**
- **active involvement of Romania in the international and regional policy regarding the prevention of sexual abuse and the combat of child prostitution and pornography, proxenetism, exploitation, sale and trafficking in children for commercial purposes;**
- **elaboration of programs and projects for prevention of sexual abuse of any kind and environment, prevention of children involvement in prostitution, pornography and proxenetism, as well as in sale and trafficking in children for commercial purposes;**
- **development of an coherent, unitary and operation system, and the national and local level, regarding the services or rehabilitation and social reintegration of the sexually abused and/or exploited children/youths;**
- **development of an monitoring and evaluation system for the cases of sexual abuse and exploitation of children;**
- **promotion of active participation of children in society and their consultation on problems regarding them and facilitation for the free opinion.**

The plan will be implemented by the ministries and authorities involved in this matter and the National Authority for the Protection of Child Rights will ensure the coordination of the implementation.

Pornography and harmful information

17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the internet.

In the Special Part of the Criminal Code, Title I – “Crimes and minor offences against the person”, Chapter VI – “Crimes and minor offences against the person’s liberty”, the following acts are incriminated: slavery (art.175), subjection to forced or obligatory work, trafficking in adults and trafficking in minors, child pornography, sexual harassment (art.223), child pornography through computer systems, organized begging and for many other offences aggravating circumstances related to children were added.

18. Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc.

The provisions of the European acquis regarding the child protection according to the European Order Television without Frontiers have been taken over in the Law of Audio-Visual no.504/2002 – publicity, television shopping, prohibition of programs containing pornography or unjustified violence. The National Council of Audio-Visual has adopted Decision no.249/2004 regarding the child protection within the services of programs.

Reporting obligations relating to violence against children

19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.

Mandatory reporting of child abuse, neglect and exploitation is specified in the Law no.272/2004 (art.48, 85 and 91). Any professional is compelled to report to the General Department of Social Assistance and Child Protection that is organized at the level of all 41 counties and 6 sectors of Bucharest. All citizens even the

children can use for reporting the child hotline that must be created at the level of the mentioned above directions.

According to Law no.217/2003, in case of domestic violence acts committed against minors, the family assistants have the obligation to immediately offer the necessary assistance and to inform the National Authority for Child Protection and Adoption, respectively the General Department of Social Assistance and Child Protection.

Complaints procedures

20. Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:

- The family/ home;
- Schools and pre-school care and education (both formal and non-formal, state and private);
- Military schools;
- Institutions, state and private, including care, residential, health and mental health;
- The context of law and public order enforcement including in detention facilities or prisons;
- The neighbourhood, street and the community, including in rural areas;
- The workplace (informal and formal);
- Sports and sporting facilities.

Complaints can be done through the hotline (see point 19), in writing or direct to the General Department of Social Assistance and Child Protection, using the reporting procedures. Complaints can be also done to other responsible authorities such as: police, prosecutor, social services.

At the central level, complaints can be done to: Ombudsman, National Authority for the Protection of Child Rights, Ministry of Education and Research and Council of Discrimination. Ombudsman refer cases to the relevant public institutions to be solved. National Authority for the Protection of Child Rights intervenes through the control body. Ministry of Education and Research intervenes through the pupil advocate. Council of Discrimination may intervene through field visits.

21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.

Regulation for the complaints to public institutions is specified by Government Ordinance no.27/2002. According to this norm:

- Complaints can be made also by organizations (art.1 (1));
- Complaints can be written and sent by mail or e-mail (art.2);
- Public institutions must have a public relation department in charge with receiving, registration, analysis, solving complaints and communicating solution to the petitioner (art.6 (1));
- Anonymous complaints are not taking into consideration (art.7);
- Solutions must be issued in maximum 30 days from registration of the complaint (art.8); these deadline can be extended with 15 days by the head of the institution when the complaint needs a complex analysis (art.9).

The General Department of Social Assistance and Child Protection offer free of charge aid and counselling for children and families in order to fulfill their rights, including complaints.

22. Describe steps which have been taken to raise awareness of possibilities to submit complaints about violence against children.

Starting with 2000, there is a national free of charge hotline established by the PHARE Programs. There are also public and private local initiatives to raise awareness of possibilities to submit complaints about violence against children.

23. Provide information on any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children.

Special procedures are specified in the minimum mandatory standards for the services addressed to abused, neglected and exploited children:

- Order of the Secretary of State no.177/2003 for the approval of the mandatory minimum standards for the children's hotline, the mandatory minimum standards for the counselling center for the abused, neglected and exploited child, as well as of the mandatory minimum standards for the community resource center for the prevention of child abuse, neglect and exploitation (see annexes);

- **Order of the Secretary of State no.89/2004 for the approval of the mandatory minimum standards for the emergency center for the abused, neglected and exploited child.**

A methodological guide for multidisciplinary team and network intervention and prevention in child abuse, neglect and exploitation situations is in process of elaboration by the National Authority for the Protection of Child Rights.

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

The usual outcome of complaints of violence against children depends on the authority that has received the complaint. According to the Law no.272/2004, child protection measures are taken by the Child Protection Commission, with the parents consent and also with the approval of the children over 14 years old, or, when the parents disagree or are not found, these measures are taken by courts. Child protection measures are accompanied by individualized plans that may contain: counselling, therapy, support services, etc. Compensation, punishment of perpetrators, perpetrator rehabilitation are established by courts.

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

Sanctions for offending children between 14-18 years old are presented at point 6. For children under 14 years old committing various offences are stipulated sanctions in the Law no.272/2004 (CHAPTER V - The protection of the child who has committed a criminal act and is not criminally liable). In this chapter are specified two child protection measures that can be decided: placement and specialized supervision (art.80). When establishing one of these measures, the Child Protection Commission, in case the parents or the person who is legally responsible for the child have given their agreement, or, if the case, the court of law, in case this agreement is absent, will take into account the following:

- the conditions which facilitated the commitment of the act;
- the degree of social danger of the act committed;
- the environment in which the child has been raised and has lived;
- the risk that the child may commit a second offence stipulated by the criminal law;
- any other elements which may describe the situation of the child.

The specialized supervision measure is enforced by maintaining the child within his or her family, on condition of observing certain duties, such as (art.81): regularly attending school, using the day-care services, undergoing medical, counselling and psycho-therapy treatments, interdiction to go to certain places or to maintain relations with certain persons.

In case it is not possible to maintain the child within the family, or when the child does not fulfill the duties established through the specialized supervision measure, the Child Protection Commission or, if the case, the court of law may decide the placement of the child in the extended or substitute family, as well as request that the child fulfils the duties that were mentioned above.

In case the act stipulated by the criminal law, which was committed by the child who is not criminally liable, presents an increased risk of social danger, as well as in case when the child who was subject to the specialized supervision measure commits second offences, the Child Protection Commission, or, if the case, the court of law may decide, for a determined period of time, the placement of the child in a specialized residential service (art.82).

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

The aim of this section is to establish if your country has an institution coordinating multi-sectoral activities concerning violence against children, which include prevention, protection, redress, reintegration and rehabilitation.

26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children?

If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured.

The responsible authorities are the following:

- **General Department of Social Assistance and Child Protection;**
- **Child Protection Commission;**
- **Police;**
- **Prosecutor;**

- Court.

Each one has specific procedures. Coordination is ensured usually by the General Department of Social Assistance and Child Protection. As we have mentioned above (see point 23) a methodological guide for multidisciplinary team and network intervention and prevention in child abuse, neglect and exploitation situations is in process of elaboration by the National Authority for the Protection of Child Rights.

27. Is there a lead Government authority tasked with responsibility for addressing violence against children?

If YES, provide details.

The lead Government authority tasked with responsibility for addressing violence against children is the National Authority for the Protection of Child Rights that is in charge of drafting legislation, norms and standards in this field as well as to ensure the coordination of all efforts.

28. Are specific financial and/or human resources allocated by your country to address violence generally?

If YES, indicate the extent of these allocations.

National Agency for Family Protection is in charge with the prevention and combat of domestic violence (violence in family).

29. Does your country allocate specific financial and/or human resources to activities to address violence against children?

If YES, provide details.

Strategies and Programs Department of the National Authority for the Protection of Child Rights has staff specialized in the field of prevention and combat of violence against children, being involved in studies, training programs, other specific projects.

During year 2004, the National Authority for the Protection of Child Rights allocated approx. 400,000 EURO for a National Interest Program no.415 regarding the returned children found unaccompanied abroad, including trafficked children. During year 2005, NACPR will allocate approx. 330,000 EURO to continue the mentioned above program and another one concerning prevention and combat of child labour.

30. Do international or bilateral donors provide resources to your country for activities to address violence against children?

If YES, indicate the extent of these resources and the way in which they are used.

International donors, such as European Commission (PHARE Programs), USA Government (Childnet Program) in collaboration with the National Authority for the Protection of Child Rights have created specific services in this area. For example, in the period 2000-2002, through 1999 Phare Program, there were created 5 services for intervention in cases of child abuse and neglect (support, counselling, therapy). Through Childnet program there were created 7 counselling and treatment centers for the abused and neglected children.

31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children?

There is no relevant data on this matter.

If YES, provide details.

32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?

If YES, provide details.

Ombudsman's role is specified by the Law no.35/1997. Ombudsman is an independent public authority and its major role is to defend the rights and liberties of citizens, including children, in relation with public authorities (art.1).

33. Are there any particular parliamentary structures (for example special committees) to address violence against children?

There is no relevant data on this matter.

If YES, provide details.

34. Have there been any recent parliamentary initiatives to address violence against children?

There is no relevant data on this matter.

If YES, please give details.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

The aim of this section is to elicit information on civil society activities relating to violence against children.

35. Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved (such as academic institutions, professional associations, women's associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organizations, national non-governmental organizations, international non-governmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).

Some of the universities (e.g. social assistance, psychology, medicine) provides initial and continue education on child abuse and neglect issues, such as: West University of Timisoara, Babes Bolyai University of Cluj and A.I.Cuza University of Iasi. Government Decision no.726/2004 for the approval of the Action Plan for the field of child protection against abuse, neglect and exploitation 2004-2005 specifies that initial training in this field is mandatory for all the universities providing professionals interacting with children.

There are a lot of non-governmental organizations providing professional training, advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence and their families. For example:

- **SCOP Timisoara organized two international conferences in 1996 and 2001 and initiated the first postuniversity programs at West University of Timisoara concerning: training of experts in the field of child and family welfare with focus on child abuse and neglect issues (since 2000), work techniques with children victims of domestic violence (since 2004) and professional supervision (since 2004).**
- **International Foundation for Child and Family provided a wide training (14 counties and the 6 sectors of Bucharest) for teams involved in prevention and combat of child abuse and neglect, teams consisting of social workers, psychologists, doctors, police officers, lawyers, judges, media and church representatives in the period 1999-2000. In the period 2002-2004, this foundation provided another wide training (32 counties and sectors of Bucharest) for teams involved in prevention and combat of child labour, teams consisting of representatives from the Specialized Public Services for Child Protection (in present the General Departments for Social Assistance and Child Protection), labour, police and school inspectorates, public health departments, non-governmental organizations and other relevant social actors in this field (e.g. trade unions, employers' organizations, city halls, youth organizations, church, employment services).**
- **Save the Children has 6 counselling centers for children victims of child abuse and neglect and their families and has created the first 10 centers for the children victims of traffic (through a national interest program of the NAPCR); also, together with Government and UNICEF was involved in elaboration of reports for the International Congresses from Stockholm and Yokohama as well as for the future one in Lyublana in 2005.**

Preventive measures in the area of domestic violence are at beginning. Educational and information programs and campaigns to raise public awareness are very scarce. Campaigns are often carried out by non-governmental organization on a small scale. As a result, domestic violence frequently continues to be treated as a private matter and thus, it is not being prosecuted. As far as sexual harassment in the workplace is concerned, there is a very high level of tolerance on this kind of sexual abuse. The civil society initiatives addressing violence are concerning the activities of advocacy, awareness raising, research, prevention, rehabilitation and treatment of victims harmed by violence, provision of services, and provision of resources.

36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.

The National Authority for the Protection of Child Rights is a constant partner in the efforts of the civil society in this field. One of its most important task is to coordinate these efforts as well as donors programs. For example:

- Beginning with year 2004, The National Authority for the Protection of Child Rights is funding National Interest Programs in this area (see point 29) that are implemented, through bid, by non-governmental organizations.
- Elaboration of legislation is made in consultancy with the civil society through working groups, public debates and its website (www.copii.ro).
- Implementation of the Governmental Strategy in the field of child in difficulty protection (2001-2004) approved by Government Decision no.539/2001, which had a special chapter for the prevention of child abuse, neglect and exploitation.
- Setting up a system for authorizing the non-governmental organizations working in child protection field (former Government Decision no.604/1997)² and a system for licensing the child protection services (Government decision no.1443/2004).

In March 2003 was signed a Collaboration Protocol between National Agency for Family Protection and Coalition of the non-governmental organizations involved in fight violence against women. This Protocol represents the recognition of their efforts in this specific field and their contribution and achievements in combating this phenomenon. The National Agency for Family Protection and Coalition collaborate in the exchange of information, development of the data base concerning monitoring the domestic violence cases, the involvement of Coalition in the training courses for the professionals as a primary partner for providing experts who are already involved in training activities in their non-governmental organizations, and also in development of common actions concerning awareness campaigns for sensitiveness and education of population.

37. Describe the role played by the media in addressing violence against children.

Media has an important role in revealing cases of violence against children that are taking over then by the General Departments for Social Assistance and Child Protection in order to be solved.

The National Authority for the Protection of Child Rights has a public relation department in permanent communication and collaboration with media concerning reporting cases, publishing and dissemination of information, control visits in case of severe cases.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

This section is designed to extract information on children's activities to address violence.

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.

Since its creation in year 2001, the High Level Group in the field of child protection supporting the involvement and consultation of children. High Level Group is a consultative body for the Romanian Government, being co-chaired by baroness Emma Nicholson (rapporteur for Romania in the process of accession to European Union until 2004) and the Prime Minister and consisting of representatives of all relevant ministries and non-governmental organizations, as well as having observers from embassies (e.g. France Embassy) and international donors (e.g. UNICEF, European Commission Delegation). High Level Group supported the creation of the Children's Voice Association that become a permanent member.

National Steering Committee was created in year 2000 in order to coordinate the implementation of the International Program for the elimination of child labour funded by the International labour Organization from Geneva. National Steering Committee have been formalized in year 2004 through Government Decision no.617/2004, is leaded by Labour Inspection and consists of representatives from relevant central authorities and ministries (from which the Labour Inspection and the National Authority for the Protection of Child Rights have two members each), trade unions, employers' organizations and non-governmental organizations, as well as observers (e.g. USA Embassy, UNICEF). A group of children promoted by Save the Children become a permanent member since 2004.

Respecting the child opinion and children's consultations in matters and decisions regarding them is specified in legislation for child protection since 1997. Children over 10 years old must be invited to the sessions of the Child Protection Commissions and also by the courts in cases regarding them. Law

² In present there is a system of accreditation of all non-governmental organizations working in social field

no.272/2004 also specifies that children over 14 years old must consent to the special child protection measure decided by the Child Protection Commissions.

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.

Besides the information that has been mentioned to point 38, Law no.272/2004 specifies the conditions in case of court proceedings concerning child abuse and neglect:

- Audio and visual evidence is admitted in courts;
- The recordings are made obligatorily with the assistance of a psychologist;
- The child's consent is mandatory for the recording of his or her statement;
- Child's hearing takes place only in special settings (council chamber of the court), not in public hearings, as well as in the presence of a psychologist and only subsequent to an initial preparation of the child in this regard.

40. Describe the amount and type of resources made available to support children's participation in activities to address violence against children.

Besides the information that has been mentioned to point 38, the Specialized Public Services for Child Protection (in present the General Departments for Social Assistance and Child Protection) have created 9 support services for children in exercising their right to free expression and 14 support services for children in exercising their rights.

Mandatory minimum standards for the residential type services for children specify the promotion of children association consisting of children from institutions and community as well. These kind of associations were initially created through pilot projects (e.g. Iasi county) that were presented as good practices in international conferences. The mentioned above standards come in force on the 1st of January 2005 and thus these type of associations are to be nationally spread.

There is a national strategy for the community involvement in prevention of school abandonment as well as the risk of various social crises, including violence against children, which has been promoted by the High Level Group and implemented by the Ministry of Education and Research beginning with year 2004. Its implementation has been supported by almost 2,000 children enrolled in high schools.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effects in specific populations and settings.

41. Does your Government have a comprehensive policy concerning violence against children?

If YES, provide details and describe any gender-specific provisions included in the policy.

The National Authority for the Protection of Child Rights has elaborated the Governmental Strategy in the field of child in difficulty protection 2001-2004 that has been approved by Government Decision no.539/2001 and had a special chapter for the prevention of child abuse, neglect and exploitation.

CHAPTER II - Preventing any kind of child abuse and neglect, under form, as well as preventing all phenomena that may make a child get into difficulty

a) Activities in the legal and methodological field:

- Modifying and completing primary legislation (Civil Code, Penal Code, Family Code, as well as other legal provisions, as the case may be), in order to ensure the observance of the rights of the child and the protection of children against any form of abuse or neglect;
- Developing specific secondary legislation necessary for the prevention and effective intervention in cases of child abuse and neglect, including by their own families;
- Adapting Romanian legislation in the matter to international legislation, by introducing the operational concepts of abuse and neglect, with a clear delimitation of categories: emotional, physical, sexual, economic abuse, and neglect;
- Creating the legal framework for strengthening the responsibility of the representatives of the specialized public service and of the authorities of the local public administration for intervention in the home of families who abuse and neglect their children;

- Drafting a methodological guide concerning the forms of child abuse and neglect, the complex system for the identification, recording, reporting, and referral of cases of abuse and neglect, as well as methods for monitoring the effects of those cases;
 - Adapting and completing the existing legal framework by immediate legislative action in order to eliminate the exploitation of child labour.
- b) Activities in the field of implementation:
- Redefining the roles and adequate involvement of all the structures responsible for social protection policies at a national, county, and local level, as a consequence of the legislative changes mentioned above;
 - Establishing and developing, at both county and community level, of the services that are involved in preventing child abuse and neglect, in preventing the exploitation of child labour or making the child get into difficulty;
 - Creating specific community services dedicated to the treatment and rehabilitation of children who have been the victims of abuse;
 - Creating, within the directorates for the protection of the rights of the child, of multidisciplinary teams (including a social assistant, a psychologist and a lawyer) for intervention in cases of abuse/neglect;
 - Creating telephone services and hotlines for children that they can use in case of emergency, in all situations that may endanger their physical and psychological integrity;
 - Developing and testing projects that can contribute to the definition/improvement of the measures for effective prevention and intervention in cases of child abuse and neglect, including by their own families;
 - Drafting studies on the definition of families at risk and setting up an inventory of the possible causes for these situations, as well as studies on the evolution of the phenomenon of child maltreatment, that can be later used as a basis for the drafting and implementation of programmes for the recovery and reintegration of children who have been the victims of various forms of abuse and neglect;
 - Developing information, education and communication campaigns for changing the attitude/behaviour of the population at a national, county and local level;
 - Drafting and implementing a national programme for running a campaign of preventive action that can involve the following categories of partners: schools, families, municipalities and specialised public services;
 - Informing and raising the awareness of the public concerning the need to protect children against all forms of abuse, neglect or exploitation;
 - Drafting and implementing actions programmes in order to eliminate the exploitation of child labour.

In present the National Authority for the Protection of Child Rights is in process of elaboration of a new national strategy concerning the protection and promotion of child rights as well as further secondary legislation including violence against children issues.

Provisions of Law no.272/2004 in this area has been presented at point 3 and will be the fundament for development of a comprehensive and coherent policy concerning violence against children.

42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?

If YES, please provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/Home	x	x	x			traffic
Schools	x	x	x			migration
Institutions						
Neighbourhood/ Community	x	x	x			traffic
Workplace						
Law enforcement						
Other						

Pilot projects in several key areas of the reform of juvenile justice in Romania were initiated and developed by the Ministry of Justice:

➤ The pilot Court for minors in Iași was created at the initiative of local representatives of the local judiciary and civil society in order to ensure and observe the national and international standards on criminal proceeding for juvenile offenders and victims. In the framework of this project, collaboration mechanisms were set up between the Police, the prosecutors' office and the specialized court, as well as the best practice models employed in the cases with minors. In a first stage, the pilot Court for minors had territorial jurisdiction over the Iași municipality. As a follow-up, in the second phase of the project, the pilot Court for minors has extended its territorial jurisdiction to the Iași County, also including Police stations,

Prosecutors' Offices and Courts of First Instance of Răducăneni, Hârlău and Pașcani, as well as the Probation service from Iași.

➤ The pilot project on restorative justice and victims' protection was initiated by the Probation Department in co-operation with 2 Romanian non-governmental organizations, having as purpose the analysis of the modality in which victim-offender mediation works in Romania. In this respect 2 pilot projects focusing on juveniles and young offenders were set up in Bucharest and Craiova, also providing psychological counseling and social assistance for victims. Two independent research institutes have evaluated the project and their positive conclusions led to the extension of the ongoing 2 pilot projects.

➤ The pilot project on community service was initiated by the Probation Department in cooperation with 2 Romanian non-governmental organizations, in order to promote community service as an alternative to imprisonment for minors who committed offences. Initially, the project has been deployed in two locations, but in 2004 has been extended in 7 counties, in partnership with local authorities and civil society. The outcomes of the project have been considered when drafting the provisions of the Criminal Code and of the Law on the execution of penalties concerning the penalties applied to minors and the execution of these penalties.

➤ The Ministry of Justice has initiated collaboration with the UNICEF in order to deliver a study on the activity of the specialized panels for minors and family. This study was delivered in December 2004.

➤ PHARE 2003 RO03/IB/JH/09 program "Support for improving justice for minors" (2004-2006). The Ministry of Justice co-operates in this exercise with the National Agency for Child Protection and Adoption (in present the National Authority for the Protection of Child Rights). The duration of the project is 24 months. The objectives of PHARE project are as follows:

- The assessment of the legislative and institutional framework on the general protection of children, with particular focus on the judicial protection of minors;
- The setting up of specialized structures for the judicial protection of minors at central and local level in respect of the execution of sentences in criminal matters;
- Setting up specialized teams at a local level, made up with representatives of judges, prosecutors, police, clerks, probation, penitentiary, departments of child protection;
- Training of professionals involved in justice for minors and the training of trainers at a national level;
- Setting up a documentation and resources center, for the use of practitioners.

➤ The National Institute for Magistracy has included in its education plan a module regarding the Justice for minors. Prior to this module, some study visits at placement centers and reeducation centers shall be organized.

Out of the educational programs and measures having a national impact, developed by the Ministry of Education and Research, independently or jointly, on the prevention and control of the various types of violence against children, we will mention:

➤ The program of the General Direction for Pre-university Studies

a) On the basis of the Protocol of Collaboration nr. 11628 of 8.10.2002 between the Ministry of Education and Research and the International Organization for Migration there have been 6 seminars (Bacău, Hunedoara, Bistrița Năsăud, Vâlcea, Buzău and Prahova with participants from 34 counties and Bucharest) for methodological training on "The school participation in the prevention and control of human traffic." Inspectors for social sciences and humanities, inspectors for education and counsellors from The Centers for Psychological and Pedagogic Assistance, as well as high-school teachers of humanities took part in these seminars (260 participants). Training sessions with education counsellors and high-school teachers of social sciences and humanities followed at the county level. Similar activities took place in high schools, with the participation of class masters and teachers of social sciences and humanities.

b) Notification nr.35841 of 12.09.2002 on the development of a national education system for the prevention and control of human traffic requested:

- The compulsory discussion of the issue of human traffic during the educational classes for the 8th form (middle-school), 10th form (high-school), and the second year of technical-vocational schools and the optional approach of this topic for the 7th form (middle school), 9th, 11th and 12th forms (high-school) and the 1st and 3rd year of study for the technical vocational schools.
- That the county inspectorates should make copies of the existing methodological guide, so that in each school there would be a sufficient number of copies in view of successful class activity on the issue of the human traffic.

- Counselling within the school and inter schools centers for psychological and pedagogic assistance to prevent human traffic with pupils.
- The issue of human traffic should be included in the themes related to human rights within the subject Civic Culture.

c) Further collaboration in 2002-2003 had as a result similar activities of methodological training for the religion teachers.

d) In 2004-2005, through the school inspectorates of Bucharest, Iași, Suceava, Constanța, Dolj, Mehedinți, Timiș, Cluj, Bacău, the International organization for Migration's activities, which aim at the prevention of human traffic and have pupils as the target group, will find support. The project includes an interactive show called "Traffic".

➤ The National Program: "Health Education in Romanian Schools" developed by the Department for Programs and Educational Activities (The General Direction for Evaluation, Prognostication, Strategies and Programs):

a) The National Program: "Health Education in Romanian Schools" is developed in partnership with the Health Ministry and other governmental and non- governmental institutions (the organization Save the Children, the Foundation Youth for the Youth", SECS, ARAM, RAA, the Romanian Red Cross etc.) and international ones (UNICEF, USAID, UNFPA, John Snow Inc.). There are two sides to this project: curricular (school curricula, informative guide, methodological guide, etc.) and extracurricular (national competitions, camps, workshops, conferences, mass-media campaigns, booklets, brochures, CDs, etc.). 6,000 schools, 11,000 teachers and approx. 1 million pupils are involved in the program. The domains of the program:

- Anatomy and physiology
- Personal hygiene
- Ecology
- Activity and recreation
- Food health
- Mental health
- Family health and healthy reproduction
- The prevention of drug abuse
- Violence, abuse, accidents, human values

The school curricula for 1st-12th forms at the elective "Health education", include the following contents related to violence:

1st and 2nd forms

- ways of preventing accidents
- forms of aggression frequent in schools
- my /my mates' rights

3rd and 4th forms

- the game-between dynamism and aggression
- responding to the other's aggression
- adult abuse on children

5th and 6th forms

- emergency aid in case of accidents (fracture, bleeding, lipothymia, dislocation, sprain, etc.)
- the street- a playing ground?
- Responding to crisis
- What is family violence? Its effects on children: first reactions.

7th and 8th forms

- Forms of family violence (physical, social, economic, emotional, sexual)
- Violence in mass-media. The message consumer
- Violence prevention
- Human traffic-individual and social consequences
- Human solidarity in case of calamities, war, armed conflict.

9th and 10th forms

- consequences of accidents, violence, individual and social abuse
- erratic reactions. self-control techniques (aggressor/aggressed)

11th and 12th forms

- domestic violence: factors involved, legislation in the field
- causes of physical, economic, sexual abuse and violent manifestations

b) The national contest: "Children say NO to family violence"

- Within the national curriculum, the issues of human rights and child rights are studied at Civic Education (3rd and 4th forms), Civic Culture (6th and 8th forms), Philosophy (12th form).

The national syllabus for the elective Civic Culture in 6th form (education for child rights) was approved by OMECT 4921 of 22.09.2003. At present, electives are organized on this syllabus, elaborated in cooperation with the organization Save the Children.

- The school contests from the sphere of social sciences and humanities are a means of education towards human and child rights. The Olympiads at Civic Education. (3rd and 4th forms) and Civic Culture (middle school, 7th and 8th forms) and the national contest “Democracy and Tolerance” deserve special mention. The Olympiads take place each year at the school level, city level, county level and national level. The competitors are organized in teams of two members. The national contest “Democracy and Tolerance” includes the same levels, but the teams are made up of three members (two from middle school and one from primary school). It includes three dimensions: a theoretical one, a practical one and an artistic one. At the two Olympiads and at the national contest “Democracy and Tolerance”, the topics are related to child rights. Throughout the years, some topics explicitly referred to violence in schools, abuse, or economic exploitation against children.

During year 2004, the National Authority for the Protection of Child Rights provided funds for the National Interest Program no.415 regarding the returned children found unaccompanied abroad, including trafficked children (see also point 29). This program was implemented by Save the Children and its main results are the following:

- There were created 10 transit centers (in 9 counties and Bucharest);
- There were assisted 32 returned children in order to be reintegrated in their families;
- There were organized 5 trainings seminars for 217 professionals.

43. Does your Government monitor the impact of these policies and programmes directed towards violence against children?

If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

Regarding the National Interest Programs, the National Authority for the Protection of Child Rights has been monitoring their implementation. The monitoring team and its tasks have been established through order of the secretary of state.

Monitoring of the Governmental Strategy in the field of child in difficulty protection 2001-2004 was also ensured by the National Authority for the Protection of Child Rights.

Monitoring of the Actions Plans mentioned at point 3 is ensured as follows:

- The National Authority for the Protection of Child Rights is monitoring the Action Plan for the field of child protection against abuse, neglect and exploitation 2004-2005;
- A subgroup of the interministerial group for the prevention and combat of human traffic has been created for the coordination of efforts regarding the prevention of trafficking in children and this subgroup is monitoring the Action Plan for the prevention and combat of trafficking in children;
- The National Authority for the Protection of Child Rights is monitoring the Action Plan for the prevention and combat of sexual abuse and sexually exploitation for commercial purposes;
- The National Steering Committee, through the Child Labour Unit from the National Authority for the Protection of Child Rights, is monitoring the Action Plan for elimination of child labour.

Monitoring is ensured through reports made by responsible ministries and authorities that are mentioned by these Action Plans.

44. Does your Government participate in any internationally coordinated activities concerning violence against children?

If YES, please provide details.

During year 2003, Romania attended the European Conferences of the ministers in charge with child problem on the theme of “Preventing maltreatment, promoting good treatment – an European ambition”.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

This section aims to provide an overview of information systems and information about violence against children that may be used to inform, plan and monitor policy, legal and programmatic interventions concerning violence against children.

45. Over the past five years, has there been any victimization, epidemiological or other population-based surveys of any forms of violence against children in your country?

If YES, provide details or references, or attach.

In 2003 Partnership Equality Center developed “The National Research on Domestic Violence and Violence on the Workplace”. It was the first survey dedicated to this topic for the whole Romanian population aged 18 and older. According to the data revealed by this survey, 14.3% of the whole adult population of our country, 17.8% of women respectively, state that they have been victims of one or another type of domestic violence at a certain point in their lives.

	Domestic violence global rate in Romania
National	14,26%
Women	17,83%
Men	10,16%
Urban	14,24%
Women	17,34%
Men	10,40%
Rural	14,29%
Women	18,48%
Men	9,89%

The global rate of 17.8% women who declare that at a certain point in their lives they have been subjected to domestic violence, regardless of its forms, is in fact an average value, as the real rate ranges from 14.9% to 20.8% of the total population of women aged 18 and older from our country. This explains the difference between the global rate of violence of 17.8% calculated for the women included in the sample (Table 1) and the rate indicated in the diagrams comprised in this document (17.2%), because the latter is calculated for all women interviewed (from the national sample plus those included in the women sub-sample).

The lifelong global rate of domestic violence also shows significant statistical differences according to the marital status of the person interviewed, as well as to the type of family (with or without children) that these persons come from.

Lifelong global rates of domestic violence according to the marital status and gender, Romania, 2003

	Legally married	Consensual marriage	Divorced/ Separated	Widow/wi dower	Unmarried	Total
Global rates of violence:						
- women aged 18 +	15.0%	31.1%	47.0%	13.2%	17.3%	17.2%
- men aged 18 +	7.2%	20.0%	0.0%	18.8%	15.7%	10.2%
Number of cases:						
- women aged 18 +	767	45	66	228	139	1245
- men aged 18 +	374	35	12	32	108	561

Domestic violence does not only mean violence against women. In Romania, just as in other countries, domestic violence does predominantly mean violence against women, but also violence against children, against elderly persons or sick persons. Two thirds of the victims of domestic violence are women, whereas men stand for one third. In this respect, there are however significant differences between the types of violence. The extreme case is the one of sexual violence which is exclusively reported by women.

The instruments of data collection permitted, among the others, the identification and analyze the types of violence in the last 12 months before the collection of data's. It is the about the violence as “way of life”, the violence in the family who it is frequent and happens day to day. In Romania:

- Around 800,000 women suffered frequent a form of violence under different forms;
- More than 340,000 children (between 0-14 years) had assisted frequently at scenes of physical violence between parents;
- More than 370,000 children (between 0-14 years) had assisted at insults and courses in often between parents or adults in the home.

The Gallup Organization –Romania conducted in period 2-14 May 2003, a Survey on Violence against Women in Bucharest, on a representative sample of 854 women aged between 18 and 65 years, living in Bucharest.

Overall, only 8% of the respondents who are married or have a steady partner rate their relationship as fair or poor, while 19% say they are getting along excellently with their partner. In 18% of the couples problems occur often or even very often. It seems that as the relationship gets older, the problems tend to occur more frequently. Those who have been married for more than 20 years tend to say that problems occur often, while those involved in younger relationships say problems occur rarely or not at all.

About 52% of the women in Bucharest have experienced verbal or emotional abuses within their family at certain moments in their life, and 24% have been victims of such abuses in the last 12 months more than once. 21% of the women have been victims of physical abuses and 8% victims of sexual abuses within the family at least once in their life. 6% of the women in Bucharest have suffered physical abuses and about 3% sexual abuses more than once in the last year.

See also point 12.

46. Have there been any small-scale or representative interview studies with parents and children on violent victimisation of children?

If so, please give details.

During the International Program for the elimination of child labour, there were implemented several base line surveys on child labour issues, including trafficking in children (see annexes).

47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?

If YES, indicate the subject of this research and where the findings of these projects may be consulted in more detail.

See point 12.

48. Have studies or surveys been undertaken into the impact of legal measures to address violence against children?

If YES, provide details or references, or attach.

See point 12.

49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?

Provide details.

There is no formal inquiries into all child deaths in which it is known or suspected that violence may have played any part. That is envisioned to be mentioned in the future national strategy for the protection an promotion of child rights, which is in process of elaboration by the National Authority for the Protection of Child Rights.

Forensic investigation are carried out by forensic doctors from the system of the Ministry of Justice in case of child death in the first 24 hours of admission in hospitals and accidents that may include violence against children.

50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?

According to the Department for criminal investigation from the Ministry of Administration and Interior, these cases are periodically evaluated, but there are not published as a practice yet.

If YES, what proportion of all homicide deaths are under the age 18?
%

51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply):

Sex	X
Age	
Ethnicity	
Manner of death (homicide, suicide, undetermined)	
External causes of death (firearm, strangulation, etc.)	
Geographical location of incident (address)	

Scene of occurrence (home, school, etc.)	
Time and date of incident	
Victim-perpetrator relationship	
Other:	

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.

Mandatory reporting system come into force together with Law no.272/2004 on the 1st of January of 2005. Thus we cannot provide yet information.

The National Authority for the Protection of Child Rights made an inquiry for physical and sexual abuse as well as trafficked children reported during 2001 to the Specialized Public Services for Child Protection (in present the General Departments of Social Assistance and Child Protection) that had the following results: 1772 cases of physical abuse, 183 cases of sexual abuse and 27 cases of trafficked children.

In the period 2002 – 2003 the data provided by the Ministry of Justice reveals the fact that in 80-90% of the previous complains the instances had stopped the penal process because the victims had withdraw the action. A number of 681 persons was assaulted, 65% women and 35% men, 85% adults and 15% children.

According to the Department for criminal investigation from the Ministry of Administration and Interior, data regarding reported cases of violence against children are available starting with 2002 as follows: 1,311 cases in 2002 and 1,621 cases in 2003.

53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.

In the period 2002 – 2003 the data provided by the Ministry of Justice reveals that in this period it was committed 678 offences of domestic violence for which it had convicted a total number of 660 persons, 89% men and 11% women, 98% adults.

Concerning the types of offences the situation is as follows:

- 56% assault's offences, physical battery and battery who caused health damages (striking or other violence in art.180 Criminal Code, physical battery in art. 181 Penal Code, serious physical battery in art.182 Criminal Code, and also strikes or battery who caused death in art.183 Criminal Code);
- 28% homicides (attempted murder, aggravated murder in art.175 Criminal Code, murder extremely grave in art.176 Criminal Code, infanticide in art.177 Criminal Code);
- 10% offences regarding sexual life (rape in art.197 Criminal Code, sexual act with a minor in art.198 Criminal Code, sexual perversities in art.201 Criminal Code, sexual corruption in art.202 Criminal Code and incest in art.203 Criminal Code);
- 6% other offences (offences against family such as: bad treatments applied to minor at art.306 Criminal Code; offences against person's liberty such as: depriving of liberty in illegal way at art.189 Criminal Code, home violation at art.192 Criminal Code, intimidation at art. 193 Criminal Code and blackmail at art.194 Criminal Code; offences against dignity such as: insult and calumny at art.205– 206 Criminal Code, destroying at art.217 Criminal Code and illegal abortion at art.185 Criminal Code).

Persons condemned received sanctions (penal fine or jail), either with effective execution or with suspension of sanction, in the case of minors it was applied educative measures in accordance with the gravity of offence and other criteria of individualization as are stipulated in the law.

In 2002 the number of domestic violence cases represented approximately 15% in the total cases of infractions committed with violence, a favorite's condition it was consumption of alcohol (approximately 30% of infractions).

	2000	2001	2002
Homicide	210	220	157
Strikes who caused death	44	49	32
Physical battery	691	764	499
Assault	56	66	39
Infanticide	31	39	36
Bad treatments applied to minor	62	73	40

VII. AWARENESS, ADVOCACY AND TRAINING

This section is aimed at gathering information on any awareness-raising, advocacy and training activities relating to violence against children which may have been conducted by your Government.

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?

If YES, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc.).

In the period October-November 2004 National Agency for Family Protection financed a campaign in media concerning the effect of domestic violence on all members of a family and especially on children; the target audience is general public.

The Institute for the Research and Prevention of Criminality has developed the Prevention Program of juvenile delinquency and victimization of minors. This Program is implemented at central and local level in collaboration with other police departments, governmental and non-governmental organizations as well as other structures of the civil society. Program's objectives are the following:

- **Information and education of adolescents in order to respect the law, dignity and tolerance;**
- **Diminishing the number of children as offenders as well as victims;**
- **Involvement of the pupils in information activities for their colleagues and friends;**
- **Enforcement of the cooperation among family, school and police and community involvement in educational and preventive actions;**
- **Offering alternatives for leisure time in order to diminish the influence of the gangs.**

55. How were the campaign messages and information disseminated (check all that apply)?

Print media	
Radio	X
Television	X
Theatre	
Schools	
Others	

56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children?

At Cluj in period 18-22 April 2004 the National Agency for Family Protection in collaboration with the Phare Project 2001 - "Social Services Institution Building in Romania", had organize a training course for the personnel working in compartments with attributions in the domestic violence field, as well as the personnel of the Agency. At this course was participated a number of 80 persons who received basic notions and information about domestic violence, method and techniques in the field of prevention and collaboration between all institutions involved in this specific field.

If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups received training (check all that apply).

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical Professionals (including paediatricians, nurses, psychiatrists and dentists)					
Public health practitioners					
Social workers and Psychologists	X				
Teachers and other educators					
Court officials (including judges)					
Police					
Prison officers					
Juvenile offenders personnel Institution personnel Parents/guardians					
Other (please specify)					

Please provide details.