## Romania

## **Incidence and Nature of Child Labor**

An estimated 1.2 percent of children ages 5 to 14 years were counted as working in Romania in 2000. Approximately 1.4 percent of all boys 5 to 14 were working compared to 0.9 percent of all girls in the same age group. The majority of working children were found in the agricultural sector (97.1 percent), followed by services (2.3 percent), and other sectors (0.6 percent). This is common for children in rural areas to work on family farms or help with household chores. Children were involved in activities such as washing cars, selling merchandise on the streets, loading and unloading merchandise, and collecting waste products. According to a 2004 report, between 60,000 to 70,000 children, more than 1 percent of all of Romania's children, were involved in activities identified as the worst forms of child labor, including begging, drug dealing, stealing, prostitution, or were victims of child trafficking. Street children, children in urban areas, and Roma children are the most vulnerable to labor and sexual exploitation. It is estimated that about 30 percent of sex workers in Bucharest, the capital city, are under 18 years of age. Child labor is one of many problems associated with poverty. In 2002, less than 2.0 percent of the population in Romania were living on less than USD 1 a day.

Romania is a country of origin, transit, and destination for trafficked women and girls. Victims from Moldova, Ukraine, and other parts of the former Soviet Union are trafficked through Romania to Bosnia, Serbia and Montenegro, Macedonia, Kosovo, Albania, Greece, Cyprus, Turkey, Italy, France, Germany, Hungary, the Netherlands, Poland, Spain, Portugal, the United Arab Emirates, Japan, and South Korea for

<sup>383</sup> 

<sup>&</sup>lt;sup>3870</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

<sup>3871</sup> National Institute of Statistics, *Survey on Children's Activity*, 4.

<sup>&</sup>lt;sup>3872</sup> Gabriela Alexandrescu, *Romania: Working Street Children in Bucharest: A Rapid Assessment*, ILO-IPEC, Geneva, March 2002, 27-28; available from http://www.ilo.org/public/english/standards/ipec/simpoc/romania/ra/streetcld.pdf. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Romania*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41703.htm.

<sup>&</sup>lt;sup>3873</sup> According to the National Institution of Statistics as cited by the Save the Children Romania, *Salvati Copiii Annual Report* 2004, 2004, 15; available from http://www.salvaticopiii.ro/romania\_en/despre\_noi/raport\_anual/Annual\_Report\_2004.pdf. See also Ministry of Labor, Social Solidarity, and Family, *Statistics on Child Labor in Romania*. See also U.S. Embassy- Bucharest, *reporting*, August 31, 2005. See also U.S. Embassy- Bucharest, *email communication to USDOL official*, August 11, 2006.

<sup>&</sup>lt;sup>3874</sup> It is difficult to determine accurately how many children live on the streets nationwide, and estimates range from 1,500 to 5,000 children. The lower estimate is cited in the U.S. Department of State, *Country Reports- 2004: Romania*, Section 6d. The higher estimate is cited in the Save the Children Romania, *Salvati Copiii Annual Report 2004*, 15. See also U.S. Department of State, *Trafficking in Persons Report - 2005: Romania*, June 3, 2005; available from

http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm#romania. See also Committee on the Rights of the Child, Concluding Observations of the Committee on the Rights of the Child: Romania, March 18, 2003, Para. 60 (a); available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/8e7035bcf6845056c1256d2b0037517a/\$FILE/G0340855

<sup>&</sup>lt;sup>3675</sup> UNICEF, UNOHCHR, and OSCE-ODIHR, *Trafficking in Human Beings in Southeastern Europe:* 2003 *Update on Situation and Responses to Trafficking in Human Beings in Romania,* November 2003, 38; available from http://www.child-rights.org/PolicyAdvocacy/pahome2.5.nsf/0/CFA82B758B41BEDB88256E46008360E5/\$file/Trafficking%20in%20Human%20Be ings%20in%20SE%20Europe%20compressed.pdf.

<sup>&</sup>lt;sup>3876</sup> World Bank, World Development Indicators 2005 [CD-ROM], Washington, DC, 2005.

the purpose of sexual exploitation.<sup>3877</sup> Boys have also been trafficked. Children were trafficked within Romania for purposes of begging or agricultural work.<sup>3878</sup> The National Authority for Child Protection reported that in 2005, it received 773 notifications of assistance rendered to victims of trafficking. Of that number, 317 children were repatriated, primarily from Western Europe.<sup>3879</sup>

The Constitution provides for free and compulsory education for 10 years, beginning at age 7.380 In 2002, the gross primary enrollment rate was 99 percent and the net primary enrollment rate was 89 percent.381 Gross and net enrollment ratios are based on the number of students formally registered in primary school and, therefore, do not necessarily reflect actual school attendance. In 2000, 87.9 percent of children ages 5 to 14 years were attending school.382 School participation is significantly lower among ethnic Roma children and street children than other children.383 According to a 2002 study on street children in Bucharest, 62.7 percent of those interviewed had dropped out of school.3834

## **Child Labor Laws and Enforcement**

The Labor Code sets the minimum age of employment at 16 years. Article 155 of the General Norms of Labor Protection also specifies that children under the age of 16 cannot be used for loading, unloading, and handling operations. However, young persons aged 15 can be employed with the consent of their parents or legal guardian on the condition that the work performed is in accordance with their health and abilities and does not interfere with their education. Young persons ages 16 and over are permitted to work, but may not be placed in hazardous workplaces and may not be made to work overtime, at night, or for more than 6 hours per day or 30 hours per week. Young people under 18 years of age must be given a lunch break of at least 30 minutes, if the length of the working day exceeds 4 ½ hours.

The worst forms of child labor may be prosecuted under different statutes in Romania. The Law on Child Rights Protection entered into force in January 2005 and addresses the prevention and elimination of the

<sup>&</sup>lt;sup>3877</sup> U.S. Department of State, *Country Reports-* 2004: *Romania*, Section 5. See also U.S. Department of State, *Trafficking in Persons* - 2005. See also Committee on the Rights of the Child, *Concluding Observations of the Committee* 2003. See also European Network Against Child Trafficking, *A Report on Child Trafficking: Bulgaria, Denmark, Italy, Romania, Spain, and the United Kingdom*, Save the Children Italia ONLUS, March 2004, 61; available from http://www.enact.it/view\_news.asp?id=198.

<sup>&</sup>lt;sup>3878</sup> ILO-IPEC, *Rapid Assessment of Trafficking in Children for Labour and Sexual Exploitation in Romania*, 2003, Bucharest, 2004, 1-2; available from http://www.ilo.org/public/english/standards/ipec/publ/download/cee\_romania\_ra\_2003.pdf. UNICEF Romania, *Trafficking and Child Labor*, [online] 2004 [cited June 29, 2005]; available from http://www.unicef.org/romania/children\_1605.html.

<sup>&</sup>lt;sup>3879</sup> U.S. Embassy- Bucharest, email communication to USDOL official, August 11, 2006.

<sup>&</sup>lt;sup>3880</sup> Constitution of Romania, (December 8, 1991), Article 32; available from http://www.oefre.unibe.ch/law/icl/ro00000\_.html. Beyond the compulsory education period, schools charge fees for books, which discouraged attendance for lower income children, particularly Roma. See UNESCO, Education for All 2000 Assessment: Country Reports- Romania, prepared by Ministry of National Education, pursuant to UN General Assembly Resolution 52/84, 1999, Section 3.3; available from http://www2.unesco.org/wef/countryreports/country.html. See also U.S. Department of State, Country Reports- 2004: Romania, Section 5. See also U.S. Embassy- Bucharest, reporting, August 20, 2003.

<sup>&</sup>lt;sup>3881</sup> UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005).

<sup>3882</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
3883 Sorin Cace and Ioan Marginean, *Roma Working Children and their Families: Socio-Cultural Characteristics and Living Conditions*, ILO-IPEC, UNICEF, ECHOSOC Foundation, Ministry of National Education and Research, 2002, 7-8. See also Alexandrescu, *Romania: Working Street Children*, 29. According to the National Institute for Statistics in 2004, 26.3 percent of illiterate children over the age of 10 are Roma, as cited in Save the Children Romania, *Salvati Copiii Annual Report* 2004, 18.

<sup>3884</sup> One-hundred and fifty children ages 4 to 17 were interviewed. See Alexandrescu, Romania: Working Street Children, 25-29.

<sup>&</sup>lt;sup>3885</sup> Ministry of Labor and Social Solidarity: Labor Inspection, *National Legislation on Child Labor-Summary*, 2001.

<sup>&</sup>lt;sup>3886</sup> Labor Code, Law No. 53/2003, (January 24), Article 13 (2); available from http://www.mmssf.ro/e\_legislatie/law53.htm. See Ibid., Articles 109, 21, 25, 30.

worst forms of child labor, including trafficking in children. The Constitution and the Labor Code prohibit forced labor. The Constitution prohibits the exploitation and employment of children in activities that might be physically or morally unhealthy or put their lives or normal development at risk. The minimum age for compulsory military conscription is 20 years. Minimum age for voluntary conscription is 18 years. The Law on the Preparation of the Population for Defense allows pre-military training for children from the age of 15 on a voluntary basis, and students enrolled in military education institutions are considered to be part of the armed forces. In June 2005, the Romanian government adopted changes to the Labor Code that criminalize child economic exploitation and impose penalties of 1 to 3 years of imprisonment. The methodology for repatriation of unaccompanied Romanian children and ensuring their special protection at the local level was approved by government decision number 1443/2004. Since 1999, the Government of Romania has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138. Separation and impose penalties of the labor Code that criminalize child economic exploitation and impose penalties of 1 to 3 years of imprisonment.

Enforcement of labor laws that protect children falls under the mandate of the Labor Inspectorate of the Ministry of Labor, Social Solidarity, and Family (MLSSF). Violations of child labor laws are punishable by imprisonment for periods of 2 months to 3 years, and by fines of RON 50,000 to 100,000 (USD 1,680 to 3,360). Forcing an individual to work against his or her will is punishable with 6 months to 3 years of imprisonment. In 2005, the Labor Inspectorate carried out inspections on 74,109 employers. Out of the 4,405 identified working children ages 15 to 18, 135 had no legal employment documents. Seventeen children under the age of 15 were found working with no legal employment forms.

Article 329 of the Criminal Code prohibits individuals from using children for the purposes of prostitution. The punishment for such offenses is imprisonment for a period of 3 to 10 years. Law No. 678/2001 on preventing and combating trafficking in human beings protects children under the age of 19 years from being trafficked and applies more severe punishments when the child is under 15 years of

<sup>-</sup>

<sup>&</sup>lt;sup>3888</sup> Law No. 272/2004 as cited in Embassy of Romania official, email communication to USDOL official, September 1, 2005. See also ILO-IPEC, *Combating Trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine*, technical progress report, RER/03/P50/USA, Bucharest, March 2005, 3. See also U.S. Embassy- Bucharest, *reporting*, August 31, 2005. See also U.S. Embassy- Bucharest, *email communication to USDOL official*, August 11, 2006.

<sup>3889</sup> Constitution of Romania, Article 39 (1). See also Labor Code, Article 4 (1). Constitution of Romania, Article 45 (3) and (4).

Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report* 2004, [online] 2004 [cited September 28, 2005]; available from http://www.child-soldiers.org/document\_get.php?id=923.

<sup>&</sup>lt;sup>3891</sup> ILO-IPEC, Combating Trafficking in Children for Labor and Sexual Exploitation in the Balkans and Ukraine, technical progress report, September 2005, 3.

U.S. Embassy-Bucharest, email communication to USDOL official, August 11, 2006.

<sup>&</sup>lt;sup>3893</sup> ILO-IPEC official, email communication to USDOL official, November 14, 2005.

Embassy of Romania Washington D.C. official, Combating the Worst Forms of Child Labor, letter to U.S. Department of Labor official, September 25, 2000.

<sup>&</sup>lt;sup>3895</sup> U.S. Department of State, Country Reports- 2004: Romania, Section 6d.

<sup>&</sup>lt;sup>3896</sup> Labor Code, Article 276 (1e). For currency conversion, see FXConverter, in Oanda.com, [online] [cited July 1, 2005]; available from http://www.oanda.com/convert/classic.

<sup>&</sup>lt;sup>3897</sup> Labor Code, established under Law No. 10/1972 as cited in Alexandrescu, Romania: Working Street Children, 10.

<sup>&</sup>lt;sup>3898</sup> U.S. Embassy-Bucharest, email communication to USDOL official, August 11, 2006.

Article 22 of the Constitution of the International Labor Organizations, Report for the period of 2003-2005, 1-3, Presented by the Government of Romania as cited in Ibid. Government of Romania, *Criminal Code*, as cited in The Protection Project Legal Library, [database online] [cited September 10, 2004], hard copy on file.

age.<sup>3900</sup> Trafficking of children ages 15 through 18 years carries a prison term of 3 to 12 years; for 2 or more victims, in cases where a victim suffers serious bodily harm, or if the victim is below the age of 15, penalties increase to 5 to 15 years. If a minor was trafficked through the use of coercion, an additional 2 years of prison time can be added.<sup>3901</sup> Law No. 196/2003 stipulates imprisonment for the involvement of children in pornography.<sup>3902</sup> The government convicted 146 persons of trafficking in 2005, and is working to address corruption among law enforcement and border officials.<sup>3903</sup> In June 2004, the government passed legislation that established a children's court and two courts became operational in two cities by the end of 2004.<sup>3904</sup> In 2005, a new law was passed that allows for youth leaving orphanages to receive 2 additional years of financial assistance and life skills training, thereby decreasing their vulnerability to being exploited.<sup>3905</sup>

## **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Romania, through the National Steering Committee of the MLSSF, is implementing the National Action Program to Eliminate Child Labor <sup>3906</sup> The government has also approved the National Action Plan for Preventing and Combating Child Trafficking (2004-2007). In addition to the action plans on child labor and child trafficking, there are national action plans to address abused and neglected children and the sexual exploitation of children. The Commission on Child Rights has

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 11/19/1975	✓
Ratified Convention 182 12/13/2000	✓
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	✓
Sector Action Plan (Trafficking)	<b>√</b>

recommended merging all four into a comprehensive National Plan of Action on Children. The National Anti-Poverty and Social Inclusion Plan Concept (2002-2012) covers vulnerable groups such as street children, institutionalized children, and child victims of trafficking. The National Plan Concept (2002-2012) covers vulnerable groups such as street children, institutionalized children, and child victims of trafficking.

<sup>&</sup>lt;sup>3900</sup> This law went into effect in early 2003. Article 22 of the Constitution of the International Labor Organizations, Report for the period of 2003-2005, Presented by the Government of Romania as cited in Embassy of Romania official, email communication, September 1, 2005. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention*, 1999 (No. 182) *Romania (ratification: 2000)*, [online] n.d. [cited December 14, 2005]; available from

http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN. See also Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken by the Romanian Authorities to Combat Trafficking of Human Beings*, UN, February 25, 2002, 2; available from http://missions.itu.int/~romania/strategies/index.html.

<sup>&</sup>lt;sup>3901</sup> U.S. Department of State, *Country Reports-* 2004: *Romania*, Section 5. Traffickers can be prosecuted under the relevant provisions of the Law 678/2001 and under the Criminal Code (Articles 328, 329, 189, 190, 197, 198, 201, 202, and 203). See Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*.

<sup>&</sup>lt;sup>3902</sup> European Network Against Child Trafficking, A Report on Child Trafficking, 60.

<sup>&</sup>lt;sup>3903</sup> U.S. Embassy- Bucharest, *email communication to USDOL official*, August 11, 2006. See also U.S. Department of State, *Trafficking in Persons* - 2005.

<sup>&</sup>lt;sup>3904</sup> U.S. Department of State, Country Reports- 2004: Romania, Section 5.

<sup>&</sup>lt;sup>3905</sup> Children are required to leave State-run institutions at the age of 18, and are frequently unprepared to support themselves, lack identity papers, job skills or employment opportunities, and do not have an alternate place to leave. In such cases, youth may be homeless and are particularly vulnerable to engaging in prostitution or criminal activities. Ibid. See also Committee on the Rights of the Child, *Concluding Observations of the Committee 2003*, Para. 38 (e).

<sup>&</sup>lt;sup>3906</sup> ILO-IPEC, Child Trafficking Project, progress report March 2005, 3.

Government Decision (No. 1769/21 October 2004) as cited by Embassy of Romania official, email communication, September 1, 2005. Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe.* 2004 - Focus on Prevention in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, The former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, and the UN Administered Province of Kosovo, UNICEF, UNOHCR, OSCE-ODIHR, March 2005, 145; available from

http://www.unicef.org/ceecis/Trafficking.Report.2005.pdf. See also Save the Children Romania, *Salvati Copiii Annual Report* 2004, 8. See also U.S. Embassy- Bucharest, *reporting*, August 31, 2005.

<sup>&</sup>lt;sup>3908</sup> ILO-IPEC, *The International Labour Organization Correspondent in Romania*, [online] 2003 [cited July 1, 2005]; available from http://www.un.ro/ilo.html.

The Joint Inclusion Memorandum of Romania, signed with the European Union, addresses the needs of vulnerable groups, including children involved in the worst forms of child labor and child trafficking. Bilateral agreements emphasizing the need for common action to address child trafficking and the commercial sexual exploitation of children have been signed between the Government of Romania and a number of countries. Memoranda of agreement on the protection of unaccompanied minors have been signed with France, Spain, and the Italian Turin Province.

The National Authority for Child Protection and Adoption (NACPA), through local directorates of social assistance and children's protection, provides assistance and rehabilitation services to child trafficking victims. The NACPA finances National Interest Programs (NIP) implemented by nongovernmental organizations. The government established the National Agency for the Prevention of Trafficking in Human Beings and Monitoring of the Assistance Provided to the Victims of Trafficking in Human Beings (ANAT) on December 8, 2005. The government opened 12 shelters for trafficking victims. In 2005, approximately 3,500 children and families received services.

The government is working with IOM, UNICEF, the Romanian Orthodox Church, the National Office for Refugees, and other NGOs to combat trafficking and to carry out trafficking prevention activities and victim assistance. With support from IOM, the government participates in a Counter Trafficking Steering Committee and continues to broadcast anti-trafficking messages on government-sponsored television to raise awareness of the problem. Romania continues to participate in an ILO-IPEC regional project funded by USDOL to combat child trafficking in the Balkans region. A portion of the Social Development Fund Project is specifically aimed at funding community-based social services in poor, rural areas for disadvantaged children, such as orphans and abandoned children, and for shelters for street children. This USD 20 million project is funded by the World Bank and is slated to end in August 2006. 3918

The government operates a supplementary nutrition program to provide milk and bread for all children attending primary school, <sup>3919</sup> and provides school supplies to primary school children from low-income

<sup>&</sup>lt;sup>3909</sup> U.S. Embassy- Bucharest, email communication to USDOL official, August 11, 2006.

<sup>&</sup>lt;sup>3910</sup> Bilateral agreements have been signed between Romania and the following countries: Albania, Armenia, Bulgaria, Croatia, Cyprus, the Czech Republic, Greece, Moldova, Poland and Ukraine. European Network Against Child Trafficking, *A Report on Child Trafficking*, 60.

<sup>&</sup>lt;sup>3911</sup> Ibid. See also U.S. Embassy-Bucharest, email communication to USDOL official, August 11, 2006.

<sup>&</sup>lt;sup>3912</sup> With support from the Southeast European Cooperation Initiative for Combating Trans-border Crime (SECI Center), NACPA operates a pilot center in Bucharest and plans regional centers in six other counties. See U.S. Embassy- Bucharest, *reporting*, August 27, 2004. In January 2005, the former National Authority for Child Protection and Adoption (NACPA) was split into the National Authority for Child Rights Protection, subordinated to the Ministry of Labor, Social Protection and Family, and the Romanian Office of Adoptions, subordinated to the Government Council. U.S. Embassy- Bucharest, *reporting*, August 31, 2005. See also U.S. Embassy- Bucharest, *email communication to USDOL official*, August 11, 2006.

<sup>&</sup>lt;sup>3913</sup> U.S. Embassy-Bucharest, email communication to USDOL official, August 11, 2006.

<sup>&</sup>lt;sup>3915</sup> UNICEF, UNOHCHR, and OSCE-ODIHR, *Trafficking in Human Beings in Southeastern Europe:* 2003 *Update*, 44-46. <sup>3916</sup> U.S. Department of State, *Country Reports*- 2004: *Romania*, Section 5.

<sup>&</sup>lt;sup>3917</sup> ILO-IPEC, Combating Trafficking in Children for Labor and Sexual Exploitation in the Balkans and Ukraine, project document, RER/03/P50/USA, September 2003.

<sup>&</sup>lt;sup>3918</sup> World Bank, *Project Appraisal Document in the Amount of US\$20 Million for the Social Development Fund (02) Project*, 22876-RO, November 26, 2001, 9; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/01/10/000094946\_01120704034240/Rendered/PDF/multi0pa

ge.pdf. See also World Bank, *Social Development Fund* (02) *Project*, [online] 2001 [cited July 1, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P068808.

The school feeding program was established under Government Order No. 96/2002 and launched in September 2002, as cited in ILO-IPEC and Salvati Copiii, *IPEC Romania at a Glance*, 2000-2003: *Integrated Program for the Elimination of the Worst Forms of Child Labor in Three Selected Metropolitan Areas in Romania - an IPEC Action Program*, Bucharest, January 2003, 5. See also U.S. Embassy- Bucharest, *reporting*, August 20, 2003.

families.<sup>3920</sup> The World Bank continues to support the Rural Education Project, which aims to improve teaching and learning in rural schools; improve school-community partnerships through a grants program; strengthen the capacity of the Ministry of Education and Research to monitor, evaluate, and analyze policy; and strengthen the project's management capacity.<sup>3921</sup>

.

<sup>&</sup>lt;sup>3920</sup> Government Order No. 496/2001 as cited in ILO-IPEC and Salvati Copiii, *IPEC Romania at a Glance*, 2000-2003: *Integrated Program*, 5.

*Program*, 5.

3921 World Bank, *Rural Education Project*, [online] 2003 [cited July 1, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P073967.