

Romania

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

The Government of Romania has been a member of ILO-IPEC since 2000 and has launched a National Action Program to Eliminate Child Labor. A National Steering Committee (NSC) was established as a coordinating body to oversee national program activities.²⁰⁷⁰ Following the signing of the MOU between the Government and ILO-IPEC in June 2000, Child Labor Units were formed within the Ministry of Labor and Social Protection's (MLSS) Labour Inspectorate and the National Authority for Child Protection and Adoption (NACPA). In May 2001, police officers at the General Inspectorate of Police began training to act against the worst forms of child labor, and the first 25 MLSS labor inspectors were trained as trainers to increase inspectors' abilities to investigate and monitor child labor activities.²⁰⁷¹ The NACPA Child Labor Unit and the NSC adopted the National Strategy for Child Protection for 2001-2004 and the Operational Plan for the Implementation of the Strategy, which includes children exploited by labor as a special target group.²⁰⁷² With funding from USDOL and technical assistance from ILO-IPEC's SIMPOC, the National Institute of Statistics and Economic Studies began implementation of a national survey on child labor in 2000.²⁰⁷³

Incidence and Nature of Child Labor

In 1999, the ILO estimated that fewer than 1 percent of children between the ages of 10 and 14 in Romania were working.²⁰⁷⁴ The majority (93 percent) of these children worked in agriculture, another 6.5 percent in trade/services, and 0.5 percent worked outside the family home.²⁰⁷⁵ In 2000,

²⁰⁷⁰ As of September 2001, the NSC consists of representatives of the NACPA; MLSS's Labor Inspectorate, the Ministry of Education and Research, the Ministry of Health and Family, the Ministry of European Integration, the General Inspectorate of the Police, workers' and employers' organizations, NGOs active in child protection, and representatives from academia. See ILO-IPEC, *National Action for the Prevention and Elimination of Child Labour in Romania*, Technical Progress Report No. 3 (Geneva, September 2001) [hereinafter *National Action*], 3. See also ILO/IPEC, *Midterm Review: Country Program on Child Labor in Romania* (Bucharest, July 2001) [hereinafter *Midterm Review*].

²⁰⁷¹ *National Action* at 7, Annex 2, and *Midterm Review*.

²⁰⁷² Government of Romania, National Authority for the Protection for the Child and Adoption, *Government Strategy Concerning the Protection of the Child in Difficulty (2001-2004)* (Bucharest, May 2001), 15. The plan recommends improving the national legislation on the exploitation of children, diversifying the rehabilitation services provided for children, setting up monitoring mechanisms for children in difficult circumstances, implementing action programs to combat child labor, and providing training for the professionals working with children in difficulty. See *Midterm Review*.

²⁰⁷³ ILO-IPEC, SIMPOC Progress Report No. 3 (Geneva, September 2001).

²⁰⁷⁴ According to the ILO, 0.04 percent of children were working. See *World Development Indicators 2000* (Washington, D.C.: World Bank, 2000) [CD-ROM]. A 1997 survey by Save the Children revealed that among children living with their families, 8.3 percent of children who attend primary school also work. See Save the Children Romania, *Child Labor in Romania*, 1997, 1.

²⁰⁷⁵ *Child Labor in Romania* at 1.

the NACPA estimated that there were 2,500 to 3,500 street children in 2000.²⁰⁷⁶ Urban street children are found begging, washing/parking cars, selling merchandise, performing household work, collecting waste products, and loading and unloading merchandise. To a much lesser extent, children engage in prostitution, work in construction, or work in factories.²⁰⁷⁷ Some girls as young as 14 have been trafficked.²⁰⁷⁸

The Romanian Constitution states that a child has a right to a free public education.²⁰⁷⁹ In July 1999, compulsory education was increased to nine years.²⁰⁸⁰ In 1998, the gross primary enrollment rate was 99.8 percent, and the net primary enrollment rate was 91.6 percent.²⁰⁸¹ School participation is lower among ethnic Roma children.²⁰⁸²

Child Labor Laws and Enforcement

The Romanian Constitution states that children under the age of 15 may not be employed in paid labor, and the exploitation and employment of children in activities that might be physically or morally unhealthy or put their lives or normal development at risk are prohibited.²⁰⁸³ Young persons ages 15 and 16 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.²⁰⁸⁴ According to Article 155 of the General Norms of Labor Protec

²⁰⁷⁶ The National Agency for Protection of Children's Rights (NAPCR) was reorganized in 2001 and is now the National Authority for Child Protection and Adoption (NACPA). See UNDP and Research Institute for the Quality of Life: Saracia in Romania, Poverty in Romania, *Poverty in Romania: Causes, Anti-Poverty Policies, Recommendations for Action*, 2001 [hereinafter *Poverty in Romania*], 16. See also ILO-IPEC, "Romania: Working Street Children in Bucharest: A Rapid Assessment" (draft) (Bucharest, July-August, 2001) [hereinafter "Working Street Children in Bucharest"], 27, 28.

²⁰⁷⁷ "Working Street Children in Bucharest" at 28.

²⁰⁷⁸ Of 401 cases of trafficked victims receiving assistance from IOM between January 2000 and December 2001, 83 were children between the ages of 15 and 17 years, and 6 were 14 years old or younger. Anecdotal evidence suggests a rise in economic and sexual exploitation of children. See IOM, "Romania: Trafficking in Women," press release (Bucharest, July 6, 2001). See also "Cases Assisted by IOM Bucharest" (Bucharest, July 2, 2001) at www.iom.ro/en/trafic_stat.php.

²⁰⁷⁹ Constitution of Romania, Article 32, December 8, 1991 [hereinafter Constitution of Romania], at http://www.uni-wuerzburg.de/law/ro00000_.html.

²⁰⁸⁰ Government of Romania, Ministry of Education, Institute for Sciences of Education, *Education for All (EFA) Assessment*, Section 3.2, 1999. See also UNESCO, *The Education for All 2000 Assessment: Country Reports—Romania*, at <http://www2.unesco.org/wef/countryreports/romania/contents.html>.

²⁰⁸¹ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²⁰⁸² The Roma constitute a large ethnic minority in Romania. Pop and Voicu, 2000, as cited in *Poverty in Romania* at 30. See also *Country Reports on Human Rights Practices for 2000—Romania* (Washington, D.C.: U.S. Department of State, 2001), Section 5.

²⁰⁸³ Constitution of Romania at Article 45 (4).

²⁰⁸⁴ Government of Romania, Ministry of Labour and Social Solidarity, Labor Inspection, "National Legislation on Child Labor," 2001, published as part of the Labor Inspection's National Campaign on the Elimination of Child Labor.

tion, children under the age of 16 cannot be used for loading, unloading, and handling operations.²⁰⁸⁵ Employed children under the age of 18 may not be placed in hazardous work places and may not be made to work at night or beyond the legal duration of a working day (8 hours) except in emergencies.²⁰⁸⁶

Article 191 of the Romanian Criminal Code outlaws the act of submitting a person to labor against his or her will or to mandatory labor.²⁰⁸⁷ It also prohibits individuals from prostituting children.²⁰⁸⁸ In December 2001, the government passed Law 678, which, among other stipulations, protects children under the age of 19 years from trafficking and applies enhanced punishments in the case that the child is under 15 years of age. Article 18 of Law 678 also criminalizes child pornography,²⁰⁸⁹ and Article 325 of the Criminal Code prohibits the selling, spreading, manufacturing, and possession of obscene materials with the purpose of dissemination to children.²⁰⁹⁰ Enforcement of labor laws that protect children falls under the mandate of the MLSS, Labor Inspection (established under Law No. 108/1999).²⁰⁹¹ The MLSS, the Ministry of Health and Family, the Ministry of Education and Research, and the NACPA are responsible for supervising the observance of norms regarding child protection.²⁰⁹² Romania ratified ILO Convention 138 on November 19, 1975, and ILO Convention 182 on December 13, 2000.²⁰⁹³

²⁰⁸⁵ Ibid.

²⁰⁸⁶ National Agency for the Protection of Children's Rights on the Romanian Government, "Romania's Periodic Progress Report on the Implementation of the UN Convention on the Rights of the Child," Section 8.3, at <http://www.copii.ro/htm/english/rd/1.htm> on 9/27/01.

²⁰⁸⁷ Ibid.

²⁰⁸⁸ Criminal Code of Romania, Article 329, as cited in the Protection Project Database, Country Report, Romania, January 2001, at <http://www.protectionproject.org>.

²⁰⁸⁹ Article 13 establishes the provisions against trafficking of children. See Electronic Correspondence, U.S. Department of State Official, Eric Barboriak, to U.S. Department of Labor Official, May 2, 2002.

²⁰⁹⁰ Ibid.

²⁰⁹¹ Government of Romania, Ministry of Labor and Social Protection, report on Romanian laws, actions, and programs concerning *Combating the Worst Forms of Child Labor* (facsimile), September 25, 2000.

²⁰⁹² "Working Street Children in Bucharest" at 13.

²⁰⁹³ ILO, ILOLEX database: Romania, at <http://ilolex.ilo.ch:1567/english/>.

NOTE: Hard copies of all Web citations are on file.