

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

The Government of Romania became a member of ILO-IPEC in 2000.³⁶⁰⁸ In that year, the government and ILO-IPEC established the National Action Program to Eliminate Child Labor. As part of the national program, child labor units were formed within the Ministry of Labor and Social Solidarity, the Labor Inspectorate, and the National Authority for Child Protection and Adoption). A National Advisory Group on Child Labor was established to mobilize and exchange information.³⁶⁰⁹ Intersectoral County Teams responsible for developing plans to investigate and monitor the child labor situation were established in 18 counties.³⁶¹⁰ The government adopted the National Strategy for Child Protection for 2001-2004 and the Operational Plan for the Implementation of the Strategy, in which child laborers were recognized as a special target group.³⁶¹¹ A National Plan of Action to Eliminate Child Labor was developed in June 2003 and a draft law to eliminate child labor is currently under consideration by the government.³⁶¹² The National Institute of Statistics and Economic Studies began implementation of a national survey on child labor in 2000.³⁶¹³

In 2001, the government established a National Task Force on Trafficking to coordinate efforts to prevent and combat the trafficking of persons, and an Inter-ministerial Committee on Trafficking of Human Beings.³⁶¹⁴ The government also approved a National Plan of Action Against Trafficking of Persons in 2001.³⁶¹⁵ The government

³⁶⁰⁸ The ILO and the Government of Romania signed an MOU in 2000 and extended it in 2002 for a further 5-year period. See ILO-IPEC, *IPEC Romania at a Glance, 2000-2003*, ILO, Bucharest, May 2003.

³⁶⁰⁹ Members of the child labor units, police officers and labor inspectors have been trained on investigating and monitoring child labor activities. See ILO-IPEC, *Midterm Review: Country Program on Child Labor in Romania*, ROM/99/05/050, Bucharest, July 2001, Annex II, 2.1. The advisory group members include labor inspectors, teachers, social workers, trade unionists, employers and representatives from universities and NGOs. Members are activists and serve as resources on child labor matters. See ILO-IPEC, *National Action for the Prevention and Elimination of Child Labor in Romania*, technical progress report, ROM/99/05/050, Geneva, September 2002, 7.

³⁶¹⁰ The teams include representatives of the Specialized Public Services for Child Protection, Territorial Labor Inspectorates, Country Police Inspectorates, School Inspectorates, NGOs, universities and others. See ILO-IPEC, *National Action for the Prevention and Elimination of Child Labor in Romania*, technical progress report, 7.

³⁶¹¹ 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 ILO-IPEC, *Midterm Review: Romania*, Annex II, 3.1. See also 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.

³⁶¹² U.S. Embassy- Bucharest, *unclassified telegram no. 2723*, August 20, 2003. See also ILO-IPEC, *National Action for the Prevention and Elimination of Child Labor in Romania*, status report, ROM/99/05/050, Geneva, June 2003, 5.

³⁶¹³ Data collection was finalized in 2002 and results will be available in early 2004. See ILO-IPEC, *Statistical Program for Advocacy on the Elimination of Child Labor and the Protection of Working Children in Romania*, Technical Progress Report, ROM/99/05/060, Geneva, March 2003. See also ILO-IPEC, *Statistical Program for Advocacy on the Elimination of Child Labor and the Protection of Working Children in Romania, Final Technical Report*, Geneva, December 10, 2003, 2. Preliminary data indicates that, while the number of hours worked was generally low (almost 90 percent of child respondents worked less than three hours per day), a third of the children worked seven days a week. See ILO-IPEC, *IPEC Romania at a Glance, 2000 - 2003*, ILO, Bucharest, May 2003, 3-4. A USDOL-funded study of street children in Bucharest was carried out in cooperation with Save the Children Romania in 2000. The survey received technical assistance from ILO-IPEC's SIMPOC as part of a project that conducted 38 rapid assessments of the worst forms of child labor in 19 countries and one border area. See Gabriela Alexandrescu, *Romania: Working Street Children in Bucharest: A Rapid Assessment*, ILO-IPEC, Geneva, March 2002; available from <http://www.ilo.org/public/english/standards/ippec/simpoc/romania/ra/streetcld.pdf>.

³⁶¹⁴ The Committee includes representation from the Ministries of Interior, Justice, Education and Research, Labor and Social Solidarity, The Prosecutor's Office, and international and local NGOs. The National Plan of Action focuses on law enforcement and legal reform, and includes activities and cooperation of all relevant government and NGO institutions in areas of research, prevention, awareness raising and assistance. See UNICEF, UNOHCHR, and OSCE-ODIHR, *Trafficking in Human Beings in Southeastern Europe*, June 2002, 41-42.

³⁶¹⁵ Romanian Government's Decision 1216/2001 as cited in 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; available from <http://missions.itu.int/~romania/strategies/index.html>.

provides space for a shelter for victims of trafficking,³⁶¹⁶ and works with international organizations and regional networks to implement anti-trafficking programs. The Southeast European Cooperative Initiative Center in Bucharest has undertaken regional technical cooperation activities related to law enforcement and trans-border police to combat trafficking.³⁶¹⁷ IOM is the most active international organization supporting trafficking prevention activities, and other organizations such as UNICEF, UNDP and local NGOs are also working to combat trafficking.³⁶¹⁸ Romania is part of an ILO-IPEC regional project funded by USDOL in September 2003 to combat child trafficking in the Balkan region.³⁶¹⁹

The government operates a supplementary nutrition program to provide milk and bread for all children attending primary school,³⁶²⁰ and provides school supplies to primary school children from low-income families.³⁶²¹ In 2003, the World Bank provided a USD 60 million loan to support the Rural Education Project that will 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.³⁶²² The World Bank has also provided a USD 70 million loan to support Romania's efforts to rehabilitate schools in 41 districts and strengthen the capacity of educational authorities at the national and local level to maintain the public education infrastructure.³⁶²³ The World Bank assisted the government in improving child welfare, including the reintegration of Bucharest street children into society.³⁶²⁴ Since 2001, a portion of the Social Development Fund Project specifically is aimed to give grants to fund community-based social services in poor, rural areas for disadvantaged children such as orphans and abandoned children, and for shelters for street children.³⁶²⁵

³⁶¹⁶ The Ministry of Interior provided the shelter space in November 2001, IOM funded the refurbishment of the shelter and a local NGO, Estuar Foundation, manages the premises. See UNICEF, UNOHCHR, and OSCE-ODIHR, *Trafficking in Human Beings*, 46.

³⁶¹⁷ *Ibid.*, 49. SECI member states include Albania, Bosnia-Herzegovina, Greece, Moldavia, FYR of Macedonia, Hungary, Bulgaria, Croatia, Turkey, Slovenia and Romania. See Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*.

³⁶¹⁸ UNICEF, UNOHCHR, and OSCE-ODIHR, *Trafficking in Human Beings*, 44-46. IOM's Counter-trafficking Information Campaign launched in 2000 to raise awareness about the dangers of irregular migration and trafficking has reached more than 1.6 million persons nationwide. See Jean-Philippe Chauzy, *Romania-Counter Trafficking Information Campaign Reaches some 1.6 million*, (Press Briefing Notes), IOM, [online] April 2, 2002 [cited August 27, 2003]; available from <http://www.iom.int/en/archive/PBN020402.shtml>. The Ministry of Education and Research, Ministry of Interior, and the Roman Orthodox Church work with the IOM in conjunction with other local NGOs to prevent trafficking and protect and reintegrate victims, especially girls and young women. See IOM, *Counter-Trafficking CT, 2000-2001 Program of Assistance to Victims of Trafficking in Human Beings and Prevention of Trafficking in Human Beings in Romania*, [online] 2001 [cited July 22, 2003]; available from http://www.oim.ro/en/trafic_stat.php. The IOM also works with the Ministry of Interior in the Czech Republic and Save the Children Romania to provide support to a center where information to prevent irregular migration of children. See IOM, *Support to the Child Center in Bucharest and Prevention of Irregular Migration in Minors (CCB)*, [database online] [cited October 10, 2003]; available from <http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=RO1Z015>.

³⁶¹⁹ ILO-IPEC, *Combating Trafficking in Children for Labor and Sexual Exploitation in the Balkans and Ukraine*, project document, RER/03/P50/USA, September 2003.

³⁶²⁰ 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, *unclassified telegram no. 2723*.

³⁶²¹ Government Order No. 496/2001 as cited in ILO-IPEC and Salvati Copiii, *IPEC Romania at a Glance, 2000-2003: Integrated Program*, 5.

³⁶²² World Bank, *Project Appraisal Document on a Proposed Learning and innovations Loan in the Amount of US\$5 Million to Romania for a Child Welfare Reform Project*, 25101-RO, June 9, 1998, 14; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/1998/06/09/000009265_3980709144338/Rendered/PDF/multi0page.pdf.

³⁶²³ World Bank, *School Rehabilitation Project*, [online] August 29, 2003 [cited August 29, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P044614>.

³⁶²⁴ The project has been ongoing from since 1998 though June 2003. See World Bank, *Project Appraisal Document in the Amount of US\$20 Million for the Social Development Fund (02) Project*, 22876-RO, November 26, 2001; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/01/10/000094946_01120704034240/Rendered/PDF/multi0page.pdf.

³⁶²⁵ This is funded through a USD 20 million loan from the World Bank. See *Ibid.*

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Romania are unavailable.³⁶²⁶ However, children from the Roma community appear to be particularly at risk, where activities of begging and peddling on the street, and washing car windshields are prevalent.³⁶²⁷ The majority of children work in agriculture, with fewer children working in trade and/or services, and outside the family home.³⁶²⁸ In 2000, the NACPA estimated that there were 2,500 to 3,500 street children.³⁶²⁹ According to a study on street children in Bucharest, 62.7 percent of those interviewed dropped out of school.³⁶³⁰ Street children are found begging, washing and parking cars, selling merchandise, performing household work, collecting waste products, loading and unloading merchandise, stealing, and engaging in prostitution.³⁶³¹ It is estimated that about 30 percent of sex workers in Bucharest are under 18 years of age.³⁶³² There are indications that Romanian teenage boys are involved in the sex trade in the countries of Western Europe.³⁶³³ Romania is a country of origin and transit for internationally trafficked women and girls from Moldova and Ukraine to Bosnia, Serbia, Macedonia, Kosovo, Albania, Greece, Italy, and Turkey for the purpose of sexual exploitation.³⁶³⁴ Girls as young as 14 have been trafficked.³⁶³⁵ The majority of trafficking cases in which IOM has assisted involve victims who were trafficked to the Balkans.³⁶³⁶ Forty-six percent of these victims originated from the Moldova region of Romania.³⁶³⁷

³⁶²⁶ Romania does not collect labor force statistics for children under the age of 15. See ILO, *Laborstat Database of Labor Statistics: Romania*, [database online] [cited October 10, 2003]; available from <http://laborsta.ilo.org/applv8/data/ssm3/e/RO.html>.

³⁶²⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Romania*, Washington, D.C., March 31, 2003, Section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18387.htm>.

³⁶²⁸ A 1997 survey by Save the Children Romania revealed that among children living with their families, 8.3 percent of children who attend primary school also work, primarily in agriculture along with their parents. See Save the Children Romania, *Child Labor in Romania*, 1997, 1.

³⁶²⁹ Catalin Zamfir et al., *Poverty in Romania: Causes, Anti-Poverty Policies, Recommendations for Action*, Research Institute for the Quality of Life, Bucharest, 2001, 16; available from http://www.undp.ro/publications/poverty_in_romania1.pdf. According to estimates of a national study of the Homeless Children's Situation (1998-1999), more than half (approximately 2,000) the number of children permanently living on the streets and children begging in the streets are in Bucharest, as cited in Alexandrescu, *Romania: Working Street Children*, 15.

³⁶³⁰ One-hundred and fifty children were interviewed. See Alexandrescu, *Romania: Working Street Children*, 27-29.

³⁶³¹ *Ibid.*, 27-28.

³⁶³² UNICEF, UNOHCHR, and OSCE-ODIHR, *Trafficking in Human Beings*, 38.

³⁶³³ *Ibid.*

³⁶³⁴ U.S. Department of State, *Trafficking in Persons Report - 2003: Romania*, June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm#romania>. See also Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*. See also Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Romania (unedited version)*, January 31, 2003, para. 58; available from <http://193.194.138.190/html/menu2/6/crc/doc/co/co-romania-2.pdf>.

³⁶³⁵ 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 six were 14 years old or younger. See IOM, *Counter-Trafficking CT*. See also Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*.

³⁶³⁶ IOM has assisted both women and girls who had been trafficked. Between January 2000 and December 2001, 29 percent were returned to Romania from Bosnia-Herzegovina, 26 percent from FYR Macedonia, 17 percent from Albania, 14 percent from Kosovo, 6 percent from Italy and other countries, and 2 percent from Cambodia. See IOM, *Counter-Trafficking CT*.

³⁶³⁷ *Ibid.*

The Constitution states that children have a right to a free public education.³⁶³⁸ The Education Law No. 84/1995 was modified in June 2003 to increase compulsory education to ten years.³⁶³⁹ Article 20 of the Education Law stipulates that there is a possibility to organize special classes for children who have not finished the first 4 grades by the age of 14.³⁶⁴⁰ In 2000, the gross primary enrollment rate was 98.8 percent, and the net primary enrollment rate was 92.8 percent.³⁶⁴¹ There is indication that the dropout rate has decreased since 1997.³⁶⁴² Attendance rates for Romania are not available. While enrollments rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁶⁴³ School participation is significantly lower among ethnic Roma children.³⁶⁴⁴

Child Labor Laws and Enforcement

The Constitution sets the minimum age of employment at 15 years, 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.³⁶⁴⁵ However, the new Labor Code that established the minimum age for employment as 16 years came into force in March 2003.³⁶⁴⁶ 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.³⁶⁴⁷ According to Article 155 of the General Norms of Labor Protection, children under the age of 16 cannot be used for loading, unloading, and handling operations.³⁶⁴⁸ Children employed 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.³⁶⁴⁹ The Constitution prohibits forced labor.³⁶⁵⁰

³⁶³⁸ *Constitution of Romania*, (December 8, 1991); available from http://www.oefre.unibe.ch/law/icl/ro00000_.html. However, fees are charged for schoolbooks after grade eight, making it difficult for children from low-income families to attend school. See U.S. Department of State, *Country Reports- 2002: Romania*, Section 5.

³⁶³⁹ Education Law No. 268/2003 as cited in ILO-IPEC, *National Action for the Prevention and Elimination of Child Labor in Romania, status report*, 4. See also U.S. Embassy- Bucharest, *unclassified telegram no. 2723*.

³⁶⁴⁰ Alexandrescu, *Romania: Working Street Children*, 9.

³⁶⁴¹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³⁶⁴² U.S. Department of State, *Country Reports- 2002: Romania*, section 5.

³⁶⁴³ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁶⁴⁴ The Roma constitute a large ethnic minority in Romania. The school enrollment rate for Roma children from age 7 to 16 years was 67.4 percent. The temporary drop out rate was 13.5 percent and those not enrolled in school was 19.1 percent. This data was derived by the from information collected by the National Commission for Statistics for school year 1996 and 1997. See 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.

³⁶⁴⁵ *Constitution of Romania*, Article 45 (3) and (4).

³⁶⁴⁶ Labor Code (Law No. 53/2003) as cited in U.S. Embassy- Bucharest, *unclassified telegram no. 2723*. See also ILO-IPEC, *National Action for the Prevention and Elimination of Child Labor in Romania, status report*, 5.

³⁶⁴⁷ U.S. Embassy- Bucharest, *unclassified telegram no. 2723*. See also Government of Romania: Ministry of Labor and Social Solidarity Labor Inspection, *National Legislation on Child Labor-Summary*, 2001, published as part of the Labor Inspection's National Campaign on the Elimination of Child Labor.

³⁶⁴⁸ Government of Romania: Ministry of Labor and Social Solidarity Labor Inspection, *National Legislation on Child Labor*.

³⁶⁴⁹ 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.

³⁶⁵⁰ *Constitution of Romania*, Article 39 (1).

Article 19 of the Labor Code³⁶⁵¹ and Article 191 of the Criminal Code punish forcing an individual to work against their will with 6 months to 3 years imprisonment.³⁶⁵²

Article 191 of the Criminal Code outlaws the act of submitting a person to labor against his or her will, outlaws mandatory labor, and prohibits individuals from prostituting children.³⁶⁵³ 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 age.³⁶⁵⁴ Article 18 of Law 678 also criminalizes child pornography.³⁶⁵⁵ During 2002, a total of 420 people were under investigation for suspected trafficking of humans. As of early December 2002, 164 suspects had been arrested.³⁶⁵⁶

Enforcement of labor laws that protect children falls under the mandate of the MLSS' Labor Inspectorate (established under Law No. 108/1999).³⁶⁵⁷ 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.³⁶⁵⁸ According to government authorities, from January to June 2003, there were no cases of illegal or dangerous child labor identified.³⁶⁵⁹

The Government of Romania ratified ILO Convention 138 on November 19, 1975, and ILO Convention 182 on December 13, 2000.³⁶⁶⁰

³⁶⁵¹ See the Labor Code, established under Law No. 10/1972 as cited in Alexandrescu, *Romania: Working Street Children*, 10.

³⁶⁵² See the Criminal Code as cited in National Agency for the Protection of Children's Rights on the Romanian Government, *Romania's Periodic Progress Report*, Section 8.3.

³⁶⁵³ *Ibid.*

³⁶⁵⁴ 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 5-15 years. If a minor was coercively trafficked, an additional two years of prison time can be added. However, as of December 2002 the government had established no implementing regulations for the law. See U.S. Department of State, *Country Reports- 2002: Romania*, Section 6f. See also Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*, 2.

³⁶⁵⁵ Eric Barboriak, electronic communication to USDOL official, May 2, 2002. Traffickers can be prosecuted under the relevant provisions of the Law 678/2001 (article 12 and 13) 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*.

³⁶⁵⁶ U.S. Department of State, *Country Reports- 2002: Romania*, Section 6f.

³⁶⁵⁷ 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.

³⁶⁵⁸ Alexandrescu, *Romania: Working Street Children*, 9. Reorganization after June 2003 has moved the NACPA into the MLSS. See ILO-IPEC, *National Action for the Prevention and Elimination of Child Labor in Romania*, progress report, ROM/99/05/050, Geneva, September 2003, 3.

³⁶⁵⁹ U.S. Embassy- Bucharest, *unclassified telegram no. 2723*.

³⁶⁶⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 22, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.