

Romania

Incidence and Nature of Child Labor

The National Institute of Statistics estimated that 2.3 percent of children ages 5 to 14 in Romania were working in 2000-2001.³²⁹⁷ The majority of working children are engaged in chores on the family farm or in the household, particularly in rural areas.³²⁹⁸ Street children, children in urban areas, and Roma children are the most vulnerable to the worst forms of child labor.³²⁹⁹ Street children are found begging, washing cars, selling merchandise, performing household work, collecting waste products, loading and unloading merchandise, stealing, and engaging in prostitution.³³⁰⁰ It is estimated that about 30 percent of sex workers in Bucharest are under 18 years of age.³³⁰¹ There are indications that Romanian teenage boys and girls are involved in the sex trade in the countries of Western Europe.³³⁰² Romania is a country of origin and transit for internationally trafficked women and girls from Moldova, Ukraine, and other parts of the former Soviet Union to Bosnia, Serbia and Montenegro, Macedonia, Kosovo, Albania, Austria, Greece, Cyprus, Turkey, Italy, France, Germany, Hungary, the United Kingdom, the Netherlands, Poland, Spain, Portugal, the United Arab Emirates, Japan, and Cambodia for the purpose of sexual exploitation.³³⁰³

³²⁹⁷ The survey also found that 9.4 percent of children ages 15 to 17 were working. See National Institute of Statistics, *Survey on Children's Activity in Romania: Country report*, ILO, Bucharest, 2003, 173. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

³²⁹⁸ *Ibid.*, 4. See also U.S. Embassy- Bucharest, *unclassified telegram no. 2362*, August 27, 2004.

³²⁹⁹ Street children are particularly prevalent in the larger cities such as Bucharest. Nationwide there are an estimated 2,000 children who are homeless and living in the streets. See Ministry of Labor, Social Solidarity, and Family, *Statistics on Child Labour in Romania*, press release, Bucharest, May 10, 2004; available from http://www.mmssf.ro/e_comunicate/e_130504press2.htm. See also U.S. Embassy- Bucharest, *unclassified telegram no. 2362*.

³³⁰⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Romania*, Washington, D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27860.htm>. See also 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/ipecc/simpoc/romania/ra/streetcld.pdf>.

³³⁰¹ 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%20Beings%20in%20SE%20Europe%20compressed.pdf](http://www.child-rights.org/PolicyAdvocacy/pahome2.5.nsf/0/CFA82B758B41BEDB88256E46008360E5/$file/Trafficking%20in%20Human%20Beings%20in%20SE%20Europe%20compressed.pdf).

³³⁰² *Ibid.* In September 2003, French police arrested 67 adults in a Roma encampment outside Paris and charged them with organizing sexual enslavement of Roma children allegedly kidnapped and brought to France for the purposes of forced prostitution and stealing. See U.S. Department of State, *Country Reports- 2003: Romania*, Section 6f.

³³⁰³ U.S. Department of State, *Country Reports- 2003: Romania*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report - 2004: Romania*, June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33192.htm>. See also U.S. Department of State, *Trafficking in Persons - 2004*. 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; available from <http://missions.itu.int/~romania/strategies/index.html>. 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>.

The Constitution provides for free and compulsory education for 10 years.³³⁰⁴ In 2000, the gross primary enrollment rate was 98.8 percent, and the net primary enrollment rate was 92.8 percent.³³⁰⁵ 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. During the 2001-2002 school year, approximately 96 percent of primary school-age children attended school, including kindergarten.³³⁰⁶ School participation is significantly lower among ethnic Roma children and street children.³³⁰⁷ According to a study on street children in Bucharest, 62.7 percent of those interviewed had dropped out of school.³³⁰⁸

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment at 16 years, but children may work with the consent of parents or guardians at age 15, although only “according to their physical development, aptitude, and knowledge.”³³⁰⁹ 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.³³¹⁰ 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.³³¹¹ 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.³³¹² 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.³³¹³ The Constitution and the Labor Code prohibit forced labor, including by children.³³¹⁴ Article 329 of the Criminal Code prohibits

³³⁰⁴ Beyond the compulsory education period, schools charge fees for books, which discourages attendance for lower income children, particularly Roma. *Constitution of Romania*, (December 8, 1991), Article 32; available from http://www.oefre.unibe.ch/law/icl/ro00000_.html. See also U.S. Department of State, *Country Reports- 2003: Romania*, Section 5. See also U.S. Embassy-Bucharest, *unclassified telegram no. 2723*, August 20, 2003.

³³⁰⁵ World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

³³⁰⁶ U.S. Department of State, *Country Reports- 2003: Romania*, Section 5.

³³⁰⁷ 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.

³³⁰⁸ One-hundred and fifty children ages 4 to 17 were interviewed. See Alexandrescu, *Romania: Working Street Children*, 25-29.

³³⁰⁹ *Labor Code, Law No. 53/2003*, (January 24, 2003), Article 13 (1); available from http://www.mmssf.ro/e_legislatie/law53.htm. See also U.S. Department of State, *Country Reports- 2003: Romania*, Section 6d.

³³¹⁰ *Constitution of Romania*, Article 45 (3) and (4).

³³¹¹ *Labor Code*, Article 13 (2).

³³¹² Ministry of Labor and Social Solidarity: Labor Inspection, *National Legislation on Child Labor-Summary*, 2001.

³³¹³ 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. See *Labor Code*, Articles 109, 21, 25, and 30.

³³¹⁴ *Constitution of Romania*, Article 39 (1). See also *Labor Code*, Article 4 (1).

individuals from prostituting children.³³¹⁵ The law obliges employers to ensure that work does not preclude children under the age of 16 from gaining access to education.³³¹⁶

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).³³¹⁷ Violations of the child labor laws are punishable by imprisonment for periods of 2 months to 3 years,³³¹⁸ and by fines of 50,000,000 to 100,000,000 ROL (USD 1,520 to 3,041).³³¹⁹ Forcing an individual to work against his or her will is punishable with 6 months to 3 years imprisonment.³³²⁰ 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.³³²¹ 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 two years of prison time can be added. Article 18 of Law 678 also criminalizes child pornography.³³²² There were no reports in 2003 of anyone being charged or convicted under any of the child labor provisions.³³²³

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, continues to elaborate the National Action Program to Elimination Child Labor developed in 2003, and has made significant progress in its efforts to address the problem of child trafficking.³³²⁴ The government has significantly increased the number of trafficking convictions and is working to address corruption among law enforcement and border officials. Ongoing anti-corruption measures for border police include psychological testing, ethics briefings, best practices manuals, random integrity tests, routine searches, and the establishment of a hotline.³³²⁵ The Ministry of Education and Research is training school personnel on

³³¹⁵ The punishment for such offenses is imprisonment for a period of 3 to 10 years. Government of Romania, *Criminal Code*, as cited in The Protection Project Legal Library, [database online] [cited September 10, 2004], Article 329; available from <http://209.190.246.239/protectionproject/statutesPDF/RomaniaF.pdf>.

³³¹⁶ U.S. Department of State, *Country Reports- 2003: Romania*, Section 6d.

³³¹⁷ 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.

³³¹⁸ U.S. Department of State, *Country Reports- 2003: Romania*, Section 6d.

³³¹⁹ *Labor Code*, Article 276 (1e). For currency conversion, see FXConverter, in Oanda.com, [online] [cited May 18, 2004]; available from <http://www.oanda.com/convert/classic>.

³³²⁰ Labor Code, established under Law No. 10/1972 as cited in Alexandrescu, *Romania: Working Street Children*, 10.

³³²¹ This law went into effect in February 2003. See U.S. Department of State, *Country Reports- 2003: Romania*, Section 6f. See also Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*, 2.

³³²² Traffickers can be prosecuted under the relevant provisions of the Law 678/2001 (articles 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*.

³³²³ U.S. Department of State, *Country Reports- 2003: Romania*, Section 6d.

³³²⁴ *Ibid.*

³³²⁵ U.S. Department of State, *Trafficking in Persons - 2004*.

how to raise awareness of trafficking issues among students and parents. Also, regional education commissions monitor teachers' implementation of the anti-trafficking provisions.³³²⁶ The MLSSF is working jointly with Save the Children Romania to elaborate a National Action Plan for Preventing and Fighting Child Trafficking and to conduct an awareness raising campaign on the issue.³³²⁷

In addition, the National Authority for Child Protection and Adoption (NACPA) provides assistance and rehabilitation services to child trafficking victims.³³²⁸ The government is working with IOM, UNICEF, UNDP, and other NGOs to combat trafficking and to carry out trafficking prevention activities.³³²⁹ With support from IOM, the government organized a Counter Trafficking Steering Committee with participants from all the relevant ministries and also broadcasted anti-trafficking messages on government-sponsored television to raise awareness of the problem.³³³⁰ Romania continues to participate in an ILO-IPEC regional project funded by USDOL to combat child trafficking in the Balkan region.³³³¹

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)		✓

The government operates a supplementary nutrition program to provide milk and bread for all children attending primary school,³³³² and provides school supplies to primary school children from low-income families.³³³³ 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.³³³⁴ A portion of the Social Development Fund Project is

³³²⁶ Ibid.

³³²⁷ Ministry of Labor, Social Solidarity, and Family, *Invitation to Attend Press Conference*, press release, Bucharest, April 28, 2004; available from http://www.mssf.ro/e_communicate/e_290404press1.htm.

³³²⁸ 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, *unclassified telegram no. 2362*.

³³²⁹ 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, 44-46.

³³³⁰ U.S. Department of State, *Country Reports- 2003: Romania*, Section 6f.

³³³¹ The project was funded in September 2003. See ILO-IPEC, *Combating Trafficking in Children for Labor and Sexual Exploitation in the Balkans and Ukraine*, project document, RER/03/P50/USA, September 2003.

³³³² The school feeding program was established under Government Order No. 96/2002 and launched in September 2002. See U.S. Embassy- Bucharest, *unclassified telegram no. 2723*. See also 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, 3.

³³³³ Government Order No. 496/2001 as cited in ILO-IPEC and Salvati Copiii, *IPEC Romania at a Glance, 2000-2003: Integrated Program*, 5.

³³³⁴ World Bank, *Rural Education Project*, [online] May 7, 2004 [cited May 7, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P073967>.

specifically 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.³³³⁵

³³³⁵ This USD 20 million project is funded by the World Bank and is slated to end in August 2006. 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. See also World Bank, *Social Development Fund (02) Project*, [online] May 7, 2004 [cited May 7, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P068808>.