

UNIVERSAL PERIODIC REVIEW 29th SESSION – ROMANIA

Joint Submission to the UN Office of the High Commissioner for Human Rights
The Romanian Youth Council (CTR) and the European Youth Forum (YFJ)

Key words: protection of children and youth rights, access to education for sexual and reproductive health, the right to work and fair remuneration.

INTRODUCTION

1. Romania has made significant progress in human rights achievements since its last review, especially in including human rights protection in strategic documents. In spite of the identified achievements, there are systematic challenges in respecting, protecting and fulfilling fundamental rights, especially for young people. According to Romanian legislation youth are defined as people aged between 14-35 years oldⁱ. The Romanian Youth Council expresses concerns regarding young people's right to fair wages, access to education for sexual and reproductive health and protection of children and youth rights. In this sense, we present the following comments to the Office of the High Commissioner for Human Rights:

I. Protection of children and youth rights

Recommendations accepted by Romania during the second UPR cycle in 2013: 109.25, 109.23, 109.24, 109.30, 109.29., 109.80, 109.35., 109.37., 109.11

2. In order for children and young people to develop their potential through full enjoyment of their rights, the state has the duty of safeguarding these rights using appropriate legal protection.

Developments

3. The Government's Emergency Ordinance no. 11/2014 established "The National Authority for the Protection of Children Rights and Adoption" under the Ministry of Labor and Social Justiceⁱⁱ. The strategic framework of development of children rights was adopted through Government Decision no. 15/2015 regarding "National Strategy on Promotion and Protection of Children rights" and the "Action Plans" for implementation.ⁱⁱⁱ Moreover, the "Investment in Children" section of Government's priorities for 2017-2020 sets the creation of a new institution to protect Children Rights as a strategic objective^{iv}.

Status-quo

4. Romania does not have an independent institution for children's and youth rights. However, the duties for protecting child and youth rights fall under the existing Ombudsman institution, which has a deputy appointed to coordinate matters related to the rights of the child, family, youth, pensioners and persons with disabilities^v. Although it is encouraging

that the mandate covers both children rights and youth rights, in 2016 in a country in which the percentage of young people living at risk of poverty or social exclusion is 48.5%^{vi}, the rate of early leaving school of 19.1%^{vii} and 57.279 children in State Protection^{viii}, the number of petitions submitted to Ombudsman was 160 for children rights, and 67 for youth and families^{ix}.

5. Despite the legal and policy context, in 2016 the Parliament rejected legislative proposal no. 139/2016 for establishing the Children's Ombudsman as an institution for protecting, monitoring, and reporting on the realization of children rights^x. This poses a real challenge to the potential of safeguarding the rights of young generation.
6. Recent developments^{xi} indicate that until the end of 2017, the Ministry of Labor and Social Justice will establish the "Children's Ombudsman". Although the initiative is encouraging due to the willingness to create this structure, it raises serious doubts regarding the independence of this mechanism and of how the structure will further ensure the safeguard of youth rights also. The significant progress in the protection of child and youth rights has therefore not yet translated into a comparable improvement in protection of the status of those rights.

7. RECOMMENDATION:

- A. Create an independent and autonomous Children's Ombudsman under existing Ombudsman institution with clear objectives and power to protect and to monitor children's rights and to ensure also protection of youth rights.
- B. Develop accessible, youth friendly and safe mechanisms, as an example an online platform that involves relevant stakeholders into the process of reporting violations of children and youth rights.
- C. Ensure stable and continuous funding for non-profit organizations working on raising awareness on children and youth rights.

II. Access to education for sexual and reproductive health

Recommendations accepted by Romania during the second UPR cycle in 2013: 109.111, 109.112

8. Considered as the basis for the health and well-being of young people, education for sexual and reproductive health delivered within a safe and enabling learning environment, scientifically accurate, culturally and age-appropriate, gender-sensitive and life skills-based has a positive and life-long effect^{xii}.

Developments

9. Romania has adopted Government Decision no. 1028/ 2014 which has approved the National Health Strategy 2014 - 2020 and the Action Plan for the implementation of the national strategy. Sexual and reproductive education was introduced as mandatory in The Law 272/2004 for protection and promotion of children's rights^{xiii}. The National Youth

Strategy 2014-2020^{xiv} states that “the large number of births and abortions in adolescents under the age of 19 is an alarm signal and the reduction is a special challenge”. However, in practice Romania, does not secure access for young people and adolescents to education for sexual and reproductive health, and it is still not efficiently realized or recognized as a real priority.

Status-quo

10. The Order of the MENCS no. 3590/2016, which regulates core curriculum for primary education does not include any mandatory or optional course explicitly aimed at education for sexual and reproductive health^{xv}. The Order refers to an optional course called “education for health^{xvi}”, which does not include the sexuality education curriculum and it does not address social and psychological aspects of sexuality, being limited to biological aspects and pregnancy or disease prevention. According to the representative of Parents Federation only 6% of parents choose “education for health” as an optional course^{xvii}. The core curriculum for secondary education is in the revision process.
11. Eurostat shows that Romania still has the highest share of births of first children to teenage mothers^{xviii} in European Union, with 15.6% of total births of first children. According to the National Institute of Statistics in 2015, there were 15,176 births of first children from mothers under 19 years old^{xix}. In spite of the fact that Romania sets at strategic level among its main objectives the improvement of health conditions and nutrition of mother and child, with a specific focus on reducing the number of unwanted pregnancies, there are still no real measures for young people to acquire accurate information.

12. RECOMMENDATIONS:

- A. Introduce education for sexual and reproductive health in the core curriculum for secondary education.**
- B. Develop mandatory teacher training courses on comprehensive, scientifically accurate, culturally and age-appropriate, gender-sensitive and life skills-based education for sexual and reproductive health, using a cross-sectorial approach.**
- C. Create opportunities in formal education settings for specialized NGOs to promote sexual and reproductive health.**
- D. Commit to the “Global Strategy for Women’s, Children’s and Adolescents’ Health 2016-2030” indicators.**

III. Right to work and fair remuneration for young people

13. An autonomous young generation requires investment and protection of their right to gainful employment. One of the key aspects in ensuring stability is a successful and smooth transition from education to the labor market in order to get a decent and stable job.

Developments

14. Romania's employment policies are guided by the National Employment Strategy 2014 – 2020^{xx} which is built on the EU 2020 Employment Strategy, focusing on the reduction of youth unemployment. In 2014-2015 Romania implemented the Youth Guarantee^{xxi}. Economic rights are also strategically developed through the "National strategy of National Agency for Employment^{xxii}" and "National Strategy on Social Inclusion and Poverty Reduction 2015-2020^{xxiii}".

Status-quo

15. The 2017-2020 Government priorities identify the following strategic objectives: *creating the programme for the first salary, promoting legislation for young people to ensure a coherent transition from the education system to the labor market and promoting the transformation of internships into permanent work contracts^{xxiv}*. Despite the strategic effort of Romania regarding the transition from education and training to the labor market, there is a gap in which young people suffer from discrimination and lack of access to their right to gainful employment. According to the National Agency for Employment, 59% of employees do not hire young people without experience.
16. In this context, internship experience becomes a standard requirement for young people to be able to get a job, but they are inaccessible for many young people because these programmes are usually unpaid. As Romania does not have a legal framework for internships, young people are prevented from gaining access to social protection schemes (health, unemployment and pensions) and from appropriate financial compensation while undertaking internships. Due to lack of regulation companies and public authorities that are willing to provide internships are forced to resort to inappropriate legal solutions such as voluntary contracts or fixed-term employment contracts^{xxv}.
17. Unpaid internships are inaccessible to young people who do not have the financial means to support themselves. Furthermore, they constitute a violation of the right to employment and fair remuneration when they are undertaken outside a formal study programme.
18. In this context, the lack of regulation for internships, which are critical to bridging the gap between education and labor, limits young people's chances to be autonomous and prevent them from access to gainful employment.

19. RECOMMENDATIONS

- A. Establish a legal basis providing for paid, quality internships by introducing a dedicated legal framework or amending existing labor legislation in order to facilitate the transition from education to professional life through programmes that are accessible to all young people.**
- B. Prohibit the practice of unpaid internships.**
- C. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**



Romania Youth Council (CTR) is the national platform of 18 youth federations from Romania, representing a network of 300 youth NGOs. CTR is recognized as the main non-governmental partner in the field of youth policies in relation with the central public authorities.

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The **European Youth Forum (YFJ)** is an independent platform of over 100 youth organisations in Europe, to which CTR is a full member. Founded in 1996 and bringing together National Youth Councils and International Non-Governmental Youth Organisations, YFJ represents the common interests of tens of millions of young people in Europe.

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NOTES

ⁱYouth Law no. 350/2006, definition of youth art.3(2)(a), <http://mts.ro/wp-content/uploads/2013/09/Legea-350-2006-Legea-Tinerilor.doc>

ⁱⁱGovernments Emergency Ordinance no. 11/2014, http://www.copii.ro/categorii_legislatie/legi-si-ordonante/

ⁱⁱⁱNational Strategy on Promotion and Protection of Children rights <http://antisaracie.mmuncii.ro/en/biblioteca.html>

^{iv}Romanian Government priorities 2017-2012, <http://www.cdep.ro/pdfs/oz/Program%20de%20Guvernare.pdf>

^vOmbudsman, <http://www.avp.ro/index.php?lang=ro-ro>

^{vi}Eurostat, <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

^{vii}Eurostat, Education and Training Monitor, <http://ec.europa.eu/education/policy/strategic-framework/dashboard>

^{viii}National Authority for the Protection of the Rights of the Child and Adoption, <http://www.copii.ro/transparenta/statistici-page/>

^{ix}Ombudsman Activity Report p.257, http://www.avp.ro/rapoarte-anuale/raport_2016_avp.pdf

^xLegislative proposal on the establishment of the Child Counsel, Pl-x no. 139/2016 <http://www.cdep.ro/proiecte/2016/100/30/9/em225.pdf>

^{xi}Ministry of Labor and Social Justice, <http://www.mmuncii.ro/j33/index.php/ro/comunicare/comunicate-de-presa/4885-cp-avocatul-copilului-01062017>

^{xii}World Health Organization, Policy brief no.2 on sexual education, 2015, http://eeca.unfpa.org/sites/default/files/pub-pdf/GAKC_Policy_Brief_No_2_rz.pdf

^{xiii}Law 272/2004 republished in 2014 Art. 46 (3) (1) states that the specialized bodies of the central public administration, the local public administration authorities and any other public or private institutions with health responsibilities "are obliged to take all necessary measures for the systematic implementation in school units of life education programs, including Sexual education for children, to prevent contact with sexually transmitted diseases and the gravidity of minors."

^{xiv}Romanian Youth Strategy, cap.II Youth situation in Romania, <http://mts.ro/wp-content/uploads/2015/01/Strategia-tineret-ianuarie-2015.pdf>

^{xv}Curriculum at the school's decision includes optional national, regional and local disciplinary packages and optional disciplinary packages offered at the level of the educational establishment that are clearly established after consultation with pupils and parents on the basis of available resources, http://www.edums.ro/OMENCs_3590_2016_planuri_cadru_gimnaziu.pdf

^{xvi}Ministry of Education, Health education <http://oldsite.edu.ro/index.php/articles/20774>

^{xvii}<http://www.gandul.info/politica/proiect-inchisoare-pentru-educatie-sexuala-in-scoli-15358062>

^{xviii}Eurostat news release -15 May 2015: International Day of Families Women in the EU gave birth to their first child at almost 29 years of age on average <http://ec.europa.eu/eurostat/documents/2995521/6829228/3-13052015-CP-EN.pdf/7e9007fb-3ca9-445f-96eb-fd75d6792965>

^{xix}National Institute of Statistics, <http://statistici.insse.ro/shop/>

^{xx}National Employment Strategy 2014 – 2020, http://www.mmuncii.ro/j33/images/Documente/Munca/2014-DOES/2014-01-31_Anexa1_Strategia_de_Ocupare.pdf

^{xxi}Youth Guarantee Programme, <http://ec.europa.eu/social/main.jsp?catId=1161&langId=en&intPagelId=3350>

^{xxii}National Strategy of National Agency for National Agency for Employment, <http://www.anofm.ro/files/Strategie%20ANOFM%202014-2020.pdf>

^{xxiii}National Strategy on Social Inclusion and Poverty Reduction 2015-2020, http://www.mmuncii.ro/j33/images/Documente/Familie/2016/StrategyVol1EN_web.pdf

^{xxiv}Romanian Government Priorities 2017-2020, p.57 <http://www.cdep.ro/pdfs/oz/Program%20de%20Guvernare.pdf>

^{xxv}Internships at Romanian Government, <http://internship.gov.ro/informatii/guvernul-romaniei/>