

UNITED NATIONS HUMAN RIGHTS COUNCIL

JOINT SUBMISSION FOR THE UNIVERSAL PERIODIC REVIEW OF ROMANIA

Submission by



FONPC facilitates dialogue and cooperation to develop, redefine and implement public policies to ensure the well-being of children and young people in Romania, using the experience and expertise of its members.



For over 20 years we have been working to ensure that young people can enjoy their lives to their fullest potential, in the best possible health. **Youth for Youth (TpT)** is a national, non-governmental, independent, non-political, non-profit, volunteer-based organization, created in 1991 with the aim of getting involved in the social issues of young people in Romania.



The “**Youth Delegate to the UN**” (UNYDRO) program started in Romania in 2006 and is well known as a mobilizing program for young people with aspirations in international relations who aim to represent their country in the most important international organization comprising 193 member states.

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Table of Contents

1. Health	3
1.1. Sexual Education and Contraception	3
1.2. Teenage pregnancy and contraception	4
2. Work	7
2.1. NEET Youth (not in education, employment or training)	7
2.2. Digitalisation	8
2.3. International Labor Organization Convention No 190 (C190) concerning violence and harassment at work	9
3. Participation and protection of young people and children	9
3.1. Prevention of radicalization through involvement	9
3.2. Children Human Rights Defenders (CHRD)	10

1. Health

1.1. Sexual Education and Contraception

Recommendations from the previous cycle: 114.144, 114.145, 114.143

(1) **Status Quo** - Currently, in Romania, sex education is not compulsory in school curricula, the choice to teach this subject being left to the direction of each educational institution by Law 272/2004, Article 46, point i) which states that educational establishments must do their utmost to provide "systematic implementation in schools of life education programmes, including sex education for children, in order to prevent the contraction of sexually transmitted diseases and pregnancy of minors." However, there is no tool to check which schools have implemented sex education programmes during the semester.

(2) In June 2022, the term sex education was replaced by health education, which drastically limits the discipline to just a few ideas about personal hygiene and does not address broader topics such as relational health, consent, power relations or gender equality. The reluctance to call sex education by its name comes from a preconception among Romanian politicians that such education leads to the sexualisation of children. On the contrary, the purpose of this subject, as highlighted by the WHO time and time again, is to prevent possible dangers in children's lives - from sexually transmitted diseases to sexual abuse. Children are already sexualised by their environments (according to a World Vision study, over 25% of children surveyed said they had heard sexual comments about their bodies at school), they need tools to protect themselves. Moreover, law 272/2004 was changed by a bill, later promulgated, which states that health education can only be taught from grade 8 and only with the consent of the legal representative of the child, on an opt-in basis.

(3) The SECS Association has conducted a survey on Romanians' perceptions of sex education in schools¹ which shows that 74% of the subjects think that sex and health education should be taught in schools. A similar percentage knows the differences between sex and health education. Respondents gave positive connotations to the term sex education. This study may show us that we have a general understanding of what sex education entails and parents see it as beneficial, with public discourse stigmatising the discipline.

(4) In the third cycle, Slovenia has recommended to Romania point 114.144 on the introduction of sex education in the middle and high school curriculum, using a timeline to define the implementation steps. Finland added information to Slovenia's recommendation in point 114.145 by stating that specialized training should be provided for teachers who are to deliver these lessons. Australia, in paragraph 114.146, mentioned that sex education should be compulsory from primary school onwards.

¹ https://secs.ro/wp/wp-content/uploads/2022/07/Prezentare-raport-Cult-Research-SECS_conferinta-12-iulie.pdf

(5) Conclusion - Although all the recommendations have been noted, they have not been implemented, with the exception of Slovenia's which has been partially implemented, with the proviso that legal representatives have the right to choose whether the pupil will take part in the sex education classes.

(6) Recommendations:

- Implement sex education in schools, starting in primary grades, based on the curriculum and age breakdown proposed by the World Health Organization;
- Destigmatise the term sex education and recognise health education as just one branch of it;
- If it is not possible to introduce comprehensive sex education, then it is necessary to introduce modules on healthy relationships and sexual abuse (including grooming) into health education;
- Train teachers, counsellors and education specialists to teach this subject in a non-discriminatory and inclusive way through partnerships with civil society associations;
- Establish a mechanism to monitor schools to ensure that they effectively implement health and/or sex education courses;
- Create an opt-out, not opt-in mechanism (similar to religion) for health education to be taught under the current law;
- Promotion of peer-to-peer sex education.

1.2. Teenage pregnancy and contraception

(7) Status Quo - In Romania, the average age at which a girl has her first sexual experience is only 15.5 years, of which 20% are under 15, with a minimum age of up to 9 years. Thus, “in 2018, 727 teenagers under 15 years old and 18,753 between 15-19 years old became mothers in Romania. Of the teenage mothers under 15, 19 are at their second birth and one at their third, and of the teenage mothers aged 15-19, 3,929 are at their second birth, 731 at their third, 72 at their fourth, 8 at their fifth and 1 at their sixth.”². Although compared to 2018, when 18,631 teenagers became mothers, in 2019 the number of underage mothers decreased by 9% to 16,639, this “is, however, mainly due to a reduction in the number of pregnancies at the age of 15-19 (a reduction of 9.3% compared to a reduction of only 3.9% for those under the age of 15)”³.

(7) Factors leading to this include:

² Teenage pregnancy in Romania Report, page 27, https://drive.google.com/file/d/1psXXMY-0dyiQjpGqy09_YbT0helr3Vki/view?usp=sharing

³ Teenage pregnancy in Romania Report, page 14, https://drive.google.com/file/d/1psXXMY-0dyiQjpGqy09_YbT0helr3Vki/view?usp=sharing

- doctors could provide contraceptives free of charge to the unemployed, pupils and students, welfare recipients, women in rural areas or people who had had an abortion on request, and other people without income. However, the reality is that the programme only received funding in 2016 and 2017. In 2022, through the efforts of Sex vs. Stork and partners, €10 million was allocated from the National Recovery and Resilience Plan to rehabilitate and equip family planning clinics¹⁰.

- **(11) Stigma.** Another problem is the stigmatization of underage mothers and victim blaming. There is a tendency to blame teenage girls for pregnancy, which leads to their social exclusion.

(12) The World Health Organization's 2020 assessment found that Romania does not have a sexual and reproductive health strategy, making it difficult to give a verdict on whether sexual and reproductive health is a priority or not. This can be seen in the development of strategies that nevertheless omit the main issues “although the linking of reproductive health with rights, freedoms and gender equality, a topic initiated in 1994 by the Programme of Action of the International Conference on Population and Development, is being discussed at international level, Romania does not attach importance to this issue and makes no reference to family planning services and access to contraceptives.”¹¹

(13) In the 3rd cycle, Mongolia recommended item 114.130 referring to the improvement of health services, in particular related to infant and maternal mortality rates. Uruguay recommended item 114.47 which talks about eradicating social exclusion and statements by public figures (political or religious) that hinder women's access to sexual and reproductive health. Belgium recommended point 114.148 which states that measures should be taken to promote women's rights, in particular to prevent discussions containing stereotypes related to women's sexual and reproductive health rights.

(14) Verdict - Mongolia's recommendation has been successfully supported, as a result of which, according to Eurostat, the infant mortality rate has been steadily declining from 2018 to date, while Uruguay's and Mongolia's recommendations, although acknowledged, have not been implemented.

(15) Recommendations:

- Introduce a strategy for sexual and reproductive health in the next National Health Strategy;
- Develop collaborations between government institutions and NGOs to find solutions to the reproductive health problems and needs of young people and adolescents;

10

https://web.facebook.com/sexulvsbarza/posts/pfbid0g668qhJTSF1JcPoSdXfwj6BbyEENTA7wBAriTk1dHda3xPsPDRBfSdvxTshqxGDLI?_rdc=1&_rdr

¹¹ Raport Sarcina la adolescente în România, pag. 24-25, https://drive.google.com/file/d/1psXXMY-0dyiQjpGqy09_YbT0helr3Vki/view?usp=sharing

- Organize regular studies related to youth and adolescent reproductive health for use in future policy decisions;
- Introduce sex education/health education as a compulsory subject in the school curriculum on an opt-out basis;
- Monitor funds to be invested in family planning clinics to ensure that all services (including free contraceptives and facilitation of sex education classes) are provided;
- Reorganize family planning services and train staff to provide adolescent and youth friendly services;
- Train staff in the health, education and social sectors and increase the number of reproductive and sexual health professionals.

2. Work

2.1. NEET Youth (not in education, employment or training)

(16) Young Romanians face a number of problems in terms of labor market opportunities and their integration after graduation. According to [Eurostat](#), in May 2022, 13.1% of young Europeans aged between 15 and 29 were not enrolled in an educational institution, did not have a job and were not part of a training or education programme. The EU's aim is to reduce the European average to no more than 9% by 2030. As far as Romania's situation is concerned, the percentages between the genders are very disproportionate, with 14% of young men being NEET, while for girls the percentage rises to 23%, placing Romania second last in the European Union.

(17) Of the 400,000 young NEETs in Romania, only 15% are registered as unemployed with the Employment Agencies (42,000), and 1% of them receive unemployment benefits, as the Romanian state considers unemployed only those people who have registered with ANOFM and declare themselves so from a bureaucratic point of view. In this respect, there are no concrete data on young people who are not working, just as there are no real and concrete data and indicators on employment contracts concluded. There are young people who do not sign employment contracts within the meaning of the Labor Code, but who sign service or entrepreneurship contracts, which are not considered as jobs in the National Employment Agency's view. On the same note, there are also young people who have a job but do not have a contract to protect them from possible abuses on the labor market.

(18) The lack of real data for young NEETs is a problem for the design of public policies targeting them. The need for a mechanism that collects and analyses concrete data from everyday reality is found both in NEET youth and in young people who are not covered by social protection because of the framing of their contract with their employer, which circumvents the rules of the Labor Code and the Internship Act.

(19) Recommendations:

- Development of programmes for NEET young people through public-private partnerships, governmental structures, NGOs, covered by the state budget through non-reimbursable external funds or European funds;
- Concrete monitoring and evaluation of NEET young people in line with reality, with a focus on those in rural areas, disadvantaged areas and vulnerable contexts;
- Development, implementation and continuous monitoring of programmes aimed at helping young people to acquire skills and competences for labor market integration after leaving secondary school or vocational education (18+ years), with a focus on young people leaving the state protection system, young mothers and young people in vulnerable areas.

2.2. Digitalisation

(20) Digitisation and increasing technology have a direct impact on the world of work, and there is a need for the state to take a series of measures that are consistent with ensuring optimal working conditions for employees. In this respect, the coronavirus pandemic has made the shift to digital a faster one, given the need for physical distance between people to prevent the spread of the virus. The context created has led the last two years to raise questions about the digitisation of bureaucratic aspects, such as the electronic signature of individual employment contracts, occupational health and safety procedures and the possibility for employees to work online¹².

(21) Digitisation and technologisation means automation of jobs, with statistics from the World Economic Forum showing that 97 million new jobs will be created by technology by 2025, while no less than 85 million will be replaced by automated processes. Digitisation also imposes the need for people to specialize and get to grips with advanced technology, with World Economic Forum data showing that by 2025 half of all employees will need to learn new technological skills through intensive training¹³.

(22) All this is evidence that digitisation is affecting the working space and there is a need for aspects of safety and security at work to be in line with the labor environment. The European Agency for Safety and Health at Work has therefore started a whole process of equalizing and balancing occupational safety and health procedures and standards to adapt working conditions to digital work and technology¹⁴.

(23) In these circumstances, Romania must adapt to the new conditions imposed by digitisation. The recommendations are as follows:

¹² <https://mmuncii.ro/j33/index.php/ro/comunicare/comunicate-de-presa/6062-digitalizarea-si-simplificarea-relatiilor-de-munca>

¹³ <https://www.zf.ro/profesii/principalele-tendintele-contureaza-viitorul-muncii-digitalizarea-20994577>

¹⁴ <https://osha.europa.eu/ro/themes/digitalisation-work>

- Adapt occupational safety and health procedures to those established by the European Agency for Safety and Health;
- Ensure digital training of employees who will be affected by digitisation through courses offered by state/private employer companies.

2.3. International Labor Organization Convention No 190 (C190) concerning violence and harassment at work¹⁵

(24) Given the international conventions of the International Labor Organization of which Romania is a part, it is only natural that Convention No. 190 of 2019 on combating violence and harassment at work should also be adopted and ratified by Romania. This Convention reinforces the others adopted on the same subject, but its purpose is to better define the undesirable acts that can occur at the workplace, and to reinforce the measures that must be taken against them.

(25) According to a study by the National Institute of Statistics, in 2013 there were more than 250,000 Romanians who reported being subjected to acts of harassment or psychological violence at work. The amendments to Government Ordinance 137/2000 and Law 202/2022 by Law 167/2020 were intended to increase the criminal penalties that can be applied for such practices, but also to define exactly what those actions are¹⁶.

(26) However, Romania's adoption and ratification of the International Labour Organisation Convention could provide a basis in international law for the practices found at state level, as well as bringing the country into line with those actively campaigning for the protection of employees' rights.

3. Participation and protection of young people and children

3.1. Prevention of radicalization through involvement

(27) Investing in youth programmes should be a priority for any state, especially in the context of the sustainable development of mechanisms for the integration, representation and education of young people. For 2021-2022, the budget allocated to the Ministry for Family, Youth and Equal Opportunities was the lowest in the budget plan and down from previous years, covering

¹⁵ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190

¹⁶ <https://www.digi24.ro/stiri/actualitate/social/legea-care-interzice-hartuirea-la-locul-de-munca-a-trecut-de-parlament-amenzi-de-pana-la-200-000-de-lei-pentru-instigare-la-hartuire-1338118>

only 183 million lei (0.008% of GDP).¹⁷ Youth programmes can focus on student camps, youth centers and hubs, organizing artistic, cultural, sports and educational events for young people, providing support for young families (with a focus on single parents and underage mothers) and programmes for non-formal and informal youth education. In this situation, underfunding is a real problem and one that can disrupt the long-term development of young people. Equally, inter-ministerial and institutional coordination and co-management can cover the short-term problem (e.g. coordination of youth projects by the Ministry of Youth and the Ministry of Education). Moreover, cooperation with youth organizations is weak and can lead to low interest of young people in public administration and state institutions.

(28) Recommendations:

- Increase the annual budget for the Ministry responsible for youth so that it can meet current needs;
- Cooperation with youth organizations and the creation of co-managed projects;
- Creating social policies for young families, with a focus on single parents and underage mothers;
- Creation of creative hubs for youth NGOs and young people;
- Attracting external funds, reimbursable and non-reimbursable, for youth projects (including Erasmus mobility, non-formal education programmes, camps, etc.).

3.2. Children Human Rights Defenders (CHRD)

(29) We often hear ourselves say that children are the backbone of our communities. We admire their perseverance and determination when they take action. But we stop there - at watching, at observing. Too rarely, as adults, as caretakers, as decision makers, we build frameworks to protect them when they fight against systems that oppress their rights.

(30) In 2018, after Child Rights Connect fiercely advocated for the topic of the protection of Children Human Rights Defenders, the UN Committee on the Rights of the Child dedicated the Day of General Discussions to the subject of “Protecting and empowering children as human rights defenders”. This opened the door to expanding the UN Declaration on Human Rights Defenders to include children as well.

(31) In Romania, child advocates are not taken seriously, largely because they are considered too young and unprepared. In our work as youth associations, we interact with child activists every day and are aware of the power imbalance between them and different actors - from teachers to authorities. We detail below two cases where children's protests were disconsidered, although their motivation was strong:

¹⁷ Consiliul Tinerilor din România, disponibil aici <https://ctr.ro/subfinantarea-tineretului-rezista-dar-guvernul/> accesat la data de 6 august 2022.

- Representatives of the Constanta Students' Association were denied access to the public meeting of the Constanta City Council. On the agenda were the new education reform laws - an important conversation for student representatives and children's interests. Students protested to attend the discussions - discussions to which they should have had unrestricted access. They recorded the incident¹⁸.
- During the Girl Up protest on sexual abuse cases in schools, the crew sent by the Gendarmerie to protect the protesters behaved in a manner contrary to their intended purpose: the actions of the gendarmes disrupted the action as they directed participants onto the pavement shouting over the victims' speeches. When several participants were verbally assaulted by a man in the street, they did not intervene.¹⁹ Moreover, a representative of Girl Up Romania was called to a private meeting in the School Inspectorate where she was told that "more important than anything is school| and children should not protest on a day when there were classes."²⁰

(32) Recommendations:

- Give children human rights defenders the same protection as whistleblowers, either by integrating them into the Whistleblowers Law form 2004 or by creating a new law based on the Whistleblowers Law;
- Creating child-friendly mechanisms for children to effectively report abuses;
- Creating a network of mental health professionals, honoring all identities, to avoid activist burnout and vicarious trauma as children are exposed to numerous cases of social injustice in their fight for equality;
- Create a protection service for child activists in consultation with civil society and taking into account that young people expose abuses including those carried out by local and national governments. The programme should be developed in such a way that their safety is not compromised when they bring such cases to light;
- The existence of a support person for activists in schools - preferably a person who has a background in activism/representative movement and who understands child rights defenders.

¹⁸ https://web.facebook.com/aeconstanta/videos/1100574557534907/?_rdc=1&_rdr

¹⁹ <https://www.instagram.com/p/CeIGPhFKtOn/>

²⁰ <https://www.instagram.com/p/Cen4efsqebf/>