

2016-09-23

## Fråga-svar

### Rumänien. Barn utan vårdnadshavare

#### Fråga

Hur ser situationen ut idag i Rumänien för romska barn utan vårdnadshavare som därför placeras av myndigheterna i familjehem, på barnhem eller liknande? Finns det någon landinformation om förhållandena på barnhem och om hur romska barn behandlas där?

#### Svar

Frågan är ganska omfattande, med flera potentiellt relevanta angränsande områden. Informationen har därför sorterats in under olika ämnen, som barnskyddssystemet, statistik, fosterhem, situationen för romer samt kvalitet, för att skapa struktur och ge vägledning. På grund av omfånget presenteras informationen antingen i form av länkar eller citat, beroende på hur grundkällan sett ut.

#### Information om det rumänska barnskyddssystemet:

European Union Agency for Fundamental Rights har på Europakommissionens uppdrag samlat information om olika barnskyddssystem i Europa: [\*Mapping child protection systems in the EU\*](#) (2015).

European Platform for Investing in Children har publicerat information om socialt skydd i Rumänien: [\*Romania: Accessible social assistance benefits, insufficient and costly education, care and healthcare services, better services for institutionalised children, limited participation\*](#) (2016).

Child Protection Index är en sida som värderat barnskyddet i flertalet länder, däribland Rumänien: [\*Overall Country Scores\*](#) (2016).

I en jämförelse mellan Bulgarien och Rumänien har paraplyorganisationen ChildPact undersökt hur barnskyddssystemet utvecklats de senaste 25 åren.

I rapporten framkommer bland annat vilka lagliga ramverk, strukturer och standarder som utvecklats: [\*Reform Steps Towards Child Protection Bulgaria – Romania A Comparative Approach\*](#) (2014).

Association SOS Children's Villages Romania m. fl. har publicerat en rapport om icke-statliga organisationers arbete inom detta fält. Rapporten berör även svagheter i det rumänska barnskyddssystemet: [\*Alternative Child Care Social Services - challenges and opportunities. Public Position Paper\*](#) (2016).

### **Statistik om barnhem/fosterhem:**

Enligt rumänsk lagstiftning placeras inte barn under två år på institution. Popescu, [\*The Situation of 0-3 Years Old Temporarily Abandoned Children, in Romania, during 2003-2013. Causes, Consequences and Alternatives.\*](#) (2016):

According to article 64 from the [Law no. 272/2004], the child under two years old can be placed "only at extended family or foster family, his/her placement in a residential care service being prohibited", with the exception of children with disabilities. (s. 347)

Artikeln av Popescu innehåller även statistik kring mängden övergivna barn och placering i fosterhem och institutioner.

Andra källor uppger att lagstiftningen ändrats till att inkludera barn under tre års ålder. Opening Doors, [\*Romania commits to ending institutional care for children under three\*](#) (odaterad):

Romania already had legislation in place prohibiting institutional care for children 0-2 but an amendment to article 64 of Law no. 272/2004 passed by the Chamber of Deputies this week extends this provision to children under three, bringing the legislation in line with the UN Guidelines on Alternative Care.

I en rapport av United Nations Human Rights Office of the High Commissioner redogörs för hur fördelningen ser ut mellan barn placerade i fosterhem och på institutioner. [\*Committee against Torture considers the report of Romania\*](#) (2015-04-24):

Regarding children in institutions, a delegate said the replacement of the old child-protection sector was a Government priority, and following major reform in the 1990s some 300 'traditional institutions' were closed down, the majority of which were for children with disabilities. Instead the Government was promoting reintegration into families or alternative family-type hostels or foster care. Romanian legislation expressly prohibited the placing of children under three years of age into institutions. The process of the deinstitutionalization of children affected was being sped up and

would be completed by 2020.

The National Authority for Child Protection was responsible for upholding the rights of children, but it had no statistics on ethnic groups in order to ensure equal treatment without any discrimination on the grounds of ethnicity, language and so on. As of 31 December 2014 there were 58,178 children in the State Protection System. There were 21,540 children living in residential institutions, of whom 17,453 children lived in the 1,153 State-run institutions and 7,235 of those children had a disability. Only 83 of the institutions were classified as 'traditional facilities' such as placement centres, and those would be closed down by 2020. There were 4,087 children living in privately-run institutions, of whom 180 had a disability. Finally, there were 36,000 children placed with families, such as foster homes or child-minders, said the delegate.

### **Fosterhem/barnhem samt situationen för romer:**

På sida 137f, sektionen *Services for Children Deprived of Parental Care*, i World Bank Groups rapport [Background Study for the National Strategy on Social Inclusion and Poverty Reduction 2015-2020](#) (2015) redovisas vilket stöd som finns tillgängligt för barn utan vårdnadshavare.

I UN Human Rights Committees rapport [Report of the Special Rapporteur on extreme poverty and human rights on his mission to Romania](#) (2016-04-08) finns på sida 5f allmän information om romers situation, och på sida 11 resoneras kring fördelningen mellan barn i fosterhem och på institutioner.

Council of Europe, [Social services in Europe: legislation and practice of the removal of children from their families in Council of Europe member States](#) (2015):

Romania does not collect statistics on the status of children in care, but NGOs I met estimated that nearly 70% of them came from the Roma minority. (s. 8)

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There is a problem with the lack of qualified personnel in Romania, in particular in rural areas, also linked to the low salaries paid in the profession, and the freezing of posts in addition to a 25% salary cut across the board for all state employees during the economic crisis. This has an effect on the system, as well, albeit a different one: It seems that sometimes children are returned to their families of origin without the prior establishment of proper conditions for their return (e.g. parental training), leading to some of them returning to the child welfare system, while yet others just go and live in the streets. (s. 12)

Rapporten har på sida 11-12 även en utläggning kring fattigdom och diskriminering som inte är specifik för Rumänien men som kan ge ett kontextuellt perspektiv.

För mer allmän information om situationen för romer i Rumänien, se även:

Kanada. Immigration and Refugee Board, [Romania: Situation of Roma, including treatment by society and government authorities; state protection and support services available to Roma \(2011-2015\)](#) (2015-10-09)

Norge. Landinfo, [Respons. Romania: Situasjonen for rombefolkningen](#) (2014-02-19)

## Kvalitetsaspekter

Då få nya, större rapporter talar om vilka förhållanden som råder i fosterhem eller på barnhem, kommer den information som finns ofta från dagstidningar eller andra källor som belyser enskilda fall, vilket gör det svårt att presentera en generell bild. Nedan ges några lästips och utdrag som kan ge en partiell bild:

Från sektion tre, som inleds med "Fewer abandoned Romanian children are living in institution-like settings today..." i World Affairs artikel [Orphaned by History: A Child Welfare Crisis in Romania](#) (2015) resoneras kring praktiken med professionella fosterföräldrar och återinförande av barn till deras biologiska familjer.

The Guardian, [Ceausescu's children](#) (2014-12-10):

Today only a third of Romania's children in the state system are housed in residential homes maintained by the state. Half of these are in what are known as "family-type" homes with five or six kids growing up together. The other half are in placement centres, larger institutional buildings that usually house between 30 and 100 kids. However, the majority of Romanian children in the state system are in foster care – Romanian foster parents are paid a salary from the state, rather than being subsidised volunteers as they are in western European countries – or placed with extended family. The government has made a public commitment to close all the remaining placement centres – roughly 170 – by 2020.

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Vişinel took me with him when he went to visit caregivers to discuss how his NGO could help. We visited a family-type apartment, which was like most that I saw: an ordinary flat in a housing block, three children to a room in which the beds take up almost all the floor space. The educators, usually women, rotate in shifts, cooking Romanian staples such as stuffed cabbage and soup, taking kids to school, helping with homework. The children were warm and fed and cared for. But, as Vişinel explained, they often grow up without possessions and without a sense of ownership. They have little agency in their lives and they suffer from a crippling lack of self-esteem.

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One afternoon we went to an emergency placement centre in a poor Roma area of Bucharest; car repair shops, crumbling housing blocks and garbage drifts. The centre was housed in an old school, set back from the road behind a 10ft solid metal fence. A three-legged dog hopped around the entrance. Inside, Vişinel talked to the director, a jolly, square-shaped woman, who talked volubly about all the things the 40 or so children in her charge centre had: a chess club, folk dancing lessons and plans for a new football pitch. But, she lamented, everything they had came from donations. The government money was not enough even to buy clothes for the children.

The director took us on a tour. The facility had recently been refurbished. It was clean and functional, but empty and depressing. A wide corridor led off to small rooms with bunk beds. A teenage girl tapped into a mobile phone at a desk. (Vişinel told me later that girls in placement centres were sometimes given mobile phones by pimp boyfriends so they could earn money doing sex chats online.) The director proudly unlocked a room full of donated computers. Once a week the children had a lesson on computers, but no, the rest of the time they were not allowed to use them.

Vişinel shook his head as we left. It had snowed the day before and the wind was cold and raw. "I promise you it was even worse when I saw it a year ago," he said.

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Things began to change in 1997, when Emil Constantinescu replaced Iliescu (although Iliescu would be elected again, serving from 2000-2004). Constantinescu ushered in a period of greater reform. His government established a new Child Protection Authority, promoted the "family-type" apartments and introduced foster care, which had never existed in Romania. The EU made reform one of the explicit conditions of Romania joining, and spent money on training foster parents and renovating accommodation for children in care.

International Business Times, [\*Ceausescu's forgotten children: Closing the last of Romania's communist-era orphanages\*](#) (2016-09-21):

Compared to the horrors of orphanages in the 1990s, however, today's institutions appear transformed. They are cleaner and less crowded. But, as Darabus points out, they still lack what they need – the care and attention provided by a stable, family environment.

Romania-Insider, [\*Ceausescu's children\*](#) (2015-11-19):

The success of foster care in Romania had a boomerang effect and, in the absence of an efficient adoption system, reintegration into the biological or extended family became a long-term solution: today, over 19,000 children are taken care of by foster parents and they spend around six years in their substitute family.

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The [ChildPact] index results for Romania were not a surprise for Guth and the team he has coordinated. We all know that we still have much work to do on the quality of services (a recent analysis shows that 80% of the centres for children with disabilities do not meet the specified standards), or the mechanisms for publicly consulting the civil society and the children who are directly involved. Romania has a low score in financing the system and ensuring the necessary human resources. And this is precisely why it does not have the capacity to look after the families of abandoned children and help them to rejoin. It does not have the resources needed to prevent abandonment (social housing, direct material support) or to establish a Child Advocate (an institution that exists in 40 European Countries).

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From 700 giant institutions for 100,000 children that existed in Romania right after the Revolution, today we only have 90 centres that are structured according to the old model (which shelter approximately 11,000 children) and 84 that have been re-arranged in a modular system, with bedrooms for fewer children. There are other 58 classic centres for children with disabilities and 45 restructured centres. In 24 years, the post-birth infant mortality in the first year of a child's life in Romania has decreased from 18% (8,471 deaths in 1990), to 4.2% (2,250 in 2009).

The numbers that show an improvement in health and caring systems in the first years of life are the same that continue to place Romania among the top countries with infant mortality. Specialists say that 10 years after introducing new laws for child protection, Romania has managed to enforce around half of what it has aimed on paper.

If you were to be part of the child protection system in 2013, in a best case scenario, your life would be more or less as follows. You are four years old, you live in an apartment with two bedrooms and one living room, you have dinner with other brothers or sisters of your age and you eat a piece of pie made by the cooking lady (who is not wearing an uniform) after she has asked all of you what would you like to eat today. You have your own toys, your own shelf with clothes – different than what others might have – you go to kindergarten along with children who have parents and no one could tell that you are in foster care. A social worker is helping your family to find a job, to solve their problems that prevent them from caring for you, and to bring you home as soon as possible. You know where you were born and who your parents are, and they know that your family-type apartment is only a temporary solution.

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Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

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(alla källor kontrollerades 2016-09-22)

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