



Global Initiative to
**End All Corporal Punishment
of Children**

ROMANIA – COUNTRY REPORT

Summary of necessary legal reform to achieve full prohibition

Corporal punishment is prohibited in all settings, including the home.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is prohibited in the home. Article 28 of Law No. 272/2004 on the Protection and Promotion of the Rights of the Child, promulgated through Decree No. 481/2004 (in force 2005), states: “(1) The child has the right to be shown respect for his or her personality and individuality and may not be made subject to physical punishment or to other humiliating or degrading treatments. (2) Disciplinary measures concerning the child can only be taken in accordance with the child’s dignity, and under no circumstances are physical punishments allowed, or punishments which relate to the child’s physical and mental development or which may affect the child’s emotional status.” Article 90 states: “It is forbidden to enforce physical punishment of any kind or to deprive the child of his or her rights, which may result in endangerment of the life, the physical, mental, spiritual, moral and social development, the bodily integrity, and the physical and mental health of the child, both within the family as well as in any institutions which ensures the protection, care and education of children.”

Schools

Corporal punishment in schools has been prohibited since 1948. This is confirmed in the Education Law (article 157) and the Internal Regulations governing schools and care institutions (articles 5 and 9). The Law on the Protection and Promotion of the Rights of the Child also applies (see above).

Penal system

Corporal punishment is unlawful as a **sentence for crime** under the Penal Code and the Constitution (1991).

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions under the Law on the Execution of Punishment (1969), the Ruling on the execution of punishment and on the measure of preventive arrest approved by the Decision of the Council of Ministers (2282/69), Government Ordinance no. 92 of 2000 on the organisation and functioning of criminals’ supervision and reintegration services, Law no. 275 of 2006 on measures taken by judicial bodies in the course of the criminal trial, Decree 545 of 1972 on serving the educative measure of children’s internment in a rehabilitation centre and the Law on the Protection and Promotion of the Rights of the Child (see above).

Alternative care

Corporal punishment is unlawful in alternative care settings under the Internal Regulations governing schools and care institutions and Law No. 272/2004 on the Protection and Promotion of the Rights of the Child (see above).

Prevalence research

A 2007 study included a nationally representative poll of 1,110 people and interviews with 155 teachers, doctors, psychologists and other adults who worked with children. Seventy per cent of the sample polled and 92% of professionals interviewed were aware that Romanian legislation included “provisions that forbid physical punishment and humiliating treatment of children”; 73% of the polled sample and 95% of professionals were aware that physical punishment and humiliating treatment of

children were banned in all settings, including the home. Almost all (97%) of professionals believed that the law was necessary in Romania; 82% of the sample felt that an information campaign for the public on child protection legislation was “greatly needed”, 14% that it was needed to some extent; 90% of professionals thought an information campaign for adults working with children was needed. Twelve per cent of the sample interviewed said they were aware of children being treated violently in the families of friends or neighbours.¹

In a national survey of 1,556 households with children, 1,295 school children aged 13-14 years, and 110 professionals, 47% of parents admitted using corporal punishment while 84% of children reported experiencing corporal punishment from their parents, including 20% who were beaten with objects and 15% who were afraid to go home because of the beatings; 16% of parents admitted to beating their children with an object, and 48% to threatening their children with beatings and other forms of punishment.²

An opinion poll of 1,200 children aged 8-13 years, carried out by Save the Children Romania during the 2002 national campaign “Beating is not from Heaven”, found that 81% considered beating to be an inefficient method of education, 70% believed that child protection against violence was inadequate, 76% believed that adults should be punished by the state for beating children, and 83% felt that corporal punishment should be prohibited by law. Four per cent reported needing medical care because of being physically punished by their parents.³

A UNICEF study of children in child protection institutions (placement centres or children’s homes for orphans and other children in need of protection) found that almost half of the children interviewed had experienced physical punishment by teachers, administrative staff or older children.⁴

For research published more than ten years ago see the research pages at www.endcorporalpunishment.org.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(30 June 2009, CRC/C/ROM/CO/4, Concluding observations on third/fourth report, paras. 58 and 59)

“The Committee notes with appreciation that following the adoption of Law No. 272/2004, the State party has now explicitly prohibited all forms of corporal punishment. The Committee is, however, concerned that given the prevalence of corporal punishment in the home prior to the prohibition, as well as the persistence of attitudes and low level of involvement in known cases by the general population, the practice of corporal punishment persists in the home, The Committee notes that corporal punishment persists also in schools and institutional settings despite the fact that they have been prohibited by law for several decades.

“The Committee recommends that the State party, taking into account the Committee’s general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel

¹ Save the Children Romania (2007), *Study on the Level of Awareness of Child Protection Legislation Among the General Population and Experts*

² Browne, K. et al. (2002), *Child abuse and neglect in Romanian Families: A National Prevalence Study 2000*, Bucharest: Romanian Government National Authority for Child Protection

³ Save the Children Romania (2002), *Child abuse and neglect*, Bucharest: Save the Children Romania, reported in Alexandrescu, G. (2011), “Romania: Banning corporal punishment of children”, in Durrant, J. E. & Smith, A. B. (eds) (2011), *Global Pathways to Abolishing Physical Punishment: Realizing Children’s Rights*, New York: Routledge, pp.210-221

⁴ UNICEF (2002), *Violenta, abuz și neglijare*, reported in Alexandrescu, G. (2011), “Romania: Banning corporal punishment of children”, in Durrant, J. E. & Smith, A. B. (eds) (2011), *Global Pathways to Abolishing Physical Punishment: Realizing Children’s Rights*, New York: Routledge, pp.210-221

or degrading forms of punishment, intensify its awareness-raising and public education campaigns, in order to promote the use of alternative non-violent forms of child-rearing in accordance with the Convention and Council of Europe 2009-2011 Strategy for Building a Europe for and with children.”

Committee on the Rights of the Child

(18 March 2003, CRC/C/15/Add.199, Concluding observations on second report, paras 42 and 43)

“... [The Committee] is also concerned that corporal punishment and other forms of abuse and neglect continue to be practised in the family.

“The Committee recommends that the State party:

- a) expressly prohibit corporal punishment in the home, school and institutions;
- b) promote alternative methods of discipline;...
- g) reinforce its efforts to prevent and combat domestic violence and abuse, including through awareness-raising campaigns designed to change public attitudes.”

European Committee of Social Rights

(March 2005, Conclusions 2005)

“The Committee recalls that Article 17.1 of the Revised Charter requires a prohibition in legislation against any form of violence against children, whether at school, in other institutions, in their home or elsewhere. It considers that this prohibition must be combined with adequate sanctions in penal or civil law. The Committee notes that corporal punishment within the family was not explicitly prohibited during the reference period. Consequently, the situation in Romania is not in conformity with Article 17 of the Revised Charter.

“The Committee notes that the new law on the protection and promotion of the rights of the child contains a provision on the prohibition of corporal punishment of children within the family and in institutions.... The Committee will examine the new legislation in the next examination of Article 17.1 of the Revised Charter.

...

“The Committee concludes that the situation in Romania is not in conformity with Article 17.1 of the Revised Charter on the grounds that:

- corporal punishment of children within the family was not prohibited during the reference period....”

European Committee of Social Rights

(1 October 2003, Conclusions 2003 Vol. 1, page 406)

“The Committee notes that legislation exists protecting children against any form of violence, ill treatment, abuse or neglect while in their parents care. However it notes that all corporal punishment of children in the family is not prohibited. It notes in this respect that there is a draft children’s law including a provision explicitly prohibiting corporal punishment in the family. It wishes to be kept informed of its progress. Meanwhile the Committee concludes that the situation is not in conformity with the Revised Charter on this point.

“The Committee concludes that the situation in Romania is not in conformity with Article 17.1 of the Revised Charter as the corporal punishment of children within the family is not prohibited....”

Universal Periodic Review

Romania was examined under the Universal Periodic Review process in 2008. Full prohibition of all corporal punishment of children was achieved in 2004.

Report prepared by the Global Initiative to End All Corporal Punishment of Children
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