**The answers of the People’s Advocate institution in Romania to the questions by the Special Rapporteur on the sale and sexual exploitation of children**

1. What is the impact of COVID-19 crisis on the nature and scope of various manifestations of sale and sexual exploitation of children, including sexual exploitation and abuse of children, both online and offline; child marriage; trafficking of children; surrogacy and sale of children; illegal adoptions and child labour?

- What are the new forms and manifestations of sale and sexual exploitation of children in the context of COVID 19 crisis?

- What are the key trends and accelerators in the context of the pandemic that may increase children’s vulnerability to the sale and sexual exploitation?

**The crisis caused by the new coronavirus is affecting the global population, creating new economic and social circumstances which have a particularly serious impact on vulnerable social groups. Factors such as restrictions on the freedom of movement, isolation, increased stress and anxiety, loss of income, can increase the risk of children becoming victims or witnesses of physical, psychological or sexual abuse in their homes, especially in the case of children already living dysfunctional family environments.**

**In this sense, the People's Advocate has taken numerous steps in order to monitor the observance of civil rights and freedoms during the state of emergency and the state of alert, established in Romania, among which we mention:**

**- The request addressed to the Minister of Internal Affairs, regarding the strategy to counter the criminal phenomenon and to ensure the safety of persons and property – April 6, 2020;**

**- Recommendation no. 95 / April 15, 2020 addressed to the Minister of Internal Affairs regarding the application of urgent measures in order to increase the security of citizens, to prevent the commission of crimes as a result of the social consequences generated by the COVID-19 pandemic, but also to increase efficiency in the activity of police officers.**

2. What essential protection measures, , including identification, reporting, referral and investigation, have been put in place to detect and prevent child sexual abuse and exploitation cases and how effective have they been since the outbreak?

**Given its role as constitutional guarantor of fundamental rights and freedoms, the People’s Advocate institution, through its structure coordinated by the Children's Advocate, resolves all petitions regarding the violation of children's rights and proceeds ex officio in individual cases of sexual abuse against minors, violence against them, cases of minors running away from residential centers, etc.**

**In such cases, if the violation of certain rights is found, the People's Advocate issues a Recommendation, which represents the most significant / powerful instrument with which it operates.**

**As an example we mention, Recommendation no. 100 / April 30, 2020 addressed to the management of the General Directorate of Social Assistance and Child Protection Bihor County, regarding the measures taken in the case of a 12-year-old minor, sexually assaulted by the mother's concubine. The ex officio notification was registered at the Timișoara Territorial Office of the People’s Advocate institution, under no. 289 / June 15, 2020, regarding the case of a sexually exploited minor (in this case, information was requested from the Arad County Police Inspectorate and the General Directorate of Social Assistance and Child Protection Arad).**

3. Have there been any initiatives on collecting disaggregated data on specific forms and manifestations of sale and sexual exploitation of children during the pandemic and assessing the near and long-term impacts of COVID-19?

**At the level of the People's Advocate institution, no data were collected in this respect.**

4. Please, share information about challenges faced in the provision of undisrupted healthcare, education and legal aid, as well as care recovery and reintegration services for the victims in the context of the outbreak.

**Monitoring the rights of the child during the state of emergency / alert in the context of the COVID-19 epidemic was a priority of the People's Advocate institution. In order to ensure the observance of the right to education, as well as the right to health care, multiple actions have been taken, including:**

**- Ex officio notification no. 7614/2020 following the information disseminated in the press, but also reported in the petitions received, stating that, at the level of the whole country, a significant number of students and teachers don’t have access to digital tools or internet so they are unable to attend online classes, which have become mandatory.**

**- Request addressed to the Ministry of Education and Research for the clarification of some aspects regarding the interpretation and application of Order no. 4135 / April 21, 2020 on the approval of the Instructions for increasing and/or strengthening the capacity of the pre-university education system through online learning;**

**- Request addressed to the Minister of Education and Research regarding the necessity to urgently regulate the methodology for organizing and unfolding of the aptitude tests for admission in vocational high schools, as well as their structure, but also those related to aptitude tests within the Baccalaureate exam, adapted to the conditions imposed by the epidemic SARS COV2;**

**- Request addressed to the Minister of Health and the Minister of Internal Affairs regarding the provision of protective equipment and devices necessary to combat COVID-19, needed by doctors – April 1, 2020.**

**- Request addressed to the Strategic Communication Group, regarding the psychological assistance for quarantined persons – March 31, 2020;**

**- Request addressed to the Prime Minister regarding the capping of prices for certain medicines, medical devices and sanitary products - March 31, 2020;**

**- Recommendation to the Minister of Internal Affairs on the right to health care and the right to social protection for the category of vulnerable persons in institutional care – April 9, 2020;**

**- Request to the Minister of Internal Affairs regarding, inter alia, clarifications on the content of Order 74553/2020, namely the interpretation of the notion of medical emergencies April 10, 2020;**

**- Request addressed to the Minister of Health regarding the provision of a legal framework to readjust the measures to prevent and combat the spread of COVID-19, for persons in residential centers (beneficiaries and employees of the centers) – May 13, 2020;**

**- Request addressed to the Minister of Health regarding:**

* **the legal framework establishing the measures for the protection of patients with oncological conditions who absolutely need to come to the hospital in order to undergo the necessary treatments;**
* **the possibility for people suspected of having oncological conditions to come to the hospital to carry out the investigations necessary to detect the oncological condition, as well as what are the means available, in the context of the COVID-19 pandemic - May13, 2020;**

**- Request addressed to the Minister of Health regarding the restriction of access for patients with chronic diseases to hospitals designated as Covid-19 support hospitals, by ministerial order, based on the provisions of Decree no. 195/2020 regarding the establishment of the state of emergency on the Romanian territory, respectively of the Decree no. 240/2020 on the extension of the state of emergency on the territory of Romania, May 29, 2020**

**- Recommendation no. 116 / June 5, 2020 addressed to the Minister of Health - it is recommended to urgently issue a circular to all COVID-19 support hospitals, with the instruction to resume the scheduled hospitalizations and surgeries, as well as the activity in the outpatient clinics.**

5. Have there been examples of innovative solutions to ensure effective functioning of child protection and justice systems that are resilient, adaptable and able to withstand the next crisis?

**The People's Advocate requested from all the General Directorates of Social Assistance and Child Protection information on the measures adopted for the prevention and management of the situation generated by the COVID-19 pandemic in the social services, to observe the rights of beneficiaries and staff, as well as information on the evolution of the situation in residential centers.**

6. How relevant and functional were the existing legal frameworks dealing with prohibition, prosecution, protection, care, assistance and prevention in relation to all forms of physical, mental and sexual violence against, exploitation and neglect of, and harmful practices in relation to children?

**The People's Advocate proceeded ex officio regarding a possible violation of Art. 49 of the Constitution, on the protection of children and young people, the ex officio proceeding having as object the way of investigating and solving the cases of sex-related offenses with minor victims. In this regard, the People's Advocate requested information from the Superior Council of Magistracy. It also asked the National Institute of Magistracy to pay more attention to the issue of sexual abuse of minors in the training of magistrates. In addition, the People's Advocate requested from the Prosecutor's Office attached to the High Court of Cassation and Justice statistical data on crimes against the sexual liberty and integrity, with minor victims, for the period 2015-2020, as well as a point of view on the opportunity to introduce in the Criminal Code provisions on the lack of capacity of juvenile victims of offenders, similar to those provided for juveniles who commit crimes.**

7. Has there been a surge of resource allocation, actions plans or coordination mechanisms, prevention and response services for the protection of children from all forms of violence, abuse and exploitation?

**During the COVID-19 crisis, the People's Advocate addressed the National Agency for Equal Opportunities between Women and Men and all the General Directorates for Social Assistance and Child Protection regarding the situation of victims of domestic violence, given that, following the social isolation measures imposed against the spread of the new coronavirus, victims are forced to stay in isolation with their aggressor and could become hidden/indirect victims of the pandemic.**

**In many cases of domestic violence, children are both witnesses and direct victims of parental abuse. Thus, information was requested on the specialized structures which deal with such situations and the services provided to victims of domestic violence, and a more intense media coverage was recommended during this period to make better known the possibilities of access to these services by potential victims.**

**Bucharest**

**17.06.2020**