

**Statement by the European Roma Rights Centre On the Occasion of the
Organization for Security and Co-operation in Europe
Human Dimension Implementation Meeting
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Life Sentence: Overrepresentation of Romani children in state care

Research has documented some of the ways that Romani children are disadvantaged compared to their non-Roma peers: they are subject to, *inter alia*, segregation in education which severely limits their chances to start a quality life, and they are among the primary victims of human trafficking. Romani children are also disproportionately negatively impacted by removals from their family, and overrepresented in the Institutional State Care system.

A recent multi-country study, conducted by the European Roma Rights Centre (ERRC), in partnership with the Bulgarian Helsinki Committee, the Milan Simecka Foundation and osservAzione, revealed that Romani children are significantly overrepresented in state care institutions in Bulgaria, the Czech Republic, Hungary, Italy, Romania and Slovakia. The dire socio-economic situation of Romani families, as well as systemic discrimination in the child protection system are at the root of this overrepresentation.

In **Bulgaria**, official data show that around 50% of the children in the state-run children's homes and about 33% of the children in state-run homes for children with intellectual disabilities are Romani. In the **Czech Republic**, an official estimate indicated that 33% of children in institutions were Romani, while 40.6% of the children in the sample of children's homes visited were Romani. In **Hungary**, Romani children constitute 65% of the children in State care institutions visited, according to ERRC research. In **Italy**, migrant Romani children make up around 10% of the children in the institutions visited. In **Romania**, 28% of children in the homes visited are Romani. Remarkably, an official source reported that Romani children constitute up to 80% of children's home population in Brasov County. In **Slovakia**, 82.5% of the children in the institutions visited by the ERRC are Roma.

These figures are prima facie evidence of overrepresentation, given that the proportion of Romani children in state care is much higher than the proportion of Roma in the overall population in all countries of this study.

The research revealed a myriad of factors contributing to the overrepresentation of Romani children in state care, which can broadly be broken down into two main categories: those related to the situation of the family and those related to the child protection system itself. Discrimination is a factor in both of these categories.

As concerns the situation of the family, numerous factors were highlighted during research including poverty and material conditions (including unemployment, indebtedness and inadequate housing), school absenteeism, single parenthood (especially single motherhood) and unwanted pregnancies and migration. Child abuse was noted in some cases, but overall this was considered a very small factor in the placement of Romani children in state care.

While poverty and material conditions were reported by at-risk Romani parents and child protection workers to be the most common reason for child removal, in some countries, such as the Czech Republic, Hungary and Italy, states ostensibly prohibit the removal of children from their families due to these factors.

With respect to the child protection system, some Romani families perceived discrimination against them on the part of child protection actors, which is borne out by other evidence of discriminatory attitudes and prejudice amongst child protection actors. Social workers may assume that Romani families are not able to raise and educate their children.

For many institutionalised Romani children, reintegration into the family setting is unlikely and their ethnicity reduces their chances of adoption, meaning that many Romani children spend their entire childhood in state institutions. In all countries, adoption authorities reported that many prospective adoptive parents are not willing to adopt Romani children. There were also reported cases of adoption workers preventing the adoption of Romani children.

The Constitutions of all six countries of this study guarantee the protection of the child and the family without discrimination. All six have adopted specific laws which govern child protection matters, with the best interests of the child as the prevailing legal principle.

Bulgaria, the Czech Republic, Hungary, Romania and Slovakia have policies on children's rights and child protection in place. However, only in Hungary and Romania do the policies specifically recognise Romani children as a vulnerable group.

Key Recommendations

On the basis of the findings of this study, the European Roma Rights Centre recommends to the governments of Bulgaria, the Czech Republic, Hungary, Italy, Romania and Slovakia the following actions:

1. Set standards for the collection of comparable data about the number of Romani children in State care; Annually collect comparable data disaggregated by ethnicity, gender, disability and other relevant factors, in the areas of child protection, education, housing, employment and health care, with appropriate measures to protect the personal data of children and families;
2. Set policy objectives, benchmarks and indicators, targeted programme plans and monitoring and evaluation systems to prevent the separation of Romani children from their families;
3. Develop a set of objective criteria and methodological guidance by which to define and assess child endangerment, accounting for all aspects of parental and familial contribution to the development of the child (not only material concerns), against which adequately trained social and child protection workers, guardians, notaries, judges and other competent authorities can make objective recommendations and decisions regarding the removal of children from their families;
4. Provide free legal support to families at risk of child removal, especially those endangered by discrimination and social exclusion;
5. Develop measures and target funding to support families who are unable to provide their children with adequate conditions and to prevent the removal of their children on material grounds. Review child protection policies and anti-poverty policies with a view to identifying any gaps and programming needs;
6. Implement positive action programmes to support Roma to access employment and quality education in line with the targets established in the Europe 2020 Strategy (75% employment, below 10% school drop-out rate and at least 40% completion of tertiary education) and relevant national policies; and
7. Implement positive action programmes to facilitate the employment of Romani professionals in child protection services.