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Revista de cercetare și intervenție socială

Review of research and social intervention

ISSN: 1583-3410 (print), ISSN: 1584-5397 (electronic)

Selected by coverage in Social Sciences Citation Index, ISI databases

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Revista de cercetare și intervenție socială, 2009, vol. 24, pp. 41-71

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Published by:

Lumen Publishing House

On behalf of:

„Alexandru Ioan Cuza” University,

Department of Sociology and Social Work

and

Holt Romania Foundation

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Child rights based analysis of children without parental care or at risk of losing parental care in Romania

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Abstract

The purpose of the analysis is to identify the causes which lead to the loss of parental care in Romania, the risks faced by the children at risk of losing parental care, the children's rights which are most often violated and the consequences thereof. Moreover, the research aims at identifying the main trends in Romania with respect to social problems that affect children and their families, to support certain actions which must be undertaken at institutional level for interventions regarding the improvement of the status of Romanian children and the consolidation of the family. For this analysis the stakeholders (representatives of central and local, public and non-governmental, national and international organizations) have been consulted as well as the children (by means of a focus group where the children of SOS Village and children of the community participated)².

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² The research has been financed by SOS Kinderdorf. This document offers the information necessary for supporting the SOS Children's Villages Romania in the elaboration of a strategy for developing their programmes taking into account the needs existing in Romania, the current tendencies to amplify some problems, public policies, available resources and the organization's strategic objectives regarding children support. The current document will help SOS Children's Villages Romania to focus their resources and to develop programmes and activities in the locations where there is the greatest need and in the areas of support where the effects will have the greatest impact. This will help realise the main strategic aim of SOS Kinderdorf.

Keywords: *Children at risk of losing parental care, parenting, child protection, child abuse, childhood, foster care.*

Introduction

The analysis is organised in six main sections:

1. General information about Romania
2. Profile and number of the children at risk of losing parental care and those in out-of-home care.
3. Review of the violations of the rights of children at risk of losing parental care and those in out-of-home care.
4. Responsibilities and obligations of institutions (governmental and non governmental) and their main strategies
5. Comments and suggestions

The fundamental changes in the children care system in Romania marked the emergence and development of alternative care services (group homes and foster care) and the diversification of specialized services dedicated to the children and their families. At this point in the development of the services, public policies materialized in current legislation encourage the development of services for prevention and strengthening of the family by means of community services. However, although rhetoric supports this strategy, from a functional point of view there is no real financial decentralization to support the development of prevention services in the community. In the past five years a quasi-constant number of children integrated in different protection systems have been registered (around 70,000 children, out of which approx. 25,000 children are placed in an extended family). This reality is consolidated by the tendency to transform child placement into a protection system as a long-term solution and the substitution of biologic parenting by foster care. At the same time, the 25,000 children placed in extended families do not benefit from coherent and useful social services from the authorities. Child abuse, neglect, labour exploitation, school dropout, births by minor mothers represent major causes for children's loss of parental care or for poor life conditions, which do not help them in developing their potential. The violation of children's rights by their parents (due to lack of information, low and inadequate level of parental abilities, problems within the family environment), by adults and by the institutions represents a dramatic state-of-affairs (discrimination based on ethnicity, diseases, social group etc.), the violation of the right to an identity, to development, to access to medical, social and educational services etc.). The child's peripheral centrality represents another problem identified: although the child is most often in the centre of institutional rhetoric and political speeches, institutional practices place the child at the institutional periphery; the low wages in the system for children's rights protection, staff turnover, and lack of coherent

intervention strategies trigger low quality services, fragmentation and isolation of community services. The lack of convergence of medical, educational and social services triggers inefficient interventions and resource waste, without leading to the improvement in the children's life condition.

At institutional level, the following problems were identified:

- General issues related to the lack of a real decentralization process
- Poor coordination between the central, county and local level
- Low interest of deconcentrated institutions in applying the national child protection strategy
- Excessive bureaucracy and the existence of the child's „peripheral centrality” (the child is in the center of institutional rhetoric but at the periphery of institutional practices)
- Staff turnover due to low, inequitable wages in the field of social services in comparison with similar positions within other ministries (of justice, of health)
- Poor promotion of national strategies at local level
- The roles regarding the provision of services are not very well understood at local level
- There is not enough convergence of social, medical and educational services dedicated to the child
- Local authorities (towns and villages) do not take on the responsibility regarding the development and provision of prevention services and continue to attribute these responsibilities to DGASPC (General Directorate for Social Assistance and Child Protection)
- Local authorities focus on investments in infrastructure to the disadvantage of social services
- Lack of a need identification system at local level regarding services dedicated to children and their families

In order to ensure the conditions for the children's development within a safe and secure family environment which supports them in reaching their potential, it is necessary to develop and support prevention programmes at community level which, in the current stage, must be consolidated by offering a minimum of services at national level: individual counselling, support groups, parental education and consolidation of community boards. The experience of SOS Children's Villages may constitute an important resource in supporting this process of development of services dedicated to family strengthening, stimulation and involvement of the community for offering such services at community level. Group interventions and parental education may represent extremely efficient intervention methods for developing the parents' knowledge level, changing the attitudes and developing parental abilities and integrating parents in groups of equals, the latter being necessary for socialization and social integration.

A short description of the general analytic process and the methodology used

Information sources

- UN Convention on the Rights of the Child
- Law No. 272/2004 on Protection and Promotion of the Rights of Child.
- Law No. 273/2004 on Legal Basis for Adoption.
- Official country reports on implementing the UN Convention on the Rights of the Child
- FONPC, Report of the Federation of Non-governmental Organization for Children - FONPC - to the UN Committee on the Rights of the Child – Geneva regarding the third regular report of the Romanian Government, for the period 2003-2007
- Save the Children, Alternative report to the third and fourth regular report forwarded by Romania to the UN Committee on the Rights of the Child, period 2003 - 2007
- ANPDC, Report of the children regarding the observing of the rights of the child in Romania, 2007.
- Statistic reports of the National Institute of Statistics
- Consultations and discussions with the representatives of the responsible institutions
- Specialized literature presenting studies in the field of child protection
- UNICEF reports on the children' situation in Romania
- Reports of the Word Bank

Methods of analysis

Document analysis

The document analysis was aimed at identifying the data, points of view and arguments regarding the rights of the child, situation of the Romanian children, analysis of laws and existent statistical data regarding the Romanian population, children situation and the existent services.

Consultations with the representatives of the responsible institutions

For consultations with the representatives of the responsible institutions, a focus group was organized that brought together representatives of the central and local institutions, NGOs, international organizations. The focus group was also joined by 1 representative of ANDPC (National Authority for the Protection of Children's Rights), 2 representatives of UNICEF, 1 representative of DGASPC (General Directorate for Social Assistance and Child Protection), 1 representative of the city hall, 5 representatives of the NGO and 1 representative of the university.

Consultations with the children

In order to find out how children appraise the way in which their rights are observed, a focus group had been organized to which 9 children participated (from the community and from the SOS Village Bucharest).

Data convergence

The collected data were analyzed, interpreted, and organized taking into account the grid analysis and the indicators established by SOS Children's Villages.

Description of the representatives of the responsible institutions included in the process

The focus group includes representatives of:

- National Agency for Child Protection
- General Directorate of Social Assistance and Child Protection Bucharest, 1st district
- Public Service for Social Assistance Sibiu
- UNICEF
- World Vision Romania
- Save the Children Romania
- Foundation for Community Support Bacau
- „Al. I .Cuza” University from Iași
- SOS Children's Villages Romania

General overview of the situation – general information about the country

Romania is a parliamentary republic. Starting January 1, 2007, Romania became integrated with the European Union, an event which represented a crucial moment for Romania. The accession, especially the reforms which accompany it, brings significant positive changes in all Romanian sectors and fields. However, the social restructuring and the systematic reforms are still under development, presenting major deficiencies within the social field (UNICEF).

Macroeconomic situation

Romania is experiencing an important economic growth, with an average for the last four years of approximate 5.5%, generated by increased productivity, innovation, a better allocation of resources and, occasionally, by a demand surplus,

as results from the 2007 Word Bank Report. The macroeconomic gains lead to the consolidation of the middle class and try to attenuate the poverty rate which continues to be very high within the whole Romanian territory (with a rural rate twice bigger than the urban rate). The poverty rate is high among children, of 25% (more than 1 million) out of which 8% (more than 350,000) live in extremely poor conditions. Poverty among Rroma children is third times bigger than the one of the majority population.

Table 1. Macroeconomic Outlook³

Output growth			Inflation HICP average			Current account as % of GDP			Fiscal balance (GG), % of GDP		
2005	2006	2007	2005	2006	2007	2005	2006	2007	2005	2006	2007
4.1	7.0	6.0	9.0	5.0	5.0	-8.6	-10.5	-11.8	-0.8	-1.0	-2.8

In the last three years, the average economy's salary has increased, accompanied by the increase of the mandatory minimum wage (from January 1, 2009, the minimum salary for employees of the private sector, with no higher education, is RON 600, and for those with higher education, RON 1,200). These provisions do not apply to public sector employees.

The low percentage of active population and jobs, a significant rural sector (45% of the population), large disparities between regions and a high level of poverty make that the vulnerable social categories not to experience this economic growth. Accompanied by these social dimensions, the permanent rigidity of the economic and social structures represents an important challenge that has to be faced in order to improve the social protection system for the vulnerable population. In 2007, the total income⁴, in nominal terms, was RON 1686.7 per household and RON 577.7 per person, with 21.7%, and 22.1% respectively higher than in 2006. The main source of the total income was, both in 2007 and in the previous year, the monetary income (81.1%, higher with 0.4 percents compared with 2006). Another category of income with a rather important weight in the structure of total income of households, both in 2007 and in the previous year, is represented by incomes from social benefits (19.8%).

In 2006, the regional repartition of GDP per inhabitant is the following:

³ Source: World Bank EU8+2, Regular Economic Report, 2007.

⁴ INS (National Institute of Statistics), Report on the coordinates of the standard of living in Romania, Incomes and consumption of the population in 2007.

Table 2. Regional GDP in 2006⁵

Area	Mil. RON (GDP in 2006)	RON/inhabitant (GDP 2006)
NORTH-EAST AREA	38429,9	10295,8
SOUTH-EAST AREA	38508,7	13569,8
SOUTH AREA	44301,4	13374,6
SOUTH-WEST AREA	28589,2	12463,2
WEST AREA	35788,9	18570,1
NORTH-WEST AREA	40806,2	14946,6
CENTRAL AREA	40291,2	15920,2
BUCHAREST AREA	77710,5	35012,1

Labour market⁶

At the beginning of 2008, the labour resources were of 13772.7 thousand persons, representing 64.0% of the total population of the country, lower with 28.9 thousand persons *compared with the previous year*. The main share in labour resources was held by men (51.7%). In 2007, persons who are of an age when capable to work covered 94.9% of the total labour resources. The proportion of men was 4.8 higher than that of women. The persons under and above this age who were still working, represented 5.1% of the labour resources; within this category, the women were the majority (62.6%) (INS)

The employment of the labour force (the percent of the employed persons within the labour resources) was of 63.4%, with 2.0% higher *compared with 2006*. The employment of females was of 61.3%, lower with 4.0% compared with the employment of males. In 2007, the activities with a high degree of feminization of the employed population were: health (77.8%), education (68.1%), finance, banks and insurance (68.0%), hotels and restaurants (56.7%), public administration (55,6%), agriculture, hunting and forestry (52.7%). Employed men were predominant in all the other economic activities, with extraordinary percents in fish farming activities (90.6%), constructions (85.1%), mineral-extracting industry (84.8%) and transport, storage and communications (75.8%).

Employment⁷

On January 1, 2008, the civil active population was of 9093.7 thousand persons, representing 42.2% of the total population of the country. *Compared with the previous year*, the number of active persons increased with 163.9 thousand persons. Within the active population, women had a lower weight compared with

⁵ Source: INS (National Institute for Statistics)

⁶ The data is extracted from the INS reports, Labour force balance on January 1, 2008.

⁷ According to the data included in the INS report; Labour force balance as at January 1, 2008.

men (46.7% of women compared with 53.3% of men). Out of the female active persons, 96.1% were employed and 3.9% unemployed. Within the total civil active population, employed population had a weight of 96.0%. The activity rate of the labour resources (percent of the active persons within the labour resources) was of 66.0%, higher with 1.3% *compared with the previous year*. The allocation of the civil employed population to activity sectors shows that the non-agricultural activities had a weight of 71.8%. 42.5% of the employed persons worked in commercial⁸ and social services⁹, and 29.3% in industry and construction. The weight of the employed persons within the agricultural sector¹⁰ was of 28.2%; in agriculture, worked 27.8% of the employed persons. Out of the total persons employed in non-agricultural activities, almost a third (31.3%) worked in industry, 19.2% in trade, 9.5% in constructions, 7.8% in real estate transactions, 7.6% in transport, storage and communications, 6.8% in education, and 6.3% in health.

Unemployment¹¹

The number of unemployed persons registered for employment, at the end of 2007, was of 367.8 thousand persons (166.6 thousand women), lower *compared with the previous year* with 92.7 thousand per total (24.8 thousand women). The registered employment rate (calculated by comparing the number of registered unemployed persons with the civil active population) at country level was of 4.0%, 1.2% lower compared with the end of 2006. The unemployment rate registered for men was of 4.2% and for women, of 3.9%. The unemployment rate on December 31, 2007 reached the highest values in North-East, South Muntenia and South-West Oltenia regions (5.1%) and the lowest in North-West (2.9%) and Bucharest–Ilfov (1.7%).

Education status of the population¹²

Population undergoing professional training and other categories of active population represented for the North-East and South-East regions 43.1% and 40.2% respectively of the total resources of the region. Women represented a majority within the total population undergoing professional training and other categories of active population within the most of the country regions, from 50% in South Muntenia region to 55.9% in Bucharest–Ilfov region.

⁸ Commercial services include the following activities: trade, hotels and restaurants, transport, storage and communications, financial intermediation and real estate transactions.

⁹ Social services include the following activities: public administration, education, health and other services.

¹⁰ The agricultural sector includes: agriculture, hunting, forestry and fish farming.

¹¹ The data is included in the INS report, Labour force balance on January 1, 2008.

¹² According to the data included in the INS report, Labour force balance on January 1, 2008.

The situation of the school age population at the end of 2007 was the following:

Table 3. *School age population*¹³

Category	No.
I-VIII grades	1.789.693
Secondary/high school	791.348
Vocational school	285.480
Post-secondary school	45.528
Universities	907.353

Over 2000-2007, school age population from middle schools registered a significant decrease, from 2,411,505 to 1,789,693 (with 25.78%).

Profile and number of the children in target group

Children without parental care

The child protection system tends to keep constant the number of children found in one of the forms of protection, is less efficient as regards the follow up of the finality of the Individual Care Plan (reintegration into a family, adoption and socio-professional integration of young people above 18 years of age), and the application of case management in the current form does not lead to an efficient enough intervention in reaching these goals, the children remaining for a long time outside the biological or extended families. The data provided by DGASPC and ANPDC create the image of a child protection system which tends to be self-conserving. Table 4 shows that the number of children found in a form of protection (residential system and foster care) were quasi-constant during the period 2005-2008. On the other hand, child placement with relatives or other persons has tended to decrease in the last years. This situation reflects the fact that, on the one hand, the number of entries of children into the protection system is maintained at a high level (6,070 new entered children in 2006, which represent 14.8% of the total number of children existent in different forms of special protection (*Cojocaru and Cojocaru, 2008*), and the reintegration into family is more natural because when reaching 18 years of age the obligation exists to leave the protection system; thus, the national statistics show, for example, that in 2005, 55% of those who were reintegrated into families are young persons above 18 years of age; thus, from those 3,236 children who were reintegrated into families, 1,772 were young persons above 18 years of age or who had finished their studies and left the child protection system (*Cojocaru and Cojocaru, 2008*). The maintaining of a high number of children entering into a type of protection may be an

¹³ Source: INS (National Institute of Statistics).

effect of several causes: poverty, alcohol consumption, domestic violence, lack of education, lack of some prevention services, etc; from the point of view of responsibility assumption, we consider that the pressure to which DGASPC is exposed in order to take some protection measures is a result of poor development of the services for the prevention of child separation from his/her family at local level. Even if the law package on the rights and protection of the child included this profound amendment as regards the accountability of local communities regarding prevention services, in practice, the effects on the development of prevention services are less visible, even if SPAS (Public Service for Social Assistance) were established and authorized, in some counties, specialized personnel and a network of community social referral agents under development exist, a network of community medical assistants was developed as a valuable resource in offering some services of identifying the risk situations and in offering some services with effects on the prevention of child separation from his/her family.

Table 4. *Evolution of number of children in different forms of protection¹⁴*

	January 1, 2005	January 1, 2006	January 1, 2007	January 1, 2008	September 30, 2008
Children within the protection system ¹⁵ (DGASPC and NGO)	45.861	46.242	46.155	45.516	44.845
Placements with relatives up to the fourth degree, or other persons ¹⁶	34.405	29.829	28.062	25.758	24.887
Total children in a form of protection, including the one of relatives or other persons	80.266	76.071	74.217	71.274	69.732

From the analysis of the statistical data offered by the management of DGASPC within the country, we may draw the conclusion that the total number of institutionalized children decreased in 2005 by approximately 19.58% compared with January 1, 2006 (15,769 children in placement centres on December 31, 2005), and the majority of counties registered a decrease of the number of children in this form of protection (Cojocaru and Cojocaru, 2008). This fact is due mainly to the policy developed within the field of child protection which had two major directions: deinstitutionalization by creating some alternative services (family type units integrated within the community and foster care) and by forbidding the placement of small age children (0-2 years) into institutions.

¹⁴ Source: ANPDC, Cojocaru and Cojocaru, 2008.

¹⁵ In this category are included children within placement centres, family type units (group home) and those in foster care.

¹⁶ Here are included children in care of relatives up to the fourth degree and those in care of families, which are not their relatives.

Table 5. *Distribution of children by age in the residential system¹⁷*

Residential type services	under 1 year	1-2 years	3-6 years	7-9 years	10-13 years	14-17 years	above 18 years	TOTAL
Public ¹⁸	204	310	1474	2077	4236	6195	5273	19.769
Private ¹⁹	8	50	565	793	1094	1129	718	4.357
TOTAL	212	360	2.039	2.870	5.330	7.324	5.991	24.126
percent	0,9%	1,5%	8,5%	11,9%	22,1%	30,4%	24,8%	100%

Table 5 shows us that the majority of the children in residential system are included within the age category of 14-17 years, which requires the organization and performance of training programs for the socio-professional integration of the young persons who has to leave the protection system. From the category of those above 18 years of age (24.8%), the majority are young persons with disabilities located in specialized placement centres.

We would like to highlight the fact that, at national level, a tendency of continuous growth of the foster care system appears; compared with January 1, 2005, we can notice that in 2005, the number of children in foster care placement increased with 13.07% and, until September 2008, it has increased with 35.34% (compared with January 1, 2005); in September 2008, in foster care there were 20,719 children (ANPDC). These data reflect that there is no efficiency in reintegration into family of children and in adoption of those for whom the return to the biological or extended family is not possible; the foster care tends to become a permanent solution for the children separated from their parents, the foster family becomes a permanent replacement family and not in co-parenthood with the biological family (Cojocaru, 2008a), becomes a form of protection which is more and more expensive, fact that fees vivid discussions regarding the dilemma which put into balance the foster care and the support for the biological families.

The placement of children with relatives up to the fourth degree or other persons represents an alternative in taking protection measures for the child in difficulty and a form of protection of children with no parental care. The number of children placed with relatives or other families has decreased in the last years, but they do not benefit from adequate social services and an efficient monitoring of the authorities (on September 30, 2008, a number of 24,887 children were placed with relatives and other families).

¹⁷ Source: ANPDC, September 2008.

¹⁸ Meaning residential institutions managed by DGASPC.

¹⁹ Meaning institutions or family type centres (group homes) managed by NGO.

The data made available by DGASPCs show that in 2005, from the foster care system, placement centres and family type units, a number of 211 children were placed with adopting families, majority from the foster care system (91% of the total number of children which left the protection system). Considering the number of adoptions made in 2006, as finality for the adoptable children from foster care and residential system, their number is too small compared with the number of children entrusted for adoption. This indicates that approximately 60% of the national adoptions made in 2006 represent the result of some simple placements with adopting families; these children do not come from institutions or foster care. One explanation could be that a practice has been developed by which the children are placed directly with adopting families, without being entrusted for adoption; the fact that a child is placed with the adopting family without being in a form of protection (foster care or residential system) represents the inefficiency of a case management, the lack of an Individual Care Plan to be monitored by the adoption service and the national adoptions are discouraged even if the number of children in different types of protection is increasing. The difficulties identified within the adoption process are the following: the difficulty to identify the parents and relatives of the child, the court took over new attributions but was not prepared for these in 2005, the long period of time necessary for the issuing of court decisions, the practice of direct placements with foster families.

Children at risk of losing parental care

According to the country report, the implementing of Law 272/2004 leads to a considerable improvement of the prevention services/activities. In reality, the transfer of responsibilities for the prevention services to the local authorities was not accompanied by a proper transfer of financial resources, development of infrastructure and human resources in order to allow the taking over in good conditions of the transferred services and the fulfilment of responsibilities. The new legal provisions, applicable from January 1, 2005, found the local authorities total unprepared (the precarious situation at local level is otherwise confirmed by the data presented in the country report (FONPC)²⁰. The analysis of children's situation made by UNICEF²¹ in 2006 showed considerable deficiencies and new challenges regarding the observance of the rights of vulnerable, excluded and discriminated children in Romania. There are still children, especially teenagers, who live and/or work on the streets, and even children which are victims of trafficking in human beings, even if Romania is rather a transit country and not a source country in this process.

²⁰ According to the alternative report of the Federation of Non-governmental organizations for children (FONPC) for the period 2003-2007.

²¹ UNICEF, http://www.unicef.org/romania/ro/resources_2652.html

The lack of efficiency of the family support and prevention measures is proven by the fact that the percentage rate of number of children separated from their families (beneficiaries of one of the protection measures) has not suffered major changes within the last 10 years. In 1997, there were an 98872 children separated from their family, out of a total population of 5940000 children, and at the beginning of 2007, the number of children separated from their families was of 73,286 (data from ANPDC), from a total population of 4,554,332 children (data from INS). This means that, if in absolute numbers, the number of children in special protection system decreased by 25,586 children, the percentage rates in comparison with the total population of children suffered insignificant changes, 1.66% in 1997 and 1.60% in 2007 (FONPC, 2007). In the same context is included the situation of leaving the children in maternities and paediatric hospitals, which represented a share of approximately 25% (1,496 cases) from the total of 6,080 new entries into the special protection system, and, especially for the age group of 0-1 year, this was the main entry gate to the protection system (62% of the cases - 1,136 children from a total of 1,822 new entries for this age category). The data is available for 2007, according to the ChildNet study on the services for prevention of child separation from his/her family, (Cojocaru and Cojocaru, 2008).

The occupancy rate in kindergartens was of 76.2% in the year 2006-2007, with a registered increase of 3.2%. At the same time, as regards access to pre-school education, the discrepancies by place of residence tend to deepen against the rural environment (the difference is of 5.9% in 2006-2007). *Save the Children* noticed that even in Bucharest, state kindergartens face an acute lack of places, and the school inspectorate recognizes that there are 10,000 children over the number of available places²². Out of the data offered by INS, an extremely high diminishing of the pre-school units results:

Table 6. *Evolution of the number of pre-school units*²³

Pre-school units	2003	2004	2005	2006	2007
Total:	7616	5687	3769	1720	1731
Urban	2672	2559	2077	1502	1521
Rural	4944	3128	1692	218	210

Also, the acute problem of covering the educational offer for the early education of children of less than 3 years still exists, since this issue is currently improperly developed in Romania. The statistical data of ANPDC suggest that the occupancy level of children in kindergartens increased from 76.2% in 2007 to 81.8% in 2008.

²² Save the Children, 2007, alternative report.

²³ Source: INS (National Institute of Statistics).

Services related to the prevention of child separation from his/her family

On September 30, 2008, the number of children benefiting from prevention services was of 36,971 (out of which, 14,141 children was benefiting from services in day care centres and 22,800 children were beneficiaries of other types of prevention services²⁴). As the ANPDC statistics indicate, 13,632 children benefited from the prevention services organised by local councils (36.87% of the beneficiaries), 6,656 children were included in prevention services developed and managed by NGO's (18.00% out of the total number of beneficiaries) and 16,683 children were included in prevention programs developed by DGASPC (45.12%). These figures indicate that the local authorities begin to acknowledge the need of social services at the level of community and the inertia of the system within the decentralization process; thus, the decentralization process is blocked at county level, centred especially on specialized protection services developed and diversified by them which also maintain in their administration the prevention services.

In the middle of year 2007, a report of ChildNet program (an ANPDC/USAID/World Learning partnership) on the services for prevention of child separation from his/her family, indicates the following situation (Cojocaru and Cojocaru, 2008):

Consultative community councils – community support structures involved in the observance of the rights of the child and in intervention at community level for minimizing the risk of child separation from his/her family – have been established in 1608 communes, representing 55.8% of the total number of communes existing at country level, but they are not functioning yet in order to produce the desired effects. In the process of data collecting, communities have been encountered where the community consultative council had never conferred.

Day-care centres – from a total number of 441 day care centres, identified at national level, most of them are functioning in the county capitals (36%) and in other urban localities (33%). In rural areas, this social service is very poorly developed, representing in average 0.03% of the centres calculated on the communes (this means that at national level an average of 3 day care centres are functioning for 100 communes). Notably, 34% of the Romanian day-care centres are managed by private suppliers of social services. Non-governmental organizations which develop prevention services are centred mainly on urban areas (89%).

Consulting and support centres for parents – although consulting is seen as one of the fundamental intervention of social assistance, as a type of support for preventing the separation of the child from his/her family, in rural area, the consulting and support centres are practically inexistent. From 110 centres iden-

²⁴ It refers to services offered within the consulting and support centres for parents, parental education services etc. organized by public authorities, NGO's and DGASPC.

tified at national level, only 10 are subordinated to the local councils, and they are from urban area (on the date when the study was made, 59 centres were subordinated to county DGASPC and 29 were managed by NGOs.)

Mobile unit for children with disabilities and their families – represents a specialized service provided by teams of specialists who travel to the family residence in order to offer support in child rehabilitation and recovery, to share information and work techniques with his/her parents and legal guardians. At national level, only 17 such teams exist (14 in the counties and 3 in Bucharest).

Children of small age make the most vulnerable category in losing parental care

In 2006, the new entries in the protection system show us that the most vulnerable age category as regards the risk of separation of the child from his/her family is 0 to 3 years (from all the new entries in the protection system in 2006, 30% were children with ages from 0 to 1 year and 14.2% were children with ages from 1 to 3 years); in 2006, at least 7 children with these ages were placed with some type of protection (Cojocaru and Cojocaru, 2008). It is established that hospitals (maternities and paediatric hospitals) continue to represent institutions in which new-borns are abandoned and remain the main source of entry of children aged 0-1 year in the system of child protection in 2006 (62% of the children with this age and which were placed with the system come from maternities and paediatric hospitals). For the age category of 1-3 years, it can be noticed that from the new entries in the protection system in 2006, most of them come from families (57%) and paediatric hospitals (35%); these medical institutions still remain a “gate” opened to the child protection system (Cojocaru and Cojocaru, 2008). According to the study made by the Ministry of Health and UNICEF in 150 medical units, it was estimated that only in 2004, approximately 4000 new-born was abandoned in Romanian maternities immediately after their birth, representing 1.8% of their total number. The study showed that due to a procedural void, an impressive percent of 31.8% from the children left in hospitals/paediatric hospitals do not have identification papers. This makes them „non-existent” from a legal point of view and, therefore, vulnerable to different risky situations, including traffic²⁵ (FONPC).

²⁵ According to the alternative report of the Federation of Non-governmental organizations for children (FONPC) for the period 2003-2007.

Table 3. *Children left in maternities and paediatric hospitals*²⁶

Year	2003	2004	2005	2006	2007
Total No. of children abandoned temporarily in medical units	5130	4614	2580	2216	1710

Child abuse

Based on the data offered by DGASPC, it can be concluded that out of the total new entries in the child protection system in 2007 (6,070 children), 37.9% (2,303 children) were victims of abuse, neglect and labour exploitation. From January 1 to September 30, 2008, at the level of ANPDC 8,913 cases of child abuse, neglect, and exploitation have been reported (out of which 54.69% were in rural area). In most cases, proceedings have been instituted after identifying the neglect and physical abuse situations. Out of them, for 1695 children a protection measure was taken, especially regarding the placement with foster families. The most frequent form of violence against the child is his/her neglect and privation from the rights provided for in UN Convention on the Rights of Child (5865 children were neglected by their parents and their situation was reported to the institutions responsible for monitoring and defending the rights of the child, representing also the highest number of children for which a protection measure was taken).

Table 4. *Child abuse, neglect and exploitation*²⁷

Cases of:	Total No. of cases	Urban	Rural	Number of children who remained within the family (with services offered)	Number of children for whom a protection method was taken
a) Physical abuse	1261	557	704	967	221
b) Emotional abuse	962	558	404	780	55
c) Sexual abuse	341	135	206	263	55
d) Neglect	5865	2502	3363	3878	1287
e) Labour exploitation	355	196	159	292	32
f) Sexual exploitation	26	14	12	21	7
g) Exploitation of children forced to commit offences	103	76	27	49	2
Total	8913	4038	4875	6250	1659

Most of the abuse cases which have been registered and reported from January to September 2008 were in South-East area (2006 cases, out of which, most of them being from Constanta county: 863 cases and Galati: 532 cases) and North-East area (1925 cases, most of them being reported in Iaşi county: 601 cases and Bacău: 401 cases).

²⁶ Source: ANPDC.

²⁷ Source: ANPDC; Note: Abuse, neglect and exploitation cases represent the cases registered between January 1 and September 30, 2008.

Parents who leave to work abroad

As regards the situation of children whose parents work abroad, a lack of unitary methodology for monitoring and reporting the real situation at local level is noticed. Usually, only the negative effects of parents leaving abroad are shown and these effects are generalised to all age categories. In September 2008, at the level of ANPDC, 96,580 children were reported the parents of whom were left to work abroad, out of which 30,297 had both of their parents left abroad. From the total of children who have at least one parent left to work abroad, 91,705 children are in care of relatives, without a protection measure. In such cases, the parental roles are taken by grandparents or other relative up to the fourth degree. This problem of the children abandoned by parents who work abroad comes to the attention of public authorities especially due to some dramatic cases presented in the mass-media; but except from the statistics made at community levels, local initiatives to develop some social services specialized in this category of children are quite scarce. Out of these children affected by their parents leaving to work abroad, a number of 3,603 entered under a form of special protection (out of which, 686 are in foster care, 589 in placement centres and 2,329 children are placed with the extended family or other persons). A study performed by Gallup Organization Romania which has organized the research in the period April – October 2007 indicated that „the number of Romanian children affected by the migration of their parents is of 350,000 children, out of which 126.000 are affected by the leaving of both parents and half of them have less than 10 years of age. 16% of the children with both of their parents left spent more that one year without them, and 3% even more than four years”²⁸ (UNICEF, 2008).

Children who committed criminal offences but which are not criminally responsible

Juvenile delinquency represents a social problem and children are exposed to the risk of losing parental care due to criminal offences committed by minors (theft, prostitution, robbery, physical injury, rape, murder etc.). At national level, from January to September 2008, 3024 criminal offences had been registered, the higher share being of the theft cases (76.68%). By regions, most of the cases were reported in North-East (32.07% of the total cases) and South-East (17.62%). By counties, the highest number of crimes committed by minors has been registered in Bacău (32.07 % off the total), Iași (8.13%), Dolj (7.17%).

²⁸ UNICEF, 2008, http://www.unicef.org/romania/ro/media_8657.html

Transforming the foster care from an alternative to residential protection into a substitute of parenthood

The last years has indicated the increased weight of number of children placed in foster care from the biological family compared with placing in foster care of the children from placement centres. In the last 5 years, foster care has become a form of child protection which replaces the biological family and not a form of co-parenthood (Cojocaru, 2008a).

The statistical data of ANPDC show that in September 2008, the main causes which lead to the decision of taking a protection measure are: poverty (44.1%), disability (10.8%), abuse and neglect (20.1%) and death or disappearance of the parents (10.0%).

The reasons for the risk of abandonment can be grouped into several categories:

SOCIO-CULTURAL REASONS

a) Births in single parent families

National statistics suggest that in 2007, at national level, 214,728 babies were born out of which 26.72 in single parent families (mothers which are not married, are divorcees or widows). Single parent families are poorer and are confronted with various problems related to financial, material resources and to the fulfilment of parental roles and responsibilities.

b) Child neglect

As it was shown above, the main form of child abuse which leads to taking a form of protection is neglect. At ANPDC level, in the first 9 months of 2008, a number of 8913 cases of violence against children were reported, out of which 5,865 were neglect cases (65.80 %), and 1,287 of the children entered into a form of protection (21.94%) and 3,868 received specialized services within their families (66.12%).

c) Inadequacy of the parental abilities with the provisions of UN Conventions on the Rights of the Child

The provisions of the UN Convention on the Rights of the Child were translated in institutional prescriptions for public or private organizations which act in the field of child protection, becoming a driver for childhood regulation. In some families, these provisions and expectations of parental care were less efficient, they were not promoted at the level of families, thus abusive behaviours of adults against children were registered.

d) Teenage mothers

Statistical data²⁹ suggest that a relative high number of births among the teen mothers, less than 19 years of age, is maintained. Thus, in 2006, 28,880 births were registered and 27,169 in 2007. In case of teen mothers,

²⁵ INS, 2008

a high risk of child abandonment is registered due to the social immaturity of mothers, lack of support from the family and the social stigma manifested especially in rural areas. The decisions regarding the new-born are taken by grandparents, according to the applicable laws, when the mother is minor. The risk of child abandonment is even higher when the teen mother has her second child (17.76% of the births of the teen mother) or the third or even more (2.35%).

e) Ethnical disparities

There are major differences among child-raising styles that different categories of population use. For example, the marriage between children within the Rroma population represents an extreme risk of child abuse, abandonment of the new-borns and diminishing their opportunities of training, and social and professional integration.

PSYCHO-SOCIAL REASONS

a) Drug and alcohol consumption

In Romania, there are no clear statistics regarding the consumption of drugs and alcohol. The activity within the field of child and family social assistance shows that domestic violence, violence against the child respectively, is associated with the consumption of alcohol which represents an important risk in child abandonment and in proper performance of parental competencies.

b) Domestic violence

Domestic violence manifested as violence against a parent or the child leads to an increased risk of child abandonment, to his/her institutionalization or placement in foster care.

c) Crime

The imprisonment of one of the parents represents an important risk in taking a protection measure for the children, being one of the cases of child separation from family.

ECONOMIC REASONS

a) Poverty

Even if it is considered one of the most frequent causes of child abandonment (according to the official data, in 2008, 44% of the children benefited from one form of protection due to poverty), we consider that the lack of material resources necessary for providing the life standard is associated with many other problems (alcohol consumption, domestic violence, child abuse, lack of parental abilities, etc.).

b) Unemployment

The lack of a job affects the family income, accentuates poverty, deficiencies at the level of family environment (labour exploitation of the child, prostitution, violence against the child, marginalization and social stigmatization, etc.) which intensifies the risk of child abandonment.

c) Precarious living conditions

The lack of a place to live represents the highest risk of child abandonment. One of the most severe causes in taking a measure to protect a child is the lack of living conditions. DGASPC developed Mother and Child Centres (maternal centres) which provide accommodation for mothers and children for a limited period of time, until the crisis situation is overcome. This problem is even more severe because the local authorities do not identify accommodation spaces for social cases.

HEALTH REASONS

a) HIV

According to the statistics of Ministry of Health (Prof. dr. Matei Balş Institute of Infectious Diseases) on June 20, 2007, 5,384 persons infected with HIV lived in Romania, out of which 3,518 were children. The trend of the number of HIV-infected persons is decreasing due to their death (since 1895 to 2007, 10,407 of persons have been diagnosed as infected with HIV), but presents major risks as regards the transmission of this virus. In the last years, in Romania have been identified cases of mother to child transmission of HIV.

b) Disabilities of the children or parents

The existence of a disability of the child increases the risk of his/her placement with an institution or with foster care. Reintegration of children with disabilities is more difficult (the rate of family reintegration being 1.78% in 2007) compared with the one of children without disabilities (the rate of family integration is 5.22% in 2007). In 2006, 611 children with disabilities entered in the protection system, the highest weight being of those of more than 3 years old. This is due to the fact that the parents do not identify the child's problems until he/she goes to kindergarten. There are no official statistics showing the situation of children separated from parents due to the disabilities of the parents.

A review of the basic violations of rights of children from the target group

The basic violations of the rights of children without parental care and at risk of losing it. Specific risks, problems and basic reasons for violating those rights.

Rights ³⁰	Violations of children's rights	Specific risks and problems	Reasons for the violation of rights
Non-discrimination (Art. 2)	<p>Children with disabilities are usually included in special schools and some of them are not included in any type of education</p> <p>The existence of cases of discrimination of children with disabilities in schools by the teachers</p> <p>Teachers' inadequate and discriminatory attitude towards children, towards their potential and socio-economic situation³¹</p> <p>The creation of kindergartens or school classes for Roma children</p> <p>The failure to observe the confidentiality as regards the HIV infection leads to the discrimination of children in schools</p>	<p>Lack of access to socialization and development of the children with disabilities</p> <p>Children with disabilities are deprived from the right to education and when they go to special schools, they are often forced to live separately from their families.³²</p> <p>Segregation of Roma children and the lack of conditions for socialization and social integration</p> <p>UNOPA identified cases in which, because of the failure to observe the confidentiality regarding the diagnostic of children infected with HIV, these children were discriminated and they abandoned school³³</p>	<p>The attitude towards children with disabilities generates a tendency of their social isolation</p> <p>Lack of specific programs for the training of the teachers regarding the work with children with disabilities leads to their refusal to work with such children</p> <p>Sometimes, with the support of different programs, kindergartens and school classes for Roma children are established</p>

³⁰ Observation: during the focus group with children, it was noticed that when discussing the rights they have, children who live in the SOS village knew their rights very well, whereas the family children did not know them. This proves a lack of information for the children in the family who did not have enough information regarding their rights, the violation thereof and the institutions that should be informed when they fall victim to a violation of their rights.

³¹ During the focus group with children, the most frequent discrimination situation invoked was the teachers' attitude towards the children, this being mentioned in the declarations of all the children who attended the meeting: *"The strangest thing is that many teachers tell us we are stupid, that we came from the insane asylum" ... "I spoke to the form teacher and she said we'd better shut up and listen" ... "The Geography teacher keeps on offending us... for most of us [the pupils, e.n.]. We spoke with the form teacher and she told us to leave her alone... She calls us filthy all the time;" "Our Physics teacher behaves really badly, she swears at us, she tells us that we are filthy, that we don't know how to learn..."* (focus group with children). As regards their relationship with the doctors, nurses or social workers, the children reported no discriminatory behaviours, quite the contrary.

³² *"We have also identified children with learning difficulties or even mentally retarded and we tried to send them to a special school, since the school teacher did not deal with them"* (Focus group with representatives).

³³ *"Parents are being pressured to send their children to special schools. About a year ago the ADHD campaign took place but, unfortunately, it seems that it had even more negative effects and that the teachers label a child as suffering from DHD very quickly, although they were not diagnosed as such. We had a case of discrimination with an HIV positive girl. She was protected by a foundation and they were the ones who informed us about it. We didn't manage to do very much because nobody took responsibility for the incident. We sent official communication to other institutions, but we received no reply. In the other cases the parents took their children away from school - those who were said to have ADHD"* (Focus group with representatives).

			Lack of education and information in schools about HIV virus and the methods to prevent its transmission
	Discrimination practices regarding the access to education, health services and social services for children separated from their families	Risk of social isolation and marginalization which reduces the opportunity to develop the children potential ³⁴	The children, parents and specialists who offer social, educational and health services are not familiar with the rights of the child
Survival and Development (Articles 6, 7, 8 , 23, 27, 28, 29)	Providing precarious life conditions and scarce services in healthcare, education and social services field	The increased infantile mortality due to precarious life conditions and the lack of medical and social services for the monitoring of the situation of small age children Diminishing the opportunities to develop the children's potential ³⁵	Lack of services for the prevention of violence of any kind against children Lack of a process for the monitoring of new-born children Poor development of the parental education programs Deficiencies in the parental abilities, traditional models for children care and education

³⁴ „And many times, the children in families within prevention services drop out from school because they yield to this pressure and discrimination – the children are moved to the desks at the back of the classroom, they are labelled as being poorly dressed and they drop out from school because the parents don't have enough confidence in themselves to take a stand and thus such situations occur” (Focus group with representatives).

³⁵ „There is a problem with school dropout. First of all, children have a lot of work to do – during agriculture-related activities parents take their children in the fields to work. Since they live really far from the town, at 60-70 km, the parents don't really have the possibility to send them to school. For instance, the parents cannot find a job and work in the city to help their children go to high school” (Focus group with representatives).

	Maintaining a model for working with the children based on deficit, negation and interdiction	Children with disabilities are educated and cared for in order to diminish their disabilities, not to develop their potential ³⁶	The attitude of the parents is centred on the deficiency paradigm
	The right of the child to be raised by its parents;	There is the tendency to consider the child protection in institution or foster care as long term solutions	Institutionalized practices which do not stimulate co-parenthood, but replace the biological family
	Right to identity	There are children which do not have birth certificate which diminishes their access to health, education and social services ³⁷	Irresponsibility of the parents and lack of involvement of the local community
Protection (Articles 5, 9, 19, 20 and 37)	Violence within the family Violence in institutions	Breaching of conditions for the harmonious development of the child	Lack of parental education services and of services for the prevention of violence against the child within family Poor training of personnel regarding the rights of the child and the work methods for ensuring their observance

³⁶ “We are talking about the violation of the right to an identity and this is related to prevention. I could not say exactly how many cases there are. There are a lot of cases, but they are first of all the responsibility of the directorates, of the SPAS (public social service agencies), but there are a large number of children without an identity and we are aware of that. Unfortunately, there are still some children who do not have identity cards; I’d rather not mention the reasons why. There are so many reasons, starting from the social worker to the system which is not very cohesive” (Focus group with representatives) ... “Also, the right to have access to hospitalization and medical services is being violated, because there is no identity, there is no right to have access to a family doctor, to the free services and performances resulting thereof. Although we know them, it is better to mention them. There are so many dangers that may derive from the violation of a single right – the children’s right to an identity. Again, it is extremely important to mention the community’s contribution...” (Focus group with representatives)

³⁷ „Yes, teachers pull our ears, they hit us in the head and they pull our hair.. My new form teacher told us that she won’t hit us because she would be excluded from the education system... she would ask us to sing to her all sorts of songs and I didn’t know how to sing, and then she pulled my ear and I said something about that...” (Focus group with children).

	Parental responsibility	There is the risk of encouraging the social services for children which replace the biological family	<p>Institutionalized practices which encourage to a small extent the maintaining of the relations between the child and his/her biological family</p> <p>There is the tendency that different forms of protection to become long term solutions for child care</p>
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Responsibilities of the duty bearers and their main strategies

Mapping of the main duty bearers³⁸ in the country, their main responsibilities and constraints and obstacles in fulfilling these responsibilities:

Duty Bearers		Main responsibilities of the duty bearers	Constraints and obstacles they face in fulfilling their responsibilities
State Authorities			
	The Parliament	<p>Initiating, adopting and promoting laws on children and families</p> <p>Approval of the national strategies in the field of child rights protection and of the national action plans</p> <p>Monitoring the way in which the rights of the child are observed in Romania</p>	
	Ministry of Labour, Family and Social Protection	<p>Implementing public policies,</p> <p>Monitoring and control of law enforcement in the field of child protection</p> <p>Development of action plans regarding the protection of the rights of the child</p> <p>Offering the services provided by the law for children and families in distress</p> <p>Monitoring the way in which the services are developed at county and local level</p>	<p>On the one hand, children policy is not the only priority of the MLSP, and on the other a large number of the questions and policies regarding children are a priority for other agencies and ministries. This impedes the effective implementation of the policies regarding children and causes a division on transfer of responsibilities</p>

³⁸ Duty bearers: an entity or a person meeting its obligation under international law to respect, protect and fulfill people's rights. It is usually the State but can be a private entity such as a corporation, a family, or a local government. Government duty bearers – those duty bearers in the process of child protection and care which are part of the public administration and directly linked to it (regional, national and local authorities) as well as parliaments who are the legitimate representatives of societies.

REALITATEA PE MASA DE DISECTIE

	<p>National Agency for Child Rights Protection</p>	<p>Proposing of a national strategy within the field of child protection, consultations with public and private suppliers regarding the national strategy</p> <p>Preparing of mandatory minimum standards for services regarding child protection</p> <p>Monitoring and control of the quality of the services offered within the field of child rights according to the mandatory minimum standards</p> <p>Monitoring and control of the way in which the laws in the field of child rights protection are enforced</p> <p>Monitoring of the way in which the rights of all Romanian children are observed</p> <p>Prepares statistic and narrative reports regarding the observance of child rights in Romania, the services developed and the profile of the children benefiting from different types of protection</p> <p>Encourages and supports the local authorities in developing services for the prevention of violence of any kind against children</p>	<p>Often, the strategies and action plans proposed by ANPDC are not properly acknowledged at local level</p> <p>The application of some mandatory minimum standards for different social services needs human or financial resources which are scarce at local level (not trained personnel, lack of proper spaces for some services, etc.)</p> <p>Even if different controls exist at the level of public services supplier, they are not receptive enough to ANPDC recommendations</p> <p>Difficulties regarding the collection of quarterly data from public and private suppliers in order to prepare “updated” reports as regards the services and their beneficiaries</p> <p>The stagnation of financial decentralization process leads to difficulties in developing social services at local level³⁹</p>
	<p>Ministry of Education, Research and Innovation</p>	<p>Develops and implements public policies for providing educational services for children</p> <p>Participates in input offering when the national strategy on child rights is prepared</p> <p>Coordinates the human resources and manages the financial and material resources necessary for the educational process (schools, kindergartens, etc.)</p> <p>It is represented in the County Committee for Child Protection and in County Committee for Social Services Authorization</p>	<p>There are difficulties related to the harmonization of educational strategies with those regarding the child protection</p> <p>Even if ME representatives participate in preparing the national action plans in the field of child protection, after its approval, ME does not assume the responsibilities provided for in these documents (for example, integrating in schools of a child with disabilities)</p>

³⁹ “The people at the Association of Villages in Romania have a very clear focus on decentralization. The problem is decentralization itself – it is done in principle, theoretically, but financially is gets stuck at certain points because it is done like that. I have seen the arguments of the former president of the Association of Villages in Romania, it was a very nice speech on what basic social services are, including basic medical assistance, access to education and social services which would be the minimum guidance that a social worker may provide to the community along with the social services that are being and should be performed” (Focus group with representatives).

	Ministry of Public Health	<p>Participates in input offering when the national strategy on child rights is prepared</p> <p>It is represented in the County Committee for Child Protection and in County Committee for Social Services Authorization</p> <p>It has the duty to promote the employment of social assistants in maternities and paediatric hospitals in order to diminish the risk of child abandonment</p>	<p>Even if MS representatives participate in preparing the national action plans in the field of child protection, after their approval, MS does not assume the responsibilities provided for in these documents (for example, the employment of social assistants in maternities, paediatric hospital, new-born monitoring, etc.)</p> <p>Financial difficulties and the failure to understand the roles and importance of social assistants in maternities and paediatric hospitals</p>
	Ministry of Justice and Citizens' Freedoms	<p>Participates in input offering when the national strategy on child rights is prepared</p> <p>Applies the laws regarding the taking of protection measures</p>	<p>Often, there are delays and many court days are specified when a protection measure is taken or when the adoption procedure is started⁴⁰</p>
	<u>Common problems hindering the activities</u>		<p>Problems generated by the lack of a real decentralization process</p> <p>Poor coordination between central, county and local level</p> <p>Low interest of decentralized institutions for the application of national strategy on child protection</p> <p>Excessive bureaucracy and manifestation of child "peripheral centrality" (the child is in the center of institutional rhetoric but at the periphery of institutional practices)</p> <p>Personnel turnover due to the low, inequitable salaries in the field of social services compared with similar positions within other ministries (Ministries of Justice, Health)</p> <p>Poor promotion of national strategies at local level⁴¹</p>

⁴⁰ "Unfortunately, laws on civil status documents are stodgy and intricate. In this respect, I feel the need for support from the prosecutor's office and judges, because very many deadlines are being delayed, the forensic doctors perform with great difficulty the expertise due for the late registration of birth..." (Focus group with representatives).

⁴¹ "Another important weak point I noticed is the lack of common vocabulary between us and other institutions, between us and DJASPC (County Directorate for Social Assistance and Child Protection), between us and the Police, between us and the hospital, because we do not use the same concepts. Unfortunately, some institutions operate according to certain orders received from the ministry and not from the Government. Some operate according to the orders of the Ministry of Health or... and that is when dysfunctions occur, we cannot help one another" (Focus group with representatives).

REALITATEA PE MASA DE DISECTIE

Local authorities	Municipal council	Approves the action plan at local level as regards the child rights protection Approves the budget necessary for the development and functioning of social services at local level	There are no initiatives regarding the preparing of some local strategies and action plans on child rights protection Budgetary constraints lead to the lack of a special allowance for the prevention services at local level
	Municipal Mayor	Organizes and manages prevention services Offers the funds necessary for the development of prevention services at the level of municipality	The local authorities budgets have constraints as regards the offering prevention services The municipality of county capital tends to throw the responsibility of developing the social services for children and families on DGASPC
	DGASPC	It is the public institution at county level which has responsibilities regarding the monitoring of child rights, organizing and managing the child protection services It has control functions as regards the way in which the child rights are observed within the county Prepares work procedures at institutional and county level Prepares the county strategy regarding the child rights protection in accordance with the national strategy	Even if, according to the applicable laws, DGASPC has no responsibilities regarding the offering of prevention services, it assumes such responsibilities due to the poor development of services at local level It is concentrated mainly on protection services and has not developed work strategies and methodologies regarding the monitoring of child rights observance within the county ⁴² Lack of human resources for providing the services according to the mandatory minimum standards
	SPAS (Public Service for Social Assistance)	Local authorities prepare local strategies regarding child rights protection	Few are the communities which developed such local strategies ⁴³

⁴² *“Because budgets are focused on providing protection-related expenses, at county level... that is why prevention services don’t develop”* (Focus group with representatives).

⁴³ *“In order to have services, one needs problems to attend to and somebody to identify them. One cannot build a strategy without knowing the problems of the community. We found that the social workers interviewed in the communities at the beginning did not have a series of information but they had access to them, they managed to access them and when they gathered all the data from the local medical center, from the doctor and from the school, they centralized them a bit, along with the information available at the city hall (...) and we thought this was a really important aspect. We met communities where the total number of their children was not known”* (Focus group with representatives).

		<p>It has the responsibility to develop prevention services at local level</p> <p>It has the responsibility to ensure the convergence of social, medical and educational services at local level</p>	<p>Local authorities are concentrated mainly on service providing and not on social services⁴⁴</p> <p>Human resources are insufficient and poorly trained to offer quality services⁴⁵</p> <p>At community level, the lack of services and their incoherence lead to a dissipation of the existent resources</p> <p>There is no real financial decentralization, local authorities have no resources for the development and convergence of services⁴⁶</p>
	<p>Common problems hindering the activities</p>	<p>At local level, the roles regarding the service offering are not well understood</p> <p>The convergence of social, medical and education services for children is not proper</p> <p>At local level (cities and communes), the authorities do not assume responsibilities regarding the development and offering of prevention services, these responsibilities being attributed to DGASPC⁴⁷</p> <p>Local authorities are more concentrated on investments in infrastructure, and not in social services</p> <p>The lack of a system for identifying the local needs for services for the children and their families</p>	

⁴⁴ *“I believe that the first thing we could do is provide consultancy in elaborating projects, because that is what we found, that people don’t know how to write their projects – projects related to preventing the child’s separation from the family, for the child in general. Indeed, people with social assistance responsibilities or even the social workers in the village and I mean mainly from that area, from rural regions, because there we encounter the most serious problems, due to the fact that we left these regions aside. Now we should focus on them and join forces for that area. There, the people in question are only prepared to offer services, I don’t think they have time to do anything else” (Focus group with representatives)... “Maybe at local level there is no awareness as to the need for prevention services, since they are focused mostly on the performance of services” (Focus group with representatives).*

⁴⁵ *“We must focus on training the staff assigned to the family and whose obligation is to offer prevention services, moving on then to decision makers at local level, the mayor, local counsel, those Consultative Community Boards, teachers in schools from rural regions...” (Focus group with representatives)... “First of all, what both I and my department feel within SPAS, e.n.t is the lack of specialized staff” (Focus group with representatives).*

⁴⁶ *“Mayors always complain about the lack of money. And I believe this is what we should start with, because, fortunately, there are a lot of funds, but if we don’t attract them they’re useless, since we know all too well that county councils are just as reserved and that there are no legal provisions... This is another negative aspect, there are no legal provisions to grant a portion of the budget, e.n.t to prevention and for prevention only” (Focus group with representatives).*

⁴⁷ *“I believe there are so many children coming into the system especially because prevention services are not developed or understood as they should be. There have also been cases with a feeling of frustration from SPAS or from the village hall who told us that they had such and such case in the village and they refused to receive it. The Directorate said, and with good reason, OK you should prove to me that you have undertaken all the steps at community level, that there is no other alternative and that it is in the child’s interest to establish a protection measure. And they said that we didn’t communicate, we didn’t collaborate well with them and they left the child with us” (Focus group with representatives)*

Civil Society		<p>Participates in preparing the national strategies and public policies</p> <p>Monitoring the observance of child rights and advocacy for their observance</p> <p>Offers social services within some pilot projects by which it experiments the good practice models</p>	<p>Difficulties related to the sustainability of the services after the end of financing</p> <p>Reduced capacity to produce major changes as regards the development of services at national level</p>
Family (biological and extended)	Biological family	Parents play the most important role in child care	<p>The services developed for family support are less developed</p> <p>There are not sufficient programs for the education of parents for them to participate to the childhood regulation and the development of a optimum parenthood</p>
	Extended family	The extended family is involved in children care, and when crisis situations occur (parents are leaving to work abroad, parents disappearance, parents incapacity to exercise their parental roles, etc.) the extended family takes over the parental roles.	There are no services developed in order to support the extended families which have children in care or who have assumed parental roles
International governmental organizations (i.e. UNICEF)	UNICEF	Participates in the development of public policies within the field of child protection, performs studies and researches on the child rights, existent services (medical, social and educational), advocacy for changing the public policies and development of new services, evaluates the public policies for children and their families, encourages and promotes the intersectoral work, supports the NGO in implementing of some good practice models, etc.	

The main strategies of the state duty bearers related to the protection and care of children

Decision No. 1168 – September 26, 2007 on the amendment and supplement of the Governmental Decision No. 1432/82004 on the attributions, organization and functioning of the National Authority for the Protection of Child Rights

Governmental Decision No. 617/2004 on establishment and organizing of the National Steering Committee for the prevention of and fight against child labour exploitation

Law No. 361/2007 dated December 11, 2007 on ratification of Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition,

Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children.

Law No. 272/2004 on the Protection and Promotion of the Rights of the Child
Action plan for persons with disabilities.

National action plan on the prevention of and fight against the violence towards children 2009-2013

National action plan for eliminating child labour exploitation

Operational plan for implementing the National Strategy in the field of protection and promotion of the rights of the child 2008-2013

Action framework on reintegration of street children

National strategy in the field of protection and promotion of the rights of the child 2008-2013

Recommendations

To improve the status of children in Romania must develop these extra services, do children need in order to live in a family environment:

- development of community prevention services with the support of local authorities and provision of a minimum of community services (counselling, support groups, parental education, intervention in crisis situations)
- development, support, training, supervision and monitoring of Consultative Community Boards for the involvement in solving the problems of the community
- development of group interventions dedicated to vulnerable, underprivileged and marginalised categories for their socialization in the group of equals (community meetings, support groups)
- development of parental education programmes as a method for regularization of childhood and parenting in accordance with the requirements of the UN Convention on the rights of the child
- development of mechanisms at county level for the supervision of the way in which the rights of the child are observed and defended
- stimulation of the foster care system and transformation of this protection system from substitution to co-parenting
- increase in the access to education services in kindergartens, schools for vulnerable and disadvantaged children
- development of the process of contracting social services to private service providers.

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