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REVIEWING EXISTING QUALITY MECHANISMS IN CHILD PROTECTION. ROMANIA 2017. NATIONAL REPORT



Delia-Luiza NIȚĂ
November 2017



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ROMANIA**

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TABLE OF CONTENTS

1.	EXECUTIVE SUMMARY	5
2.	GENERAL DESCRIPTION OF THE CHILD PROTECTION SYSTEM SETUP	7
3.	DESCRIPTION OF THE MEASUREMENT SYSTEM	9
3.1	Regulatory framework	9
3.2	Institutional framework	14
3.3	What international standards, conventions are the basis of the system	20
3.4	How do the following principles ensured in the CPS	21
3.4.1	Best interest determination	21
3.4.2	Do no harm	22
3.4.3	Equal access to services – including for vulnerable children	22
3.5	Scope of the quality control	26
3.6	Role of civil society in monitoring, as well as media	28
3.7	Special measures to monitor institutional care	29
3.8	Description of the standards/indicators	37
3.9	Mode of data collection	40
3.10	Working mechanisms	41
3.11	Mechanisms to include the voice of service users (families, children)	51
3.12	Mechanisms to provide feedback to service users	52
3.13	Roles and responsibilities	54
3.14	Gaps in the regulatory framework	57

4.	ASSESSMENT OF THE SYSTEM	58
4.1	Relevance	58
4.2	Effectiveness	59
4.3	Efficiency	60
4.4.	Impact	60
4.5	Sustainability	61
4.6	Participation of children and families	61
5.	PROMISING PRACTICES	62
6.	RECOMMENDATIONS FOR IMPROVEMENT	62
6.1	Summary of hindering factors for the implementation and gaps in the regularory framework	62
6.2	Summary of recommendations of the interviewed experts and of the researcher, based on its own analysis	63
6.3	Recommendations regarding the participation of children and families	64
	List of interviewees	65

1. EXECUTIVE SUMMARY

The **regulatory framework for quality control** of services for children is quite comprehensive and detailed, although mostly based on procedures and standards, and less on ways to ascertain outcomes for children's welfare;

There are a good number of **institutions with legal responsibilities** in the area of child protection, but resources are below a minimal threshold in many places, particularly for social assistance and service provision, to the point where whole services provided by law have not been established as such. Also, in spite of many institutions with legal responsibilities, generally speaking, the system is not able to effectively prevent abuse and foster a culture of respect for children's rights;

The **best interest principle** is not much understood and implemented in practice – what seems to be the overarching principle is the prevention of separation of children from family, also against the background of a severely under-resourced service provision system;

Quality control mainly concerns the social assistance system and is generally considered to be quite formalistic. While there is a declared intention among relevant institutions to reform the standards which regulate service provision in the field of child protection, and to refocus them towards results, this intention appears to be pending actual implementation for a number of years now;

The social inspection verifications do point to concrete and many times serious deficiencies with effects on children's welfare, and provide detailed recommendations, but these cannot be remedied without **the adequate resources** and the assumed political commitment to allocate such resources and **make child protection and social assistance in general at least a relevant point on the agenda;**

While the system for checking services is regulated in detail, the system for checking the **respect for children's rights** and particularly to prevent and stop abuse when it happens is not efficient, with children's rights and abuse against children continuing

to be largely tolerated at societal level, even from the perspective of law enforcement/ referring to law enforcement, and treating such cases with the adequate seriousness – **children in residential care institutions** are particularly vulnerable and at risk of abuse;

The **National Authority for the Protection of the Rights of the Child and Adoptions** is the main body specialized in children's rights and able to verify allegations of abuse in the field, but it cannot directly enforce sanctions based on its findings, and is understaffed given its wide mandate and need to cover the whole country in many areas. **The Ombudsperson**, has a clear mandate on child protection, both through its regular procedures, and as national preventive mechanism under the Optional Protocol to the UN Convention against Torture whereby it is able to pay unannounced visits in closed places (such as residential care centres) in order to prevent torture, cruel, inhumane or degrading treatment. Yet, its approach of issuing recommendations to basically respect the legal provisions in the cases where it finds breaches, instead of taking more serious action (aside from notifying law enforcement where warranted), is ineffective in protecting children's rights, in spite of the very important mandate which this institution holds. In October 2017, the Parliament started looking at a bill introduced by the Government to establish a specific department within the Ombudsperson dedicated to protecting children's rights;

No promising practice has been identified in the area of mechanisms for quality check in child protection in Romania. It is very difficult to talk about quality mechanisms when services for child protection struggle to survive in many places;

While taking into consideration the **opinion of the child** and providing feed-back are general principles regulated though legislation, they are little implemented in practice;

Discrimination, severe inequality and lack of opportunity affect many children in the Romanian society, but there is no strategy against discrimination in force. The Strategy on the protection and promotion of the rights of the child (2014-2020) does include some objectives related to vulnerable children (Roma, children with disabilities, street children, children without parental care), but this strategy does not have any clear budgetary commitment;

2. GENERAL DESCRIPTION OF THE CHILD PROTECTION SYSTEM SETUP

Before 1989 Romania had the appalling system of orphanages that made world headlines. The current Romanian child protection system was formally established in 1997, with a first framework on child protection, when tasks and responsibilities were also decentralized toward the local level.¹ Placement centres still exist, though the Government plans to dismantle all such centres and redistribute children to apartments, protected houses or foster care, mainly using EU funds.²

Decentralization has mainly meant that decision-making has moved towards the local level, although the central government still establishes standards and strategic frameworks, as well as provides general budgeting towards local authorities. The main institutions with a mandate at local level are the General Directorates for Social Assistance and Child Protection, working at county level and the Public Service of Social Assistance working at the level of townships and smaller localities. The system of social assistance services, including those in child protection has become quite standardized and bureaucratic, regulated in detail from the central level. Quality control of services is mainly checked by County Agencies for Payments and Social Inspection (see detailed description of the system below). There are gaps in regulating and ensuring the respect for children's rights also through an adequate institutional framework.

From a philosophical perspective, while the principle of best interest of the child is mentioned in the legislation, the main concern seems to be the prevention of separation of child from the family. Fighting discrimination and ensuring equal chances for children is not a main concern and inequity is very high within the system, with Roma children, children with disability or children from the rural area, but other children as well, cumulating multiple disadvantages. A report assumed by the Romanian Government showed that one third of Romania's children live in poverty and over 50 percent of the children in the rural area are in this situation.³

1 National Authority for the Protection of the Rights of the Child and Adoptions, *General presentation of the child protection system*, available at: <http://www.copii.ro/activitate/sistemul-de-protectie-a-copilului/prezentare-general/>

2 There were 111 such centres in at the end of 2014. Manuela Sofia Stănculescu, Vlad Grigoraş, Emil Teşliuc, Voichița Pop, *Children in public care Romania. Executive summary.*, The World Bank, Ministry of Labour, Family, Social Protection and the Elderly – the National Authority for the Protection of the Rights of the Child and Adoption, UNICEF, Bucharest, 2016, p. 11, available at: <http://www.copii.ro/resurse/>

3 Manuela Sofia Stănculescu, Vlad Grigoraş, Emil Teşliuc, Voichița Pop, *Children in public care: Romania. Executive summary.*, The World Bank, Ministry of Labour, Family, Social Protection and the Elderly – the National Authority for the Protection of the Rights of the Child and Adoption, UNICEF, Bucharest, 2016, p. 1, available at: <http://www.copii.ro/resurse/>

The most important professional in the child protection system is the person working as social worker, but these professionals are generally speaking severely overworkloaded, underpaid, many lacking the necessary social work qualifications and/or are untrained. A World Bank study showed that in 2014, 34 percent of local public administrations in rural areas and 8 percent in small urban had not set up a public service of social assistance but gave the added tasks and responsibilities to already existing staff. The same study points to the fact that Romania's social protection efforts are still the weakest in the Union, with the least investment in the area of services, in spite of increasing available funds.⁴

The UN special rapporteur on extreme poverty and human rights, at the end of his visit to Romania in November 2015, described the situation of children in the rural area, which is basically the first level of disadvantage, as follows:

"The situation of Romanian children, especially those in rural areas, warrants serious attention, for the levels of poverty, social exclusion and material deprivations to which they are exposed are simply unjustifiable in an upper middle income country like Romania. Among the Romanian population at risk of poverty, children are the hardest hit group. According to the Eurostat, 48.5 percent of children are at-risk-of poverty or social exclusion, which is the second worst score in the EU, and 34.1 percent reportedly suffer from severe material deprivation. The situation of children in rural areas is dire and the risk of poverty for those children is three times higher than those in urban areas."⁵

4 Emil Teșliuc, Vlad Grigoraș, Manuela Stanculescu, *Background Study for the National Strategy on Social Inclusion and Poverty Reduction 2015-2020*, World Bank Group, Bucharest, 2015, p. 111 and p. 118, available at: <http://documents.worldbank.org/curated/en/290551467995789441/Background-study-for-the-national-strategy-on-social-inclusion-and-poverty-reduction-2015-2020>.

5 End-of-mission statement on Romania, by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights, Bucharest, 11 November 2015, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16737&LangID=E>

3. DESCRIPTION OF THE MEASUREMENT SYSTEM

3.1 REGULATORY FRAMEWORK

The Romanian constitution includes an article on the "protection of children and young people" referring to child allowances in general, to benefits for children who are ill or have a disability to the prohibition of exploitation of minors, or their employment under 15 years of age. It also establishes an obligation on the side of authorities to ensure the participation of young people in the country's public life:

"ARTICLE 49

(1) Children and young people shall enjoy special protection and assistance in the pursuit of their rights.

(2) The State shall grant allowances for children and benefits for the care of ill or disabled children. Other forms of social protection for children and young people shall be established by law.

(3) The exploitation of minors, their employment in activities that might be harmful to their health, or morals, or might endanger their life and normal development are prohibited.

(4) Minors under the age of fifteen may not be employed for any paid labour.

(5) The public authorities are bound to contribute to secure the conditions for the free participation of young people in the political, social, economic, cultural and sporting life of the country."

The Civil code and the Criminal Code include more provisions regarding children. The Civil code regulates, among others, the establishment of guardianship⁶, the adoption procedure⁷, parental authority⁸. The Criminal code includes provisions regarding criminal offenses against children⁹ and the status of the perpetrator who is underage¹⁰.

The main act regulating children's rights is *Law 272/2004 concerning the protection and promotion of the rights of the child* (hereinafter the Child Protection Act). The act is organized into chapters and sections and generally covers: civil rights and liberties; family environment and alternative care; child's health and welfare; education, leisure and cultural activities; the special protection of the child temporarily or definitively missing the care of her/his parents; monitoring the special protection measures; protection of refugee children and the protection of children in case of armed conflict; the protection of the child against abuse, neglect, exploitation and any forms of violence; the protection of the child against economic exploitation; the protection of the child against drug use; the protection of the child whose parents are abroad for work; the protection of the child against kidnapping or any forms of trafficking; institutions and services with a mandate in the field of child protection; private bodies; the financing of the system; special procedure rules; liabilities and sanctions.

Aside from this act, various other acts contain provisions related to children and their protection¹¹. Also, there are a large number of Government Decisions, Ministerial orders or other regulations coming from central authorities which establish working rules and mechanisms or standards related to social services which also benefit children or to child services specifically.

6 Law 287/2009 on the Civil Code, Book I, Title III, Chapter II.

7 Law 287/2009 on the Civil Code, Book II, Title III, Chapter III. There is also a specific more detailed act regulating adoption - Law 273/2004 on the adoption procedure.

8 Law 287/2009 on the Civil Code, Book II, Title IV.

9 They can be found in the Special part of Law 286/2009 on the Criminal Code, Title I, Chapter VII – Trafficking and the exploitation of vulnerable persons and under Chapter VIII – Crimes against sexual freedom and integrity.

10 Law 286/2009 on the Criminal Code, General part, Title V – On being minor.

11 eg.: Law 1/2011 on national education, Law 2017/2003 on preventing and combating domestic violence; Law 678/2001 for the prevention and combating of human trafficking.

The Law on social assistance regulates the system of social assistance which mainly entails benefits and services.¹² The law includes a specific section on the social assistance for the child and the family. While mentioning the best interest of the child in all decisions related to children, the law also states that the social assistance measures have as main goal to maintain the child in the family and overcome difficult situations.¹³ Social services also “have as main objective the support granted in order to ensure the care, raising, development, growth and education of the child within the family”.¹⁴

The main social services in the field of child protection and family are: (a) services to prevent the separation of the child from the family; (b) services to reconcile family life with professional life; (c) services for the child without parental care for a limited period or definitively; (d) services for the families in difficult situations; (e) social services for housing and care of pupils, students and youth who come from families in difficult situations in social dormitories.¹⁵

The Government has also recently regulated a methodology of work between country and local social services to identify the situations of risk for the child and which make benefits and social services necessary in order to prevent the separation of the child from family and to fulfill the task of monitoring and assessing the child’s situation. This monitoring is done on the basis of a chart whose format is foreseen in a Government Decision.¹⁶ The main responsibility falls on the public service for social assistance at local level. The risk situation is assessed from the following perspectives: the economic situation of the family; the social situation of the family; the health status of the family’s

12 Law 292/2011 on social assistance.

13 Law 292/2011, Article 66, para. 5; Article 67.

14 Law 292/2011, Article 73, para. 1.

15 Law 292/2011, Article 73, para. 2.

16 Government Decision 691/2015 for the approval of the monitoring procedure on the way the child whose parents are abroad for work is being raised and care for and the services they can benefit from and the Working methodology on the cooperation between the General directorates for social assistance and child protection and the public services for social assistance and the standard model of documents drafted by these.

members; the educational level of the family's members; the housing conditions of the family; the existence of risk behaviors identified at the level of the family.¹⁷ According to the law, a child can be identified to be in such situations either by direct or indirect referral, or ex-officio investigation done in relation to a case the social services are already working on, or from the press.¹⁸ The main concrete instruments social workers use in their work with children are the Service plan whose implementation is supposed to work towards preventing the separation of the child from her/his parents, and the individualized protection plan which mainly regards children for whom a protection measure should be implemented.¹⁹

Ensuring the quality of social services is regulated through a specific law which provides the framework for the evaluation, certification, monitoring and control of social services in order to ensure quality. The law applies to both public and private service providers and to all services.²⁰ Quality in social services is defined as "the ensemble of requirements and conditions fulfilled by providers and the services they provide in order to meet the needs and expectations of beneficiaries"²¹. The evaluation and monitoring of quality is done on the basis of standards, criteria and indicators.²² When elaborating these standards, criteria and indicators, at least according to the law, authorities need to take into account principles of quality in social services, and in particular:

- "granting the social services: ensuring, without any kind of discrimination social services which are efficient, accessible, comprehensive, sustainable, focused on the individual needs of the beneficiary;

17 Government Decision 691/2015, Article 4.

18 Government Decision 691/2015, Article 6, para 2.

19 The format of both was approved through Order of the National Authority for the Protection of the Rights of the Child 286/2006

20 Law 197/2012 on ensuring quality in the field of social services, Article 1, para 1 and 2.

21 Law 197/2012, Article 2, para 1.

22 Law 197/2012, Article 3, para. 1.

- the relationship between the providers and their beneficiaries: using correct, transparent and accessible communication and information means, ensuring the confidentiality and security of personal data and information, using the mechanisms of prevention and combating the risk of physical, psychological or financial abuse on the beneficiary;
- the participation of beneficiaries: the active involvement of beneficiaries and their families in the planning, granting and evaluating of social services;
- the relationship between providers and public authorities, social partners and other representatives of civil society at community level: efficient coordination between the public and private sector, encouraging partnerships in order to ensure sustainability and continuity of social services, promoting the development of proximity/community social services, and their integration with health, educational and other general interest services;
- developing the human resources involved in granting social services and improving working conditions: recruiting qualified personnel and ensuring its continuous training, involving volunteers, ensuring adequate working conditions and the specific equipment for the activities undertaken, ensuring workplace health and security."²³

Criteria and standards for social services are approved through order of the Minister of Labour and Social Justice or central authorities with a mandate in the specific field.²⁴ In the case of child protection, that central authority is the National Authority for Child Protection and Adoption. The minimal standards for the accreditation of services mainly include the following aspects: the purpose of the service and the activities to be undertaken; the basic needs of the beneficiaries; the life quality and security of beneficiaries; the management quality and the competencies of the specialized staff; respecting economic-financial discipline.²⁵

23 Law 197/2012, Article 3, para. 2.

24 Law 197/2012, Article 9, para. 1.

25 Law 197/2012, Article 9, para. 2

3.2 INSTITUTIONAL FRAMEWORK

According to the Child Protection Act, the main institutions responsible for child protection at central level are the Ministry of Labour and Social Justice which is supposed to monitor the implementation of the Child Protection Act and the Convention on the Rights of the Child, as well as coordinate and control the activity of protection and promotion of the rights of the child.²⁶ and the Ombudsperson who is responsible for „defending the rights and liberties of the child in her/his dealings with public authorities with the aim of improving the child’s condition”²⁷

The Minister of Labour and Social Justice also has a Control body at its disposal, whose task would be to exercise control over all areas and institutions in the fields managed by this Ministry, including social assistance services where it does methodological verifications.²⁸ However, it does not sanction itself when warranted, but it sends its conclusions further to the institutions which have the power to implement sanctions/ other measures, or to law enforcement if necessary.

The main body at central level with expertise on child protection, a body which has been re-established (it had only been a directorate part of the Ministry of Labour for a number of years) in 2014 as an institution subordinated to the Ministry of Labour is the National Authority for the Protection of the Rights of the Child and Adoption (hereinafter the National Authority). It fulfils many roles, among which: to propose and then coordinate the implementation of the governmental strategy in the field of protection and promoting children’s rights as well as evaluate its impact and propose changes; monitors the respect for children’s rights and recommends to local authorities to adopt certain measures in this sense; controls, monitors, and provides methodological guidance to the services meant to prevent the separation of the child from the family, the special protection ones and the activities of the child protection commissions; it also elaborates standards, methodologies and working procedures as well as the licensing methodology for services and licenses such services; does the control and methodological guidance in the field of adoption and manages international adoption.²⁹

26 Law 272/2004, Article 111.

27 Law 272/2004, Article 112.

28 Order 1945/23.11.2017 of the Minister of Labour and Social Justice for the approval of the Organizing and Functioning Regulations for the Ministry of Labour and Social Justice own apparatus, Article 39, para. 1, l), m), y), z), aa), available at: http://www.mmuncii.ro/j33/images/Documente/MMJS/Minister/MMJS-Ordin_ROF2017.pdf.

29 Government Emergency Ordinance 11/2014 on the adoption of reorganization measures at the level of central public administration and for the modification and completion of certain legal norms, Article 5, para. 7.

The institution responsible for evaluation, monitoring and control of the quality of social services is the National Agency for Payments and Social Inspection³⁰ (hereinafter the National Agency) through social inspectors. When it is about inspections meant to establish the quality class/category (there are three such classes) of the service, staff from the National Authority for Child Protection and Adoption also accompanies the social inspectors.³¹ The National Agency “controls, evaluates and monitors the respect of legal provisions in what regards the respect for the conditions in order to receive the accreditation/licensing for social service providers and the services they provide”³². However, the accreditation for providers is signed by the Minister of Labour or someone delegated to this end while the licensing of the service is done by the president of the National Authority.³³

It came out from the interview with the National Authority head of monitoring service that in the process of accreditation/licensing their involvement is mainly office-based – they do not go on the field, but license on the basis of reports from the social inspectors. She also mentioned that, when they do not meet the accreditation/licensing criteria, General Directorates call and ask them, at central level, what to do to meet these criteria. In other words, they ask for methodological guidance.

Local authorities in general have an obligation to guarantee and promote the respect for the rights of the child, to ensure the prevention of the separation of the child from her/his parents, as well as the special protection of the child without parental care. These authorities also have the obligation to involve the local community in solving the social problems of children and can establish consultative structures which can include local business people, priests, teachers, doctors, local advisers (public elected function), and police workers.³⁴ The “local authorities” are mentioned generally in relation to this obligation (it is not clear which is supposed, for example, to establish community structures), and neither is there an objective that can then be monitored and measured in terms of child protection-related activity at the local level.

30 Government Emergency Ordinance 113/2011 on the organizing and functioning of the national Agency for Payments and Social Inspection, Article 6, para. 2, a).

31 Law 197/2012, Article 21, para 1.

32 Government Emergency Ordinance 113/2011, Article 6, para. 3, g).

33 Law 197/2012, Article 22.

34 Law 272/2004, Articles 113-114.

Also at local level there is a Commission on child protection, under the county council (elected local body)³⁵ with representatives from various institutions/professions and a licensed private body working in the field of child protection. Namely: the county secretary who is also the president of the Commission; the director of the General Directorate for Social Assistance and Child Protection (s/he can delegate the director for child protection from within the General Directorate to participate); a medical doctor specialized in pediatric neurology or pediatrics or pediatric psychiatry or any other pediatric specialization, who is appointed by the county public health directorate; a psychologist or a psycho-pedagogue appointed by the county school inspectorate; someone appointed by the county agency for payments and social inspection, preferably a social assistant; and two representatives of private licensed bodies in the field of child protection proposed by the county secretary and who participate alternatively.³⁶ This commission decides, among others on the degree of disability of children and on placement in state care under certain conditions (i.e. where the parents agree to this measure, as well as in the situation where the child is 14 and over). It also issues the attestation for those who want to be foster parents.³⁷ In all its decisions, the commission is supposed to decide according to the best interest of the child.³⁸ There is however no clear procedure to contest the decisions of this Commission outlined in the Government Decision which regulates its activity, but only a rather vague provision saying that the Commission's secretary must record all complaints received from children or their representatives in relation to the Commission's area of competence and must communicate a solution within a general legal deadline. In such conditions, if a child wants to be heard, the Commission cannot refuse.³⁹

35 Law 272/2004, Article 115.

36 Government Decision 502/2017 on the organizing and functioning of the child protection commission, Article 3, and Article 5, para. 1, (b).

37 Government Decision 502/2017, Article 2.

38 Government Decision 502/2017, Article 4.

39 Government Decision 502/2017, Article 13.

This Commission is accountable to the county council in cases where it makes decisions without respecting the law, but the institution which is supposed to establish this is the National Authority, from the central level, which proposes disciplinary sanctions or revoking the person from the function of member of the Commission. These sanctions have to be implemented by the County Council or the institution where the member of the Commission comes from.⁴⁰ It is not clear how the central level authority finds out about any breaches (the monitoring procedure is not detailed in the specific legislation regulating the functioning of this Commission⁴¹), aside from potential complaints from parents or guardians/children.

Since 2016, the National Agency has also acquired the ability to check how the degree of disability was established, but it moreover seems that the intent of this new task comes is from an anti-fraud perspective: undertakes social investigation activities on the provision of social services, granting social assistance benefits, how legal provisions on establishing the degree of disability, invalidity, dependency were established in order to identify potential situations of error, abuse and neglect in the social assistance system and sends to the competent bodies the resulting evidence and information for the purpose of initiating the criminal investigation if warranted.⁴²

According to the website of the National Authority: “according to legislation in force, decisions of the Commission on child protection can be contested before the tribunal at the place of residence”.⁴³ The Authority does not mention which legislation it is referring to. It is presumably referring to the Child protection act which states that cases regarding the establishment of special measures fall under the competence of tribunals (county courts)⁴⁴. In January 2017, the High Court of Cassation and Justice, answering a question on points of law determined by lack of procedural provisions in this matter,

40 Government Decision 502/2017, Article 11.

41 Government Decision 502/2017.

42 Government Emergency Ordinance 113/2011, Article 6, para 2, e1)

43 National authority for the protection of the rights of the child and adoption, *Frequent Questions*, at: <http://www.copii.ro/activitate/sistemul-de-protectie-a-copilului/intrebari-frecvente/>.

44 Law 272/2004, Article 133, para. 1.

clarified the competence of tribunals to judge appeals on decisions of the Commission on child protection in what regards the establishing of the degree of disability.⁴⁵ The new Government Decision regulating the functioning of the Commission on child protection⁴⁶, replacing a similar act from 2004 – which did specify that the decisions of the commission could be contested before the tribunal as per the child protection act which however only referred to special protection measures and not to all of the commission's mandate⁴⁷ –, was adopted in July 2017, after the decision of the High Court. In spite of this, the Government did not include clear provisions on procedures related to where and how the decisions of the Commission can be contested. While it is not clear how it functions in practice, the legal framework is ambiguous or non-existent when it comes to holding this Commission accountable in general, but also in terms of access to remedy for those who are not satisfied with the decisions of the Commission.

The right to be informed and heard of the child is not adequately regulated in the procedure to be followed by this Commission. The Civil Code establishes that it is obligatory to hear a child who is 10 and over in the administrative and judicial procedures which concern her/him. The child below 10 can also be heard if the authority making the decisions considers this to be important for the specific decision.⁴⁸ Yet, the procedures before the Commission only speak about the child who is 10, who is invited before the Commission and informed on the protection measure and its consequences and on her/his right to express an opinion. There is no exception mentioned for the child below 10, as there is one in the Civil Code. While the Commission should apply the Civil Code when it comes to children younger than 10, lack of specification in its regulation makes the provision inadequate, the procedure unpredictable for the lay person, and generally reinforces the tendency to not listen to the child below 10.

On the child with disability in general, there is an express provision stating that her/his presence is not compulsory before the Commission, and that the child can be called

45 Romanian High Court of Cassation and Justice, *Decision 1/2017, Appeal on points of law, on the annulment of decisions of the Commission on child protection regarding the establishment of the degree and type of disability of the child with disability.*

46 Government Decision 502/13.07.2017

47 Government Decision 1437/2004 on the organizing and functioning methodology of the child protection commission, Article 10, para. 3.

48 Law 287/2009 on the Civil Code, Article 264.

before the Commission only if the Commission considers necessary. The child who is in a rehabilitation/treatment institution or cannot be moved, does not have to come before the Commission as a rule. The decision regarding children is mainly based on the case file compiled by the social work services. This procedure thus not only breaches the right of children with disability in general to be heard, but it is also discriminatory – children over 10 cannot be heard if they have a disability but under special circumstances and at the decision of the Commission. Also, under the philosophy regulating the functioning of the Commission, children with disability in general, regardless of disability and the specificities of each child, are clearly generally considered incapable of having an opinion. It results that, although this is a Commission which decides on the degree of disability of children, the procedure it applies shows a lack of understanding of the diversity of disabilities, and even a discriminatory, ignorant image on the child with disability, with whom we apparently need invariably to communicate in an adapted manner: when it speaks of the exceptional circumstances when children with disability are being heard, the procedure states, generally and without exception or nuance: “In situations well grounded, the child with disability may be heard, on condition that communication with the child is being done through spoken languages, sign language, or specific language for people with deaf-blindness.”⁴⁹ Adopting such provisions in 2017 additionally justifies the Concluding observations of the Committee on the Rights of the Child with regards to Romania, that the country “does not have a human rights-based model for disability”⁵⁰.

The main institution on child protection at local level is the General Directorate for Social Assistance and Child protection (hereinafter, the General Directorate). Its main tasks include: coordinating the social assistance and family protection and child rights at county level; coordinates the local strategy on protecting and promoting child rights; ensures the methodological guidance of public services for social assistance; monitors and assesses the respect of child rights at county level and proposes measures in situations where these are breached.⁵¹

49 Government Decision 502/2017, Article 17.

50 Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of Romania*, CRC/C/ROU/CO/5, 13 July, 2017, para. 31, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2fROU%2fCO%2f5&Lang=en

51 Law 272/2004, Article 117.

At the level of cities/towns, there are public services for social assistance, and at rural localities' level there is staff with social assistance tasks. They are the ones who have the main grassroots monitoring role, and they are, most likely, the most important professionals in the framework of child protection from the perspective of prevention. They thus have the following tasks: monitoring and assessing the situation of children within their jurisdiction, as well as the respect for children's rights, they collect and assess the information on the basis of a standard monitoring chart; they do the activities of preventing the separation of the child from family and identify the situations where benefits/services are needed to prevent such separation. They then compile the documentation and provide such benefits/services; they inform families on their rights and obligations in relation to their children; they do prevention work in the areas of drug and alcohol use, of domestic violence and delinquent behavior; they pay home visits to families that have benefits/services as well as to families with children whose parents are abroad for work; they propose to the mayor to establish a special protection measure where needed; and monitor the family when a child in special protection has been reintegrated into the family. In addition, these services cooperate with the general directorates and communicate data to them.⁵²

Also at local level there are day services whose role is to support the family in order to prevent the separation of the child from the family; family-type services (mainly foster care); and residential services. Local councils have to organize the day services and the county councils the family-type and residential services.⁵³ Private bodies can also provide such services if they are licensed and can do so in cooperation with the General Directorates and the Public Services or by contracting such services.⁵⁴

3.3 WHAT INTERNATIONAL STANDARDS, CONVENTIONS ARE THE BASIS OF THE SYTEM

The main international convention also explicitly mentioned in the Child Protection Act is the UN Convention on the rights of the child.

52 Law 272/2004, Article 118.

53 Law 272/2004, Article 119-125.

54 Law 272/2004, Article 126.

3.4 HOW DO THE FOLLOWING PRINCIPLES ENSURED IN THE CPS:

3.4.1 Best interest determination

The Romanian Civil Code has a specific article on the best interest of the child (in Romanian it is phrased as “the superior interest of the child”), which reads as follows:

“Art. 263: The principle of the superior interest of the child

(1) Any measure regarding the child, regardless of the author, must be taken respecting the best interest of the child.

(2) In order to solve requests regarding the child, the relevant authorities have a duty to provide all the necessary guidance so that the parties make recourse to amicable means of solving conflicts.

(3) Procedures regarding relations between parents and children must guarantee that the wishes and interests of the parents as far as the children are concerned can be brought to the attention of the authorities and that the latter take them into account in the decisions they make.

(4) Procedures regarding children must take place within a reasonable time frame, so that the best interest of the child and family relations are not affected.

(5) From the perspective of the legal provisions concerning child protection, a child is understood to mean the person who is not 18 yet and neither has acquired full legal agency, according to the law.”

The Child Protection Act proclaims the prioritization of the best interest of the child. It also establishes that, in determining the best interest of the child, the following are to be considered: the needs for physical, psychological development, educational, health security and stability and belonging to a family; the child’s opinion, as related to age and degree of maturity; the child’s history, taking into consideration, in particular, situations of abuse, neglect, exploitation or any other form of violence on the child, as well as

potential risk situations which can appear at a later date; the capacity of parents or those who are going to raise and care for the child to respond to the child's concrete needs; maintaining personal relationships to the persons towards whom the child has developed attachment.⁵⁵

The UNICEF child protection specialist interviewed, while noting that there are individual exceptions, said she saw very few cases where the principle of best interest of the child was transferred in practice. By contrast, she saw more situations where this principle is used to justify certain measures regarding the child, without it being very clear how the best interest was determined.

3.4.2 Do no harm

This principle is not explicitly mentioned/described in the Child Protection Act.

3.4.3 Equal access to services – including for vulnerable children

The Child Protection Act explicitly mentions that one of the principles in respecting and guaranteeing the rights of the child is equality of chances and nondiscrimination.⁵⁶ Also, non-discrimination is one of the principles on which the social assistance system is supposed to be based, according to the law: “non-discrimination, according to which vulnerable persons benefit from social protection measures and actions without restriction or preference as regards their race, nationality, ethnic origin, language, religion, social category, opinion, sex or sexual orientation, age, political belonging, disability, chronic non-contagious illness, HIV infection or belonging to a disfavored category”⁵⁷.

55 Law 272/2004, Article 2, para.6.

56 Law 272/2004, Article 6, d).

57 Law 292/2011, Article 5, i).

In reality, discrimination is widespread in Romania, affecting various categories of children, such as Roma children, children with disabilities or children from rural areas. Roma children, for example, are affected, to a much larger proportion than non-Roma children by severe poverty and segregation in education, against a background of institutionalized or outright discrimination. The UN Special rapporteur on extreme poverty and human rights, upon finalizing his visit to Romania put it the following way: "The official state of denial is most striking when it comes to the Roma population. Available statistics make clear that most Roma are worse off than the rest of the population in almost every aspect of life. The maternal mortality rate, the number of Roma women that die during pregnancy or shortly after giving birth, is fifteen times higher than for non-Roma women. According to the World Bank, about 90% of Roma households face severe material deprivation compared to 54 percent of non-Roma living in adjacent areas. A 2013 survey by the European Roma Rights Centre (ERRC) found that Roma, on average, die 16 years earlier than the rest of the population. The European Commission notes that 84% of Roma households report lack of water, sewage or electricity. Many reports support the conclusion that Roma are discriminated against in education, health care, employment and housing.

Nevertheless, very senior officials to whom I spoke asserted that 'there is no discrimination against Roma in Romania' and that they 'live exactly as they want to live'. Others described how the 'Gypsies' are generally criminals who don't like to work, are 'a nomadic people,' and never send their children to school. Most stereotypes conceal a grain of truth, and it is true that unemployment figures for Roma are higher than for the rest of the population, that a higher percentage of Roma children are out of school altogether or have dropped out, and that Roma have a low level of property ownership. But that is not because Roma are by nature unwilling to work or follow an education, but is a function of a long history of discrimination, neglect and isolation. The Roma are human just like every other Romanian, with similar needs, ambitions and feelings. Many have been extremely successful."⁵⁸

58 End-of-mission statement on Romania, by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights, Bucharest, 11 November 2015, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16737&LangID=E>

School segregation of Roma children is widespread. While there is no single estimate, some figures go beyond 50 percent.⁵⁹ According to a 2017 poll 54 percent of Romanians consider that the Roma are a problem or a threat for their country.⁶⁰ According to a 2015 poll, 51 percent of Romanians consider that people with physical disability are to a large and very large extent discriminated against in school; 58 percent think this of people with a mental disability; 64 percent think this of HIV/aids affected people; and 52 of people of a different sexual orientation. Simultaneously though, only 50 percent would accept to have a person with physical disability amongst their family and friends, 39 a person with a mental disability, 26 percent an HIV/AIDS affected person, and 22 percent a person of a different sexual orientation.⁶¹

A study from Accept Association on the situation of LGBT kids in schools showed that 1 out of four high-school students consider that gay and lesbian people are inferior beings, 2 out of five believe gay and lesbian people should not be teaching in schools, 1 out of 2 would be bothered to have a homosexual class mate and 1 out of 3 a lesbian one; 3 out of 5 consider that men with a more feminine behavior should be ashamed of the way they act, only 5 percent would ask for help from a teacher or the school director if they witnessed a situation where a mate would be bullied or aggressed for having a different sexual orientation. 96 percent of LGBT kids consider that “homosexual” and “lesbian” are being used negatively and they therefore avoid assuming their identity fearing for their personal safety.⁶²

59 European Roma Rights Centre, Roma Centre for Social Intervention and Studies, *Letter to the European Commission Re. breaches of Directive 2000/43 resulting from segregation of Romani children in the Romanian education system*, 30 May 2016, available at: <http://www.errc.org/cms/upload/file/romania-letter-to-ec-school-segregation-in-romania-30-may-2016.pdf>

60 „Elie Wiesel” National Institute for the Study of the Holocaust in Romania, *Press release: Only 2 out of 10 Romanians would accept to have amongst their friends or family members persons of a different ethnicity*, 19.10.2017, available at: <http://www.inshr-ew.ro/ro/presa/anunturi/452-doar-2-din-10-romani-ar-accepta-sa-aiba-in-familie-sau-printre-prietenii-persoane-de-alta-etnie.html>

61 TNS-CSOP opinion poll done in 2015 at the request of the National Council for Combating Discrimination, available at: http://api.components.ro/uploads/1d3a0bf8b95391b825aa56853282d5da/2016/10/Sondaj_TNS_CNCD_2015.pdf.

62 Accept Association, *LGBT youth – victims of violence and harassment in high-school*, 01.03.2016, available at: <http://www.acceptromania.ro/blog/2016/03/01/tinerii-lgbt-victime-ale-violentei-si-hartuirii-la-liceu/>.

Children with disability also face severe discrimination, particularly kids with intellectual disability/mental health problems, going from lack of necessary adaptation of the physical space to outright rejection and an educational system unwilling to include them.⁶³ The statistics also show exclusion: 43 percent are not enrolled at all, and 17 percent are enrolled in special schools.⁶⁴

On all aspects related to acceptance of diversity, Save the Children Romania documented a significant drop in acceptance of diversity among children during a ten year time span.⁶⁵ There is currently no operational strategy to combat discrimination in Romania, and the principle is not mainstreamed into various areas of life. The existence of LGBTQIA+ kids as such and their problems are not even acknowledged by the educational state system. The Romanian Government has adopted a national strategy in the area of protection and promotion of children's rights. The document spends much space on identifying and describing the problems and less on proposing concrete solutions with set indicators for all of them and a time-frame. The Strategy does include specific references to vulnerable categories of children and objectives in relation to them (Roma children, children with disabilities, children deprived of parental care, street children, other vulnerable children), but sets no budgetary commitments. Furthermore, the Government, through this Strategy, transfers responsibility, including for financing, to non-state actors that cannot be held publicly accountable, when it clearly states that: "one adds to the contribution of NGOs in the elaboration of the strategy also their effective participation in implementation and financing; with the expectation that NGOs significantly contribute to attaining the proposed objectives".⁶⁶

63 See also European Center for the Rights of Children with Disability at: <http://www.cedcd.ro/>

64 End-of-mission statement on Romania, by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights, Bucharest, 11 November 2015, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16737&LangID=E>

65 Save the Children Romania, *Alternative Report to the Fifth periodic report submitted by Romania to the Committee on the Rights of the Child, 2008-2013*, Bucharest, 2016, pp. 11-12, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fNGO%2fROU%2f25318&Lang=en.

66 Government Decision 1113/2014 on the approval of the National Strategy for the protection and promotion of the rights of the child for the period 2014-2020 and of the Operational plan for the implementation of the National Strategy for the protection and promotion of the rights of the child 2014-2016, Section I, chapter 8, Implications for the budget.

3.5 SCOPE OF THE QUALITY CONTROL (DOES IT INCLUDE JUSTICE, HEALTH, EDUCATION? OTHER?)

The quality control system on child protection mainly concerns social services and is generally based on standards, regulated through specific legislation.

The National Agency head of social inspection interviewed mentioned that in the discussions with National Authority representatives, the plan is to change the philosophy of the standards in child protection to refocus them on results for the child rather than on specific procedures. The National Agency head of social inspection agrees with this approach as it is also in line with their recommendations. The National Authority head of monitoring service interviewed mentioned that the number of standards will be reduced to five and that they will be more straightforward and easier to implement.

As can be inferred from the system setup described above, there is a serious gap in children's rights control, with insufficient powers at the level of specialized institutions such as the National Authority or the General Directorates to actually sanction child abuse and immediately put a stop to it. The Committee on the Rights of the Child, in its Concluding Observations on Romania adopted in July 2017 states the following under the topic Abuse, neglect, sexual exploitation and abuse:

"25. While welcoming the development of the observation and the risk assessment forms aimed at identifying children in need of help and giving them access to services, the Committee is concerned at the:

- (a) General tolerance of violence in different forms, including verbal and psychological abuse;
- (b) Limited capacities of the public system to identify, report and address cases of violence, abuse and neglect of children, as well as sexual exploitation and abuse, in a cross-sectoral manner;
- (c) Severe forms of violence allegedly taking place in the childcare system, especially towards children with disabilities."⁶⁷

67 Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of Romania*, CRC/C/ROU/CO/5, 13 July, 2017, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fROU%2fCO%2f5&Lang=en

Save the Children Romania undertook comprehensive studies on violence on children with comparable results over the years. The organization found that 63 percent of children admit to having been physically abused by their parents in 2012 whereas 20 percent of the parents admit to the same. The share of parents, the organization points out, is the same in 2012 as it was in 2001, 2002, in spite of physical corrections having become illegal. The country does not have a country-wide program on parental education, and counselling, like with all social assistance services, is done based on availability of resources.

According to the officially registered cases, namely the National Authority statistics on abuse, neglect and exploitation (physical abuse, emotional abuse, sexual abuse, neglect, exploitation through labour, sexual exploitation, exploitation for the purpose of committing crimes), at the end of June 2017 (cumulated from January 1st 2017), there were 7622 cases. Only in 506 cases the criminal investigation of the aggressor was initiated (mostly in sexual abuse cases – 205). Of all these cases, 4368 benefitted from psychological counselling and only 15 from psychotherapy.⁶⁸

68 National Authority for the Protection of the Rights of the Child and Adoptions, Statistical data, available at: <http://www.copii.ro/statistici-2017/>

3.6 ROLE OF CIVIL SOCIETY IN MONITORING, AS WELL AS MEDIA

The civil society does not have a mechanism of its own to monitor quality in child protection services. The Center for Legal Resources, a watchdog-type NGO, undertakes unannounced human rights monitoring visits to institutions where one can find people with intellectual disability/mental health problems, institutions for children included. As a result of such visits, the organization publishes reports, and at times initiates legal cases.⁶⁹ The visits are possible on the basis of protocols of cooperation with central-level authorities. However, recently, the organization has announced that the protocol it had with the Ministry of Labour was revoked by the institution.⁷⁰ Save the Children Romania sends alternative reports to international human rights monitoring bodies such as the Committee on the Rights of the Child based on the organization's research and experience. Some of their considerations also point to the quality of services.⁷¹

The media tends to report on cases of extreme abuse. The Ombudsperson usually starts cases ex-officio when they are signaled in the media.⁷² When the media scandal is high, most central-level institutions initiate controls with the respective local service providers/institutions. The media unfortunately does not do follow-up on cases from a public interest perspective, let alone from a child rights one.

69 www.crj.ro/en/

70 Centre for Legal Resources, *The Human Rights Commissioner of the Council of Europe expresses his serious concern towards the cessation of the access of the Centre for legal Resources to residential centres for persons with intellectual disability/mental health problems, something that puts at serious risk the rights of these people*, 13.10.2017, at: <http://www.crj.ro/comisarul-pentru-drepturile-omului-al-coe-isi-exprima-ingrijorarea-serioasa-fata-de-oprirea-accesului-crj-in-centrele-rezidentiale-pentru-persoane-cu-dizabilitati-intelectualeprobleme-de-sanatate-min/>

71 Save the Children Romania, *Alternative Report to the Fifth periodic report submitted by Romania to the Committee on the Rights of the Child, 2008-2013*, Bucharest, 2016, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fNGO%2fROU%2f25318&Lang=en.

72 Romanian ombudsman, Annual report 2016, pp. 258-259, available at: http://www.avp.ro/index.php?option=com_content&view=article&id=50&Itemid=174&lang=ro-ro

3.7 SPECIAL MEASURES TO MONITOR INSTITUTIONAL CARE

The Child Protection Act includes a specific section on monitoring special protection measures, including institutional care. The institution responsible for such monitoring is the General Directorate for Social Assistance and Child Protection. However, this monitoring mainly refers to the welfare of the child, and less to the quality of the services, although the manner in which the measures established are implemented is something directorates have to look at also, according to the law. The General Directorate is supposed to do reports on the situation of the child every three months and assess whether the measure still needs to be maintained or whether the child can be reintegrated into the family.⁷³

In effect, institutions or private entities that provide services function on the basis of standards. Most standards have been approved by Order of the Minister of Labour, and the adequate implementation of these standards is verified by the National Agency, like all the other standards in social services. Aside from the verifications done for accreditation of providers/licensing of services, social inspectors are supposed to also do systematic verifications based on annual planning of control missions, planning done at the level of the National Agency. According to the National Agency head of social inspection directorate interviewed, this plan is compiled after discussions with social assistance institutions and NGOs and based on their needs. She also states that monitoring is more frequent in those places where either the press signaled problems, or where they applied sanctions in previous control visits, or where there were incidents. The formal process of verification includes: monitoring and control actions and verifying the conditions for accreditation; drafting evaluation, monitoring and control reports; issuing the measures needed to remedy irregularities with precise dead-lines and responsibilities; implementing the sanctions foreseen by law where legal provisions are not respected; proposing the suspension of accreditation or its withdrawal or revising the quality class/category of the service; implementing the measures established

73 Law 272/2004, Articles 72-73.

through the decision of suspension, or withdrawal of accreditation.⁷⁴ Control is also done based on complaints received in relation to the services and such controls must be done under emergency conditions, meaning in a maximum of three working days from the date of recording the complaint.⁷⁵

There are a number of standards specifically referring to residential centres, namely: Order 21/2006 on minimal compulsory standards on residential centres for child protection; Order 27/2004 on minimal compulsory standards for emergency reception centre for the child who has been abused, neglected and exploited and Order 27/2004 on minimal compulsory standards for residential child protection services for children with disability. Like all standards, these regulatory frameworks include a number of indicators which the social inspectors are supposed to verify, and the providers of the service are supposed to comply with when they establish such a service. The main areas include: the mission and the place of the service within the system of services at county/local level; the planning of child protection; the quality of care, education and socializing; complaints and representation, special events; the environment; safety and security; management and administration.

Therefore, the organizing of residential centres is regulated in a specific manner, but there are no special additional measures aimed at monitoring these centres from the perspective of quality control of services.

Residential centres for children also fall under the purview of the National Preventive Mechanism (under the Optional Protocol to the UN Convention against Torture) – NPM, which in Romania functions since 2014⁷⁶ and under the Ombudsperson. As per Romanian legislation, the Ombudsperson can pay announced or unannounced visits to such centres, on the basis of an annual plan or upon receiving notice from any person or upon finding about torture, cruel, inhumane or degrading treatment.

74 Law 197/2012, Article 24, para. 1.

75 Methodological guidelines for the implementations of the provisions of Law 197/2012 on ensuring quality in the field of social services, approved through Government Decision 118/2014, Article 40, para. 4.

76 Government Emergency Ordinance 48/2014 for the modification and completion of Law 35/1997 on the organizing and functioning of the Ombudsman institution, and for the modification and completion of certain legal norms

The institution has a specific deputy dealing with the mechanism, and a centre in Bucharest plus three regional ones specific for the mechanism. As with the rest of its activity, in the case of the Ombudsperson's visits under the NPM there's a report at the end and a number of recommendations which institutions visited are supposed to implement. In addition, if deeds of a criminal nature are found during the visits, the Ombudsperson is supposed to file a report with the law enforcement authorities if it finds clues of criminal activity.⁷⁷ Reports are published on a dedicated section for the NPM on the Ombudsperson webpage.⁷⁸

There is no independent assessment of the activity of the Ombudsperson in what concerns its effectiveness for child protection under the NPM. From a regulatory perspective, the fact that it only issues recommendations following the monitoring visits, with the added possibility to file criminal complaints, is however extremely limited in terms of power and effectiveness given the seriousness of deeds that usually fall under the NPM. Looking at a report published in 2017 following a visit in a residential centre⁷⁹, a visit prompted by media reports, one concludes that the monitoring lacks a human rights and child rights perspective and does not identify as such the severity of certain situations the children are in. The effect of monitoring that does not adequately point to serious, many times systemic breaches of rights of children and those responsible, and does not sanction appropriately, can more likely be one of cover up rather than prevention.

This visit was prompted by media reports whereby children in this centre maintained they were being aggressed by certain staff and that the director would have been covering up the incidents. The monitoring team verified the general standard for such centres (mainly looking at living conditions which were found to be generally adequate, with the exception of too little space/child in certain rooms), which is otherwise the job of the National Agency. It then noted a certain number of issues, such as the fact that seven children out of 72 were missing and police had been notified.

77 Law 35/1997, Section 4.

78 Romanian Ombudsman, *National Preventive Mechanism - Reports for 2017*, available at: http://www.avp.ro/index.php?option=com_content&view=article&id=420&Itemid=63&lang=ro-ro

79 Romanian Ombudsman, *Report on the visit to the Placement Centre Lugoj, Timis county, Craiova*, April 25, 2017, available at: http://www.avp.ro/rapoarte_mnp/2017/raport_mnp_3_2017.pdf.

Two underage girls, one 16 and described as having “an intellect at the limit” and the other as young as 13 were pregnant (law enforcement had been notified in these two cases), 20 of the young people were diagnosed with chronic psychiatric conditions of which: 14 were taking psychiatric medication, 4 were missing, one was waiting for the prescription, and another could not take medication as she was pregnant. In spite of this, the centre did not have a psychologist employed, but relied on those from the General directorate who came once a week, or more often if called upon. 7 of the 20 children did not benefit from psychological assistance at all.

The monitoring team did not ascertain exactly what happened in the cases of accused violence against the children they were investigating (they did mention however that it came out from the documents on file two possible cases of aggression against educators), but moreover described what they were told and found relevant to note in their report that children involved were diagnosed with psychiatric conditions. One of the children involved, who had also been taken to the psychiatric ward after the alleged incident in question, was also missing from the centre at the time of the Ombudsperson team visit, a visit which otherwise occurred more than a month after the incidents. The monitoring team found that registries such as the one of complaints or for the evidence of situations of abuse did not have the pages numbered. They also noted that there was a disciplinary investigation underway with the General Directorate and that the head of the centre had already received a written warning for “manifestations which negatively affect the prestige of the General Directorate for Social Assistance and Child Protection (she did not fulfill with professionalism, impartiality and according to law her work duties)”.

Finally, with all these findings noted down the report ended with a series of soft recommendations, at best insufficient, namely to implement the procedures and basically do something about the situations of conflict with the children:

- “reevaluation of the relationship staff-beneficiary, in the sense of preventing conflictual situations, in view of eliminating any form of intimidation, discrimination, abuse, neglect, exploitation, inhumane, or degrading treatment foreseen by the standards in force
- include the vulnerable beneficiaries in individual or group counselling programs in order to avoid the deviant behavior found in the centre;
- identify solutions to increase the child’s feeling of belonging to the centre and to increase cohesion among children and educators, in order to reduce the risk of leaving the centre without permission;
- identify measures of specific intervention in view of optimizing the behavior of beneficiaries (remove the risk of pregnancy with minors, eliminate alcohol and ethnobotanic substances consumption, as well as to eliminate incidents of a criminal nature
- assess the possibility to install a video surveillance system for both the common spaces in the centre and the external yard with a view to increasing the safety and security of children.”⁸⁰

A good number of the children in this centre, judging by the descriptions from the report, seem to be in serious crisis. However, what the NPM report does is to simply recommend that the institution respect the regulations in place, or find the solutions needed to solve the existing problems. It does not point to root causes, which could be, among others: institutionalization itself, inadequate psychological services, lack of training of staff and basic understanding of children’s rights and the psychology of trauma, etc...

80 Romanian Ombudsman, *Report on the visit to the Placement Centre Lugoj, Timis county, Craiova, April 25, 2017*, available at: http://www.avp.ro/rapoarte_mnp/2017/raport_mnp_3_2017.pdf.

Neither does it explain the effects of the situation it finds on children from a psychological and human rights perspective. Furthermore, the report, albeit citing other people, tends to describe the children who were in the middle of incidents/problematic situations the NPM looked at, as children with problems who would be difficult to manage: “The two pregnant minors, one 16 years old, with an ‘intellect at limit’, was evaluated by the psychologist, and the other, 13 years of age, was in a psychological counselling programme. The head of the centre noted that this minor ‘ever since she came into the centre she did not respect the internal regulations, she would leave without permission from the centre, missing during the nights from the institution. The minor received psychological counselling, but without any result, on account of the fact that she would sometimes willingly not come to the counselling sessions or often times she would have run away from the centre’⁸¹. This shows that the NPM team itself does not have a human rights-based approach in its visits, and one which should also necessarily be based on an adequate understanding of child psychology and trauma. In the end, the NPM visit report is not a human rights-based report, but a combination between an administrative investigation - otherwise performed by the General Directorate or the National Authority - and a verification of standards otherwise the job of the National Agency, and without the possibility to sanction based on findings.

In its Alternative report sent to the Committee on the Rights of the Child, the Organization Save the children noted the following:

“Several cases of severe child abuse where victims were children from residential centres were brought to the public eye in the past years. These abuses were either perpetrated by caretakers themselves or had caretakers as accomplices. The situations described by media show cases of physical and sexual abuse, including trafficking in children for the purposes of sexual exploitation, practices pertaining to overmedication of children with neuroleptics substances, the deprivation of institutionalized children of certain

81 Romanian Ombudsman, *Report on the visit to the Placement Centre Lugoj, Timis county, Craiova, April 25, 2017*, available at: http://www.avp.ro/rapoarte_mnp/2017/raport_mnp_3_2017.pdf.

opportunities – participating in trips and camps, misusing donations received from NGOs, tempering with food ratios and with sums of money belonging to children. Up until now there is no exhaustive evaluation of the situation of children institutionalized in residential centres. Public authorities' interventions remain punctual and so do the solutions proposed. Even more worrisome is this situation as information concerning the sexual exploitation of girls placed in residential centres are more numerous (from a simple press monitoring exercise regarding 2015-2016, we identified 9 different residential centres where sexual abuse cases were reported). This problem calls for a coordinated response that must place at the centre of the monitoring instruments the voices of the beneficiaries (the children) who live in the protection system."⁸²

In terms of funds for deinstitutionalization, the UNICEF child protection specialist interviewed considered that the current EU funding framework is more generous in this sense than the previous EU funding exercise, and acknowledges the topic of deinstitutionalization, with enough resources to get started, but stated she does not know what is still missing to get the process started. While the Romanian state has indeed assumed it wants to deinstitutionalize children, (the National Authority, as mentioned by the head of the monitoring service interviewed, also has a project whereby it develops a plan for closing down institutions, and has identified 50 centres in need of more urgent closing down), there is not necessarily a standard on deinstitutionalization, so as to make sure that the mentality is also changed and that the smaller so-called "protected houses" do not, in fact, just become smaller institutions.

82 Save the Children Romania, *Alternative Report to the Fifth periodic report submitted by Romania to the Committee on the Rights of the Child, 2008-2013*, Bucharest, 2016, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fNGO%2fROU%2f25318&Lang=en.

The Committee on the Rights of the Child observed the following in relation to children deprived of a family environment in Romania:

“28. While welcoming the intention of the National Authority for the Protection of the Rights of the Child and Adoption to make the reform of the childcare system a priority, the Committee is concerned about:

- (a) The significant number of children still being placed in institutional care and about children from the most disadvantaged groups, including children from poor families, Roma children and children with disabilities, who remain at high risk of family separation and institutionalization;
- (b) The absence of adequate mechanisms for identifying children at risk and of early intervention services and referral systems at the community level, as well as about the belief that some children, particularly children with disabilities, are “better off” if separated from their families, resulting in children being unnecessarily placed in the child protection system;
- (c) Insufficient psychosocial support for children in institutions and residential care, especially for children with disabilities, insufficient training for social workers and staff in placement centres as well as gaps in the child protection system;
- (d) Inadequate monitoring of children in institutions and residential care and investigation of reports of physical and sexual abuse, including trafficking in children for the purposes of sexual exploitation;
- (e) Insufficient support for children leaving care, including those with disabilities.”⁸³

83 Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of Romania*, CRC/C/ROU/CO/5, 13 July, 2017, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fROU%2fCO%2f5&Lang=en

3.8 DESCRIPTION OF THE STANDARDS/INDICATORS

As mentioned, services are organized on the basis of standards. Their majority is quite old, too much focused on material conditions, which apparently were the most stringent problems when they were adopted (mainly during 2004-2006), and stakeholders interviewed agree that it is high time they were changed. The National Authority head of the monitoring service interviewed mentioned that, as they currently stand, although they are called minimal standards, the threshold is quite high for most service providers and that these providers have all tried to comply with those standards. Some are also little adapted, she mentions, to general realities in Romania, since they establish, for example, 6 square meters per child, whereas most old-style apartment rooms in Romania have 9 square meters and not 12, and in general, children in most Romanian families grow up two in a room. The NGO worker interviewed stated that the licensing process of the services introduced in 2012, in addition to the accreditation of the service provider, has made the whole process more burdensome and time consuming, also on account of too few staff at the level of the National Authority and insufficient social inspectors who are supposed to verify compliance in view of accreditation/licensing. Regarding the categories of quality for services, she points to the fact that the regulations are unclear as to how different categories are measured, and she also stated that she does not think anyone has reached the process of getting a specific quality category other than the minimal, as they're all focused on getting the license. Also in relation to the standards, she says that you sometimes get the feeling that it's buildings that are being licensed/accredited, not services, when in fact, in many cases, the service, in order to reach its goal, should be mobile or have a mobile component, and go into the rural community, particularly if we want it to be accessible.

The General directorate service director interviewed also mentioned that the standards need to be updated and that, in her view, the systems in various fields of life which interact in these standards must also be better placed in agreement with one another. Asked to provide examples, she pointed to a problem she identified in the Romanian justice system. She thinks that the model was adopted from abroad, where there are child tribunals/judges that work,⁸⁴ and that it does not necessarily function in Romania.

84 In Romania there is only one specialized tribunal for children and family matters.

She refers to the specific situation when a child is in danger in her/his family and must be immediately removed. If the parents do not allow access of social services, there's the need for a judge's emergency order.⁸⁵ However, in her experience, while the situation has improved lately, this process still takes too much time, in situations where a day can make the difference between life and death for a child.

Also, according to most interviewees, a working group has been established at central level to work on drafting new standards. The process of adoption is not yet public (they are not in public consultation) as of end of November 2017, but civil society representation would be ensured within this working group, according to most of the interviewees. The NGO worker interviewed stated they had not been included in the consultations, and was not aware of other NGOs in their region having been consulted. The General directorate service director interviewed also mentioned she has not seen any request for consultation on changing the standards lately, although she was aware the National Authority was working on the matter. The National Authority head of monitoring service interviewed explained that the process has not yet reached its public stage, where all stakeholders can be consulted/contribute, but that they hope to have it launched by the end of the year (2017). During 2011-2013, the Ministry of Labour, through the Directorate for Child Protection (currently turned into the National Authority) implemented an EU structural funds project whereby 11 draft quality standards in child protection were also to be elaborated according to the project description.⁸⁶ It is not clear why the process of changing/improving the standards is taking so long.

85 Law 272/2004, Article 100, para. 3.

86 „Improving the organizational efficacy of the child protection system in Romania” financed through the Operational Program for Administrative capacity Development. More information available at: http://www.copii.ro/programe_inter/imbunatatirea-eficacitatii-organizationale-a-sistemului-de-protectie-a-copilului-in-romania/

Examples of standards in the field of child protection which are currently in force include:

- Order 289/2006 for the approval of minimum compulsory standards on the counselling and support centre for parents and children and the methodological guidelines to implement these standards;
- Order 288/2006 for the approval of minimum compulsory standards on case management in the field of child protection;
- Order 287/2006 for the approval of minimum compulsory standards on the training and support centre for reintegration or integration of the child into the family as well as the methodological guidelines for the implementation of these standards;
- Order 132/2005 for the approval of minimum compulsory standards on the services destined to the protection of street children
- Order 89/2004 for the approval of the minimum compulsory standards on the emergency reception centre for the child who has been abused, neglected and exploited;
- Order 25/2004 for the approval of minimum compulsory standards on day centres for children with disability;
- Order 24/2004 for the approval of minimum compulsory standards on day centres;
- Order 21/2004 for the approval of minimum compulsory standards on residential services for the child protection;
- Order 177/2003 for the approval of minimum compulsory standards on the child's telephone number, the minimum compulsory standards on the counselling centre for the child who has been abused, neglected and exploited as well as the minimum compulsory standards on the community resource centre to prevent the abuse, neglect and exploitation of the child;
- Order 35/2003 for the approval of minimum compulsory standards to ensure the protection of the child living with a foster parent and the methodological guidelines for the implementation of these standards.

Aside from standards, as briefly mentioned above, the system also works on the basis of working methodologies which regulate how various professionals should work together. One such example is the Methodology on multidisciplinary and inter-institutional intervention on children exploited and in situation of risk of labour exploitation, children victims of human trafficking as well as migrant Romanian children victims of other forms of violence on the territory of other states.⁸⁷ While such methodologies are very detailed and provide guidance on the matter at hand, it is not clear who monitors regularly and ensures that they are actually implemented. The National Agency is able to monitor such implementation if it puts it in their annual objectives.⁸⁸

3.9 MODE OF DATA COLLECTION

The Romanian child protection system has a Child monitoring and tracking system (CMTIS) which has been evaluated as not functioning properly/consistently.⁸⁹ The Strategy on child protection 2014-2020 proposes: to strengthen the capacity of evaluation and monitoring of the rights of the child and her/his social situation, by establishing a national system of monitoring and evaluation of the situation of children in the country; creating a mechanism to identify and monitor all vulnerable children; stimulating the organizational culture in order to use evaluation by all public institutions with an active role in promoting the rights of the child.⁹⁰

87 Approved through Government Decision 49/2011

88 See for example: *National Agency for Payments and Social Inspection, National Thematic Report "Control on the respect of the provisions of Government Decision 691/2015 for the approval of the monitoring procedure on the way the child whose parents are abroad for work is being raised and care for and the services they can benefit from and the Working methodology on the cooperation between the General directorates for social assistance and child protection and the public services for social assistance and the standard model of documents drafted by these."*, No. 2.322/DIS/31.01.2017, available at: <http://www.mmanpis.ro/wp-content/uploads/2016/06/Raport-Tematic-Na%C8%9Bional.pdf>.

89 Ministry of Labour, Family, Social Protection and the Elderly, *Conclusive study based on the national evaluation of General Directorates for Social Assistance and Child Protection, Public Services of Social Assistance and other institutions and organizations involved in child protection*, Bucharest, 2013, pp. 57-58, available at: <http://www.copii.ro/anpdca-content/uploads/2014/12/Raport-final-studiu-conclusiv.pdf>.

90 Government Decision 1113/2014 on the approval of the National Strategy on the protection and promotion of the rights of the child for the period 2014-2020 and the Operational plan for the implementation of the national strategy for the protection and promotion of the rights of the child for the period 2014-2016, Chapter 6, Specific objective 1.4.

The National Authority head of monitoring service interviewed mentioned the current system is quite old, having been established before the adoption of the current Child Protection Act, and that the institution intends to apply for EU funding to implement this new system and to train social workers on how to use it. In her view, it would also greatly facilitate also the possibility to monitor the quality of services. The UNICEF child protection specialist interviewed also knew that the National Authority for Child Protection and Adoptions plans to reconstruct the data collection system having in view not only the monitoring of child welfare, but also the ability to systematically adjust public policy.

3.10 WORKING MECHANISM

There are, in effect two control mechanisms: one which looks at quality standards, and one which looks at the respect for children's rights.

The quality standards are elaborated by the National Authority⁹¹, but it is the National Agency through its subordinated structures that verifies the quality standards and can administer sanctions or propose the withdrawal of accreditation of the provider/licensing of the service⁹². However, the granting/withdrawal of accreditation/licensing is done by the Ministry of Labour and the National Authority for Child Protection and Adoptions respectively⁹³.

91 Government Emergency Ordinance 11/2014, Article 5, para. 7, h).

92 Law 197/2012, Article 24, para. 1.

93 Law 197/2012, Article 22.

On the other hand, when it comes to the rights of the child, it is the National Authority which ensures the control, yet it cannot sanction directly, but only propose to the competent authorities the measures to be taken as a result of its controls: “-ensures the control in what regards the respect for the legislation in the field of protection and promotion of the rights of the child and the way in which the rights of the child are being respected by public institutions, the other legal persons and natural persons, in agreement with the legislation in force; proposes to the competent institutions to set the disciplinary, material, administrative or criminal liability, as appropriate, of those liable; - proposes to the competent authorities the suspension or cessation of the activities that seriously and imminently endanger the health or physical or psychological development of the child;”⁹⁴. According to the National Authority head of the monitoring service interviewed, the controls are done in cases which are serious and cannot be solved at local level, on the basis of an instruction from the president of the National Authority, but with enough leeway to act further depending on what they find on the ground. The control body of the president of the National Authority performs such investigations mainly in cases of abuse, and the control ends with a report that goes back to the President of the National Authority. According to the National Authority head of the monitoring service interviewed, there are only about five people country-wide in this control body, and they are not specialized other than through experience accumulated on the job. Asked how the control body ascertains that the cases are exceptions and not systematic problems, the National Authority head of the monitoring service interviewed assumed that, if the same problem appears in more than one county, then the President of the National Authority can notice a pattern and take measures.

At county level, the General Directorates for Social Assistance and Child Protection monitor the respect for children’s rights and “propose measures when these rights are being breached”⁹⁵.

94 Government Emergency Ordinance 11/2014, Article 5, para. 7, m) and n).

95 Law 272/2004, Article 117, e).

In practice, this mechanism works poorly mainly on account of lack of resources. According to a Ministry of Labour sponsored comprehensive research looking at how legislation is implemented and quality ensured within the child protection system, case-managers are severely overburdened. The standard is 30 cases/case manager, and the average is in reality 75 cases/case manager. The General Directorate's tasks in the area of quality of services are also insufficiently regulated according to this research, which considers that the institution should have clearer tasks in terms of supervising and accreditation of social services, of specific methodologies and working procedures as well as their implementation and of legislation in general. The study also finds that resource management is deficient, lacks strategy and does not generally also include monitoring and evaluation of training. Furthermore, staff evaluation is generally just formal, since institutions do not want to reduce staff where they already have too few, or to frustrate them further. As far as local-level services are concerned – namely those which are front-line social workers, the study found that of the public social assistance services not even half are accredited. Also, in the rural areas, in the majority of communes, social assistance tasks are fulfilled by various other employees such as the vice-mayor, the agricultural referee, the librarian, the secretary, the accountant, the cashier. In general, of the staff at the level of these institutions only a third has a background in social sciences-humanities. Furthermore, only about 13 per cent of the public service on social assistance surveyed organized professional training for its staff. The main focus of their activity is on benefits, rather than on services, with little time left for prevention purposes, and more complex cases, usually when the situation has worsened cases are sent to the county level general directorates. Also, below 20 per cent of the centres for children with disability are actually adapted according to the law.⁹⁶

96 Ministry of Labour, Family, Social Protection and the Elderly, *Conclusive study based on the national evaluation of General Directorates for Social Assistance and Child Protection, Public Services of Social Assistance and other institutions and organizations involved in child protection*, Bucharest, 2013, pp. 221-223, available at: <http://www.copii.ro/anpdca-content/uploads/2014/12/Raport-final-studiu-conclusiv.pdf>

The latest report from a thematic campaign in child protection undertaken by the National Agency at the end of 2016 regarded the implementation of the procedure to monitor children whose parents are abroad for work and the working methodology between general directorates and public services for social assistance at local level. The conclusions confirm that the serious deficiencies in the social assistance system persist. Some of their findings include: the staff did not participate in training on child protection and there are no plans for professional training for the staff (only 12 percent of the local authorities organized training in social assistance in the context where only 37.16 percent of the staff of public services in social assistance verified is specialized in social assistance); there is no supervision system in place; there's a deficiency in the cooperation between the General directorate and the public service for social assistance at local level which however intensifies when a special protection measure is instituted for a child (68,44 percent of social services verified do not use instruments and methodologies to identify risk situations, 71.35 percent do not have and implement procedures on inter-institutional cooperation); there's a lack of staff designated by the General directorate to provide methodological guidance for the local service; overworkloadedness at local level on account of numerous tasks and additional functions which people who are doing the social work cumulate; lack of transportation means to go to beneficiary's houses, given that in many cases there's only one car for everybody in the specific local authority; granting benefits is the priority, and much less activities of prevention (there are 11 counties out of 41 and Bucharest, that do not have services for children at risk, and the activities in general focus on benefits in a proportion of 90 percent and only 10 percent on providing services); 46 percent of social services have partnerships with other relevant institutions, but the social inspection found very few cases where these partnerships also yield concrete results. Another conclusion is that children's rights and their responsibilities in this area are little known by both the representatives of social-administrative units and by the staff with social assistance tasks on account of lack specialization, lack of training and of supervision. The capacity

of local public services is not generally developed to be able to implement the child protection legislation, this on account of lack of resources, insufficient and untrained staff. The National Agency also provides a large set of recommendations and proposals for both clarifying legislation and for improving procedures and allocating resources.⁹⁷

The UNICEF child protection specialist interviewed pointed to various other obstacles in the functioning of the system. Aside from insufficient resources for child protection in general, the National Authority is supposed to do the methodological coordination of the field, but it does not have the resources to make sure that the methodological regulations adopted are actually internalized and implemented at local level practice. In this context, while mentioning that UNICEF supports decentralization as a necessary mechanism to bring the service closer to the beneficiary, she was critical of the way in which, with noted exceptions, local authorities choose to not prioritize child protection and generally strategic frameworks and objectives on child protection, and thus do not include sufficient resources for this field in the annual local budgets.

97 National Agency for Payments and Social Inspection, *National Thematic Report "Control on the respect of the provisions of Government Decision 691/2015 for the approval of the monitoring procedure on the way the child whose parents are abroad for work is being raised and care for and the services they can benefit from and the Working methodology on the cooperation between the General directorates for social assistance and child protection and the public services for social assistance and the standard model of documents drafted by these."*, No. 2.322/DIS/31.01.2017, pp. 7-11, 23, and pp. 25-27, available at: <http://www.mmanpis.ro/wp-content/uploads/2016/06/Raport-Tematic-Na%C8%9Bional.pdf>.

Related to the budget aspect, the UN special rapporteur on severe poverty and human rights concluded the following upon ending his visit to Romania in 2015:

“The Romanian Government has decentralized the provision of social services and benefits since 1997, which places considerable responsibility on the county and local authorities. While decentralization is a good concept in theory, consistent testimonies that I have gathered are that the county and local authorities are often not equipped with adequate financial and human resources to perform the job in a satisfactory manner. Despite the decentralization of functions, the financing mechanism remains centralized in that the county authorities rely on the central Government to provide up to 90 per cent of their total budget. The corollary of this is diminished public accountability and scapegoating in some cases. When the line Ministries in Bucharest are accused of failing to provide adequate social services and benefits to the people, they point a finger at the county and local authorities for not having adequate administrative capacity and competence to implement such services and benefits. On the contrary, when the county and local authorities are accused of the same, they moan about the shortage of resources allocated by the central Government. Another consequence of the decentralization has been an increase in inequality between urban and rural areas, as urban municipalities are more well-resourced than rural ones.”⁹⁸

98 End-of-mission statement on Romania, by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights, Bucharest, 11 November 2015, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16737&LangID=E>

Among others, this whole situation leads to children ending up in the child protection system more often than they should. According to another research assumed by the Ministry of Labour and done with the World Bank and UNICEF, “Children often end up in the child protection system because of the absence of a mechanism for identifying children at risk as well as the lack of early intervention services and referral systems at the community level.” The same system points to the fact that: “over 90 percent of all children in public care have a mother who is alive and known to them. (...) Their mothers tend to be young, with an average age of 36.3 compared with the average age of 42.1 for the national female population. They gave birth at an earlier age than the general population, at an average 23.4 years old compared with 27.8 for all Romanian mothers. This average is even lower for mothers from rural areas and for Roma mothers. (...) the available data indicate that many of these mothers have little if any education, are disconnected from the labour market, have undeclared marital status, and suffer from mental health problems and/or from a physical disability. (...) more than one third (35 percent) of children in public care went into the system before they reached their first birthday. An additional 17 percent were only between 1 and 2 years old when they entered the system”.⁹⁹

One recurring topic in the interviews was the fact that monitoring of services is moreover done from the perspective of control/sanctioning, rather than supervision/oversight with the purpose of improvement. The UNICEF child protection specialist interviewed stated that unfortunately, “supervision is only partially regulated, almost at all implemented but absolutely necessary to be able to improve the quality of services”.

99 Manuela Sofia Stănculescu, Vlad Grigoraş, Emil Teşliuc, Voichiţa Pop, *Children in public care: Romania*. Executive summary., The World Bank, Ministry of Labour, Family, Social Protection and the Elderly – the National Authority for the Protection of the Rights of the Child and Adoption, UNICEF, Bucharest, 2016, p. 3 and 6, available at: <http://www.copii.ro/resurse/>

While noting that in UNICEF's experience this problem can be remedied and that people at local level are actually willing to learn, the problem firstly needs to be acknowledged by the system. In her opinion the current situation, as opposed to 10-15 years ago, is described by less willingness on the side of all relevant stakeholders in child protection, NGOs included, to assume responsibilities, to cooperate and to get out of their comfort zones and do things differently, in spite of a clear need to shift the paradigm.

The NGO representative interviewed also criticized the way in which control/supervision/oversight is understood, both in practice, and at theoretical level. She mentioned that control is seen, and also many times practiced in this manner, strictly as control on whether everything is there according to the standard, all involved being aware that sanctioning is possible. She also mentions that there are too few inspectors, and they are not necessarily specialized in the types of services they check. Also, when talking of supervision, people in the field understand control. Instead, she mentions it should be about learning and change. It should not be seen as something bad, but as a help to be able to do good for the beneficiary one is working with.

In the view of the interviewees from the National Agency (head of social inspection and director of the institution), while they acknowledge that they do not have specialized inspectors, at least at central level, informally, people do focus on what they know best, usually something they did beforehand in their professional careers. At local level, how much they can specialize depends on the resources available.

The General directorate service director interviewed mentioned what might be called an ad-hoc monitoring system, which she insists is not control, but a manner to improve services step by step and not wait until the problem explodes. Within the specific directorate she's part of, following an incident of child abuse in a center for children with disability that made national headlines, the directorate instituted a mechanism whereby teams of specialists from various departments monitor services from other departments than they own. The monitoring reports go to the Director of the institution – the findings are not publicly reported. The examples of improvement she provides are mostly connected to physical aspects – such as better supplies in apartments for children and retrofitting or, in one case, rectifying a situation of misplacement of children in state care when they could have been reintegrated into their family. In general, she

considers the state should focus more on services, and fund psychological services for the families – which should include the parents -, rather than on benefits. She also finds that separating counselling services from the activity of case management has helped in the sense that beneficiaries have more trust to seek the counselling. Also, services for children while the parents are out looking for work/working or recreational activities provided by the local authority is something she considers has greatly worked. This directorate however is one which finds funding with the local authority, has managed to implement a number of EU funded projects and, according to the interviewee, to also get local funding for sustainability when the projects are finalized. Unfortunately, to the knowledge of this report's author, this is not the case throughout the country.

The National Agency head of social inspection mentioned that they do indeed have very few social inspectors, with counties where there are only two for the whole county.¹⁰⁰ According to the results of an inspection campaign, at the end of 2016, there were 291 social inspectors¹⁰¹ employed in the country, leading to an average of a little over 6 inspectors/county/Bucharest district. The mandate of these inspectors, as mentioned above, extends to both benefits and services and to all social groups that fall under the social protection legislation as they cover the whole field of social assistance. The director of the National Agency who was also interviewed stated that there have been several proposals to expand the human resources of the Agency, but that they get blocked at the level of the Ministry of Finance. The National Authority head of the monitoring service also mentioned that there have been proposals to increase the resources of the Authority, but they have not been approved. The director of the National Agency also mentioned that, due to a project with the World Bank, they have mainly focused on the aspect of benefits, but that next year they plan to recalibrate and focus more on services. Asked what she thinks should happen for the system to function better, she indicates that the Ministry of Finance is the key, adding that, aside from human resources, which are indeed needed in terms of number, there's also a need for other resources to organize the staff and cover their professional needs. Talking about resources for professional specialization, she states

100 Romania has a little over 19 million people and 41 counties, plus six districts of the capital Bucharest.

101 National Agency for Payments and Social Inspection, *National Thematic Report "Control on the respect of the provisions of Government Decision 691/2015 for the approval of the monitoring procedure on the way the child whose parents are abroad for work is being raised and care for and the services they can benefit from and the Working methodology on the cooperation between the General directorates for social assistance and child protection and the public services for social assistance and the standard model of documents drafted by these."*, No. 2.322/DIS/31.01.2017, p. 5, available at: <http://www.mmanpis.ro/wp-content/uploads/2016/06/Raport-Tematic-Na%C8%9Bional.pdf>.

she currently “cannot split the nothing”. They would like to have the inspectors work separately on benefits and services, and then within each, to have a focus at least on the three broad categories targeted by the social assistance system: elderly, people with disability and children. Investigations would be another category. However, she seems to consider that the situation will be unblocked and things will improve.

As stated, the Ombudsperson also has a mandate in relation to children. From the point of view of its structure, it has regional offices (15 such offices). One of the deputies in this institution has a mandate over the rights of the child, family, youth, pensioners, people with disability.¹⁰² In 2016, it dealt with 12519 petitions overall, and 1143 petitions in the fields enumerated above, of which 160 dealt with children’s rights. Topics covered included: where the child should stay in cases of divorce, Romanian children abroad, adoption, benefits, or abusive behavior of teachers.¹⁰³ This remains a low number of cases given the situation of children in Romania. Related to the institution of the Ombudsperson, Save the Children Romania made the following considerations in the organization’s Alternative Report to the Committee on the Rights of the Child: “In 2015, a total number of 12164 petitions were registered. Out of this total number only 103 petitions concerned the rights of the child, which means, from the point of view of allocated time, that only 2 petitions per week dealing with the rights of the child were registered in a country where 1.7 million children live in poverty and were 350.000 children were not registered in 2014 in the formal education system.”¹⁰⁴ Where it finds irregularities the Ombudsperson issues recommendations. If the institutions do not comply, the Ombudsperson can go up hierarchically or to the institution mandated to exercise control over the institution found at fault.¹⁰⁵ As mentioned, this is generally a very limited mandate and inefficient for actually defending children’s rights. As of October, 2018 the Romanian Parliament was looking at a bill that would establish an Ombudsperson for children as part of the Ombudsperson institution to specifically deal with children’s rights.¹⁰⁶

102 Law 35/1997 on the organizing and functioning of the ombudsperson institution, Article, 10, para 1, b).

103 Romanian ombudsman, Annual report 2016, pp. 257, available at: http://www.avp.ro/index.php?option=com_content&view=article&id=50&Itemid=174&lang=ro-ro

104 Save the Children Romania, *Alternative Report to the fifth periodic report submitted by Romania to the UN Committee on the Rights of the Child 2008-2013*, Bucharest, 2016, p. 6, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fNGO%2fROU%2f25318&Lang=en

105 Law 35/1997, Articles 21-25.

106 Pl-x nr 338/2017, available at: http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=16556.

3.11 MECHANISMS TO INCLUDE THE VOICE OF SERVICE USERS (FAMILIES AND CHILDREN)

One of the principles included in the Child Protection Act is “listening to the opinion of the child and taking it into consideration, taking into account the age and degree of maturity”¹⁰⁷. The Law on social assistance also states as one of the general principles of the social assistance system “the participation of beneficiaries, according to which beneficiaries participate in the formulation and implementation of policies with a direct impact on them, to the implementation of individualized program of social support and get actively involved into the life of the community, through various forms of association or directly, through volunteering for the benefit of vulnerable persons;”¹⁰⁸

However, according to research conducted under the aegis of the Ministry of Labour, “two out of every three children in the protection system are not consulted about their opinions and preferences”¹⁰⁹. The UNICEF child protection specialist interviewed mentioned that, unfortunately, child participation only exists on paper as a necessary principle to be mentioned, but that it is “empty of content”. The same UNICEF child protection specialist interviewed again noted that there are individual and even institutional exceptions, but they do not amount to a daily practice. She also mentioned that the existing mechanisms for child participation are inadequate so long as children cannot organize formally until they are 18. She thought we generally encourage children to express their opinions too little, and, even when they do, we take them too little into account.

According to the National Agency head of social inspection, when it’s about cases of alleged abuse, their procedures include the fact that, so long as a beneficiary can reply to a questionnaire, with the exception of a person with severe disability, every control ends with an interview.

107 Law 272/2004, Article 6, h).

108 Law 292/2011, Article 5, g).

109 Manuela Sofia Stănculescu, Vlad Grigoraş, Emil Teşliuc, Voichiţa Pop, *Children in public care: Romania. Executive summary.*, The World Bank, Ministry of Labour, Family, Social Protection and the Elderly – the National Authority for the Protection of the Rights of the Child and Adoption, *UNICEF*, Bucharest, 2016, p. 13, available at: <http://www.copii.ro/resurse/>

3.12 MECHANISMS TO PROVIDE FEEDBACK TO SERVICE USERS

No specific general mechanism was identified. However, there are certain provisions in certain standards. Thus, according to standard 8 related to residential centres, after consultation, the children and family/other important persons have to be informed on the manner in which their opinions and proposals have influenced the specific decisions they were consulted on.¹¹⁰

There is no assessment of how this functions in practice. However, a research study published by the EU Agency for Fundamental Rights on the rights of children involved in judicial proceedings, research which also included interviews with children in state care from Romania, revealed a precarious implementation of the right to information of children about decisions that greatly affect their lives. A number of excerpts from the report are particularly relevant:

“In Romania, children involved in institutional placement cases reported receiving information before the trial from placement centre staff or, if in foster care, foster parents. Most children considered the information insufficient, as it was generally limited to the trial’s date and time and, sometimes, guidelines for their behaviour (e.g. children were told to behave well, not to yell, to dress nicely or to be on time). Children mainly reported not receiving information about the hearing’s purpose. Children also indicated that social professionals were unable to provide accurate information because they had limited knowledge about judicial proceedings, despite their mandate to inform children.

“We were not told why. And I kept insisting, ‘Madam, why, why?’, I felt like she [the educator] did not notice me then, at that moment. And I asked several educators why we had to go... they were all telling me that I have to say whether I wanted to remain in the placement centre or not. That’s it. It was as if none of them knew anything else other than this.”
(Romania, female, 18 years old, party, institutional placement measure case)

110 Order 21/2006, Standard 8, 8.1.

The majority of the children reported being told that they were to be heard only a few days before the hearing, some a week before and a few on the day itself. Children complained that this was not enough time for them to process the information and prepare for the hearing. Children described feeling very nervous and stressed because of the insufficient warning and lack of information and explanations from professionals. For example, one child said that he was told he would have to leave his foster family three days before the hearing and then, almost immediately after the decision, he was taken to a placement centre.

"I was, how to put it, desperate, to use this word. I would say: 'Oh my God! Three days... These three days, what am I to do [unintelligible]?' I went to all my friends, all my relatives, everybody I knew, and I told them this, that, what's going on and I ... I ... I got to the very last day and... well... I was thinking: 'Only three days ago I was home and now, what am I to do?' (Romania, male, 14 years old, party, institutional placement measure case) (...)

In Romania, children noted that placement centre staff and foster parents usually told them about the proceedings' outcome. However, most found the information provided entirely insufficient; children repeatedly described being moved without being told why they were being taken from their homes or from one placement centre to another."¹¹¹

111 EU Agency for Fundamental Rights, *Child-friendly justice – perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States*, 2017, p. 73, 76, available at: <http://fra.europa.eu/en/publication/2017/child-friendly-justice-childrens-view>

3.13 ROLES AND RESPONSIBILITIES

Institutional roles and responsibilities are described above. From a professional perspective, the main person responsible should be the social worker who fulfills the role of case manager. One of the main regulatory documents in this sense is Order 288/2006 on the minimal obligatory standards on case management in the field of child protection. Case management is understood to mean: “a method of coordination of all social assistance and special protection activities undertaken for the best interest of the child by professionals from various services or public and private institutions”¹¹². The case manager is supposed to oversee the implementation of a series of individual plans for each child compiled based on the child’s needs and situation and in cooperation with other professionals. There are therefore three types of such plans: the individualized plan of protection for children separated from their families; the individualized recovery plan for children with disability and the rehabilitation and/or social reintegration plan for children who have been abused, neglected and/or exploited, including victims of trafficking, labour exploitation, sexual exploitation for commercial purposes. The case manager delegates responsibilities to the case responsible, who is also a social worker that works closer to the child, either in a residential centre, or a foster care centre or in prevention services, and is methodologically coordinated by the case-manager.¹¹³ Case responsible social workers are then supposed to cooperate with other relevant professionals in order to implement the individualized plan for each child.

As described above, while this regulatory framework may be considered quite detailed, it does not function appropriately in practice on account of lack of resources, particularly in terms of sufficient, and adequately trained staff.

The UNICEF child protection specialist interviewed mentioned a certain legacy from communist times in terms of centralized reflexes, where the local level authorities, with noted exceptions, expect to be told what to do from central level. The reverse effect

112 Order 288/2006, Part 1, para (1).

113 Order 288/2006, Part 1, para (2).

seems to also function, as the same UNICEF child protection specialist interviewed also mentioned a general tendency at local level to not make child protection a priority, also against the background of a central authority on child protection deprived even of necessary resources to coordinate and support local authorities from a methodological perspective.

From the perspective of professional roles, a recurring problem, at times very explicitly phrased, is how little importance is attached to social assistance and child protection in general: from the fact that institutions function below the minimal staffing threshold, to recurrent refusals to provide adequate resources, to low payment of professionals working in the system. The General Directorate service director interviewed mentioned that, particularly for less qualified jobs such as people supervising children in state care, or working in the kitchen, educators, where the salaries are also very low, it is very difficult to find people. While insisting that one must find a solution she also explains that, because of understaffing, it is also difficult to get those who work with children in state care to go to training, because there's nobody left to supervise the children, while some of the staff would be in training. This is an extremely powerful indicator of how broken the system is: the people she mentions are in fact the persons children in state care - who are also the children usually most in need of specialized support and personal attention - spend most time with, yet they are the least qualified, the worse paid and the least likely to get trained.

Regarding the profession of social assistant, the NGO worker explains that this is again a very undervalued profession and considers that the professional body of social assistance (the College of Social Assistants) should be more vocal in defending it. She considers social assistance is perceived as charity, when in fact it is as important as medical assistance. Yet, she confirms that there are people who are not specialized in this field yet work within the system. She then mentions that they also do not have opportunities for professional training, but also for professional interaction, particularly if they are in the rural areas:

“And so, [lack of] access and lack of connection to their professional peers, to put it so, limits them only to what they see in their job, and that’s it. And this wears many of them morally. Because this is a profession where you need to make contact with the other specialists also, because being, working with people and with children and with people in need you can also reach a point where you lose hope, where you no longer see, isn’t it so? And having limited resources at your disposal, because we are not a rich country, where you can say: yes, I have resources both material and human, and then, a case, I can solve it pretty quickly. Right? Only a case of violence if you have it, it wears you down because you cannot offer that woman and her children let’s say a shelter somewhere, you do not know how to access one, and even if you do, there are no places, I mean, it’s a nervous burden.”

3.14 GAPS IN THE REGULATORY FRAMEWORK

As mentioned throughout this research report, there is a gap in effective enforcement of children's rights at local level. The only institution able to sanction based on what it sees is the social inspection, but its main role is to see whether the standards and procedures are in place as they should be. General directorates should have clear control and sanctioning powers whenever and wherever there is a child rights infringement situation. Also, the Ombudsperson and the National Authority should be able to step in and also enforce sanctions based on findings. Their verification procedures should have a clear human rights focus, and the professionals involved should be thoroughly trained in human rights and children's rights. In general, all authorities at local level should have clearer responsibilities regarding child protection. The Ombudsperson should have presence in all counties, not only through its 15 regional centres, plus the central one in Bucharest.¹¹⁴

National strategies in the area should make budgetary commitments that are commensurate with the objectives and are multi-annual. Underfinancing to the point where the service does not exist should simply not be an acceptable situation.

114 Annex to Law 35/1997 on the organizing and functioning of the ombudsperson institution.

4. ASSESSMENT OF THE SYSTEM

4.1 RELEVANCE (IS THE SYSTEM APPROPRIATE AND IN LINE WITH ITS OBJECTIVES? IS IT DONE INDEPENDENTLY OF SERVICE PROVIDERS AND GOVERNMENT, IS IT TRANSPARENT AND IS THE SYSTEM ACCOUNTABLE TO SERVICE USERS? WHAT MECHANISMS EXIST TO FEEDBACK TO SERVICE USERS. IS THE MECHANISM APPROPRIATE TO ASSESS HOW CHILD-SENSITIVE THE SERVICES ARE? IS THE SYSTEM RESULTS ORIENTED-FOCUSSING ON THE IMPACT ON CHILDREN?)

The control of services is generally appropriately regulated, and its verification is done independently of service providers. Social assistance reports resulting from control campaigns on children's rights, within the specific Romanian context, can be considered critical, although they are neither frequent enough, nor detailed enough in the area of child protection. When it comes to protecting children's rights, the system is not adequate, as sanctioning and the ability to stop abuse are not functioning properly. Child abuse is generally not taken seriously enough – disciplinary measures are the rule if the abuse is determined in state care -, and the approach is not one based on children's rights. When abuse happens and makes it to the media, the reaction of the system seems to be one of quieting the scandal down, rather than being accountable, and automatically trying to ascertain whether the case was an exception or it was determined by a system-wide problem, and then take the adequate measures and report on them to the public, so as to also have a deterrent effect. This situation is additionally helped by the fact that central-level authorities such as the National Authority or the Ministry control body make controls and then only issue recommendations which the local level authorities are then supposed to implement (unless it is about criminal deeds when law enforcement should be notified) . While the National Authority head of the monitoring unit interviewed mentioned that they do not generally have problems in having the recommendations implemented, she did not provide more data. In general, this is not an efficient system that is dissuasive enough.

The NGO representative interviewed considered that the fact that the social inspection (i.e.: an entity outside of the system it verifies) checks services for children is a good point, one which makes the evaluation more independent. The General directorate

service director interviewed considered the child protection system to be a very flexible one, which is something she appreciated. She admitted that flexibility is in fact a survival strategy where professionals in the system more easily appeal to their networks to make up for absent resources and mechanisms and to find a solution for the child in need.

Mechanisms to provide feed-back to service users are regulated, but it is not clear how they are enforced within the public system. While consulting children is foreseen as a principle in the legislation, it is generally not enforced.

The system is not considered to be results-oriented. While there are intentions at the level of the relevant authorities to change the quality standards in this sense, the process of changing the standards is taking very long – everybody is talking about it, but few can give detailed information.

4.2 EFFECTIVENESS (CAN THE CURRENT SYSTEM APPROPRIATELY MEASURE THE QUALITY OF SERVICES? WHAT ARE THE HINDERING FACTORS AND GAPS?)

The current system based on standards can to a large extent measure the quality of services, as the standards are very detailed. However, they are criticized for being too bureaucratic and paper-oriented, and less focused on results from the perspective of the child's well-being, or adapted to the realities of service-providers. Also, the new regulatory framework for social services, adopted in 2012 standardizes further and introduces regulations for services as such. While the social inspection does the verifications for accreditation and licensing, there is no national report on the quality of services for children in Romania. From the perspective of actual, on-the-ground realities, the latest control campaign looking at certain aspects of child protection showed that minimal standards are not being met in many places since, among others, people with social work responsibilities are not qualified to do such work and do not understand children's rights.

4.3 EFFICIENCY (HOW EFFICIENT IS THE CURRENT SYSTEM AND HOW COULD EFFICIENCY BE IMPROVED? IS EFFICIENCY A LEGITIMATE GOAL OF THE SYSTEM?)

It is difficult to assess efficiency when the system is functioning with too few people. Since child protection is highly dependent on cooperation among various stakeholders, aside from appropriate financing and staffing of the social assistance sector, clear responsibilities and actual time allocated in the professional responsibilities of all other actors (i.e.: health and educational professionals) for meeting and working in multi-disciplinary teams is something that would greatly improve efficiency, as child protection would not be an additional task among many others, but something factored in within their specific responsibilities.

The situation of children in residential institutions remains of particular concern and the system, with all the bodies that can verify such institutions, does not seem to actually be protecting these children. While institutionalization itself is a problem, and considerably speeding up the process should be a priority, significant changes in terms of staff qualifications to work with children and adequate psychological support appear to be absolute emergencies.

4.4. Impact (what are the results of the system so far, i.e. reports, existing feedback mechanisms, improvements or changes made to the system based on the mechanism)

The system has made strides and it cannot be said that it has not improved. Services have clearly been standardized, and thus providers are being filtered through. However, the constant underfinancing, understaffing and underpayment of professionals make quality assessment seem far-fetched in the situations where services hardly function. The author of this report has not identified reports looking at how the system of accreditation and standardization has improved children's welfare. It is worth mentioning that Universities should assume and fulfill their public role and mission in society, and become a relevant actor in designing and implementing evaluation methodologies, whose results can in turn feed into the system and improve it.

4.5 SUSTAINABILITY (IS THE DEVELOPED SYSTEM DOABLE RELATED TO THE BUDGET, INSTITUTIONAL CAPACITY, PARTICIPATION, ETC. IS THERE TRAINING PROVIDED TO PROFESSIONALS TO DO THE ASSESSMENTS APPROPRIATELY, WHAT CHANGES NEED TO BE MADE TO IMPROVE THE SUSTAINABILITY. ARE SUBSEQUENT POLICIES AND STRATEGIES BUILD ON THE REPORTS OF THE MECHANISM?)

The system can be sustainable if the number of staff both within the social assistance system and social inspection one is drastically increased, and if control gets reoriented towards guidance, at least during the accreditation/licensing process. Social inspectors are not specialized on types of services they are supposed to check but only informally and in those places where the staff resources are decent (apparently at central level), although decision-makers admit that such specialization is desirable and in the end quite normal. Also, quality in services needs to be linked by all those involved in implementing them to children's rights and prevention of abuse, while abuse of children needs to be taken seriously. The fact that the staff is not qualified to work with children/not trained, etc... while it is a breach of a standard, it can also easily turn into one of those factors that makes abuse possible.

4.6 PARTICIPATION OF CHILDREN AND FAMILIES (IS THERE ANY, WHAT IS THE MECHANISM, HOW RELEVANT AND APPROPRIATE IS IT? ARE CHILDREN AND FAMILIES INFORMED OF THE RESULTS OF THE QUALITY CONTROL?)

Participation of children and families is regulated, but, at least as far as children are concerned, generally little enforced. The NGO representative interviewed described a different working pattern, where nothing is done without the beneficiaries. Related to working with children, she said they cannot work without the family of the child for example, explaining that, at times, the issue is solved at the level of parents, where the cause for the child's problem was actually also lying, without even having to work with the child.

5. PROMISING PRACTICES

Regarding the concept of promising practices, the UNICEF child protection specialist interviewed mentioned a general problem as to how one qualifies something as good practice. She noted that in general, in Romania, there is a lack of monitoring and evaluation of what some claim to be a best/promising practice, so as to be able to ascertain whether the set objectives, given the available resources, have been attained. The author of this report could not identify promising practices in terms of quality control mechanisms. The only positive element of the system identified is the fact that quality control is regulated as largely independent of those who are under control, and generally assessed to also be independent in practice by the stakeholders interviewed.

6. RECOMMENDATIONS FOR IMPROVEMENT

6.1 SUMMARY OF HINDERING FACTORS FOR THE IMPLEMENTATION AND GAPS IN THE REGULATORY FRAMEWORK

The biggest hindering factor is lack of adequate resources for the services to function. The control system is also understaffed. Lack of specialization and of the understanding of children's rights are also identified problems. Furthermore, child abuse is not taken seriously and the system to prevent such abuse and sanction does not seem to function appropriately.

Clearer sanctioning responsibilities and powers should be assigned at the level of local child protection authorities. The Ombudsperson should have clear abilities and working practices to act effectively in order to end child abuse and address systemic problems and not simply issue recommendations. It should also be present in each county and employ staff which is adequately trained in human rights.

6.2 SUMMARY OF RECOMMENDATIONS OF THE INTERVIEWED EXPERTS AND OF THE RESEARCHER, BASED ON ITS OWN ANALYSIS

The NGO representative interviewed considered that the whole philosophy of the social assistance system should change, and inferred that people who benefit from the system should be seen in their potentiality, not as people who live off benefits. She added that there are beneficiaries who only need help for a short period of time and there are those who need help constantly, but the system treats all of them the same way, and is little focused on designing programs to prevent the situation where those who are in temporary need end up becoming people who need the system constantly.

The UNICEF child protection specialist interviewed stated she is a firm believer in change done in small steps. It also came out from the interview with her that working in a more structured manner and taking child protection seriously at local level are necessary for the situation to improve.

The National Agency Director considered that the key goes around money, and the decision to allocate sufficient resources for her institution to be able to implement their plans regarding staff training and specialization lies with the Ministry of Finance.

The General directorate service director interviewed considered that the regulatory framework should make sure that all systems which are supposed to work together for the benefit of the child are actually coordinated in their working mechanisms and procedures. Better financing of prevention services and the availability for therapy and psychological services she considers as the key to solving many of the problems children have.

6.3 RECOMMENDATIONS REGARDING THE PARTICIPATION OF CHILDREN AND FAMILIES

For the regulatory framework

The regulatory framework should more clearly state this as an obligation and a subsequent procedure should ensure that children and families participate in service provision. Procedures on child protection should be non-discriminatory and adapted to the needs of each child. They should also be predictable and clear for the lay person, and include adequate remedies.

For implementation

All those working in social assistance and in quality control mechanisms should get initial and continuous training in human rights in general, and in children's rights in particular, including disability rights and non-discrimination as applied to social work. The system should adopt and ensure adequate training so that the principle of best interest of the child is understood and implemented as detailed by the Committee on the Rights of the child in its General Comment 14 (2013)¹¹⁵. Currently, the rights-based philosophy that in the end guides an adequate implementation of standards and procedures and prevents abuse is generally lacking in Romania.

115 Available at: http://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf.

LIST OF INTERVIEWEES

This report benefitted from the knowledge and insights provided by six professionals interviewed (two as part of the same interview). Interviewees were offered the opportunity to choose to be designated by name and function in the report, or to provide the interview anonymously and be identified through their profession/function. Below is the list based on their choices:

General Directorate for Social Assistance and Child Protection – head of a child protection service – identified in the report as General directorate service director

Psychologist and programme manager within an NGO in the area of children’s rights outside of Bucharest – identified in the report as NGO representative

Ms. Voichita Pop, Child Protection Specialist with UNICEF Romania, identified in the report as UNICEF child protection specialist

Ms. Lăcrămioara Corcheș, General Director of the National Agency for Payments and Social Inspection – identified in the report as National Agency Director

Ms. Mihaela Duiculescu – Director of the Social Inspection Directorate within the National Agency for Payments and Social Inspection – identified in the report as National Agency head of social inspection

Ms. Simona Oproiu, Head of the Monitoring Service within the National Authority for the Protection of Children’s Rights and Adoption, - identified in the report as the National Authority head of the monitoring service

