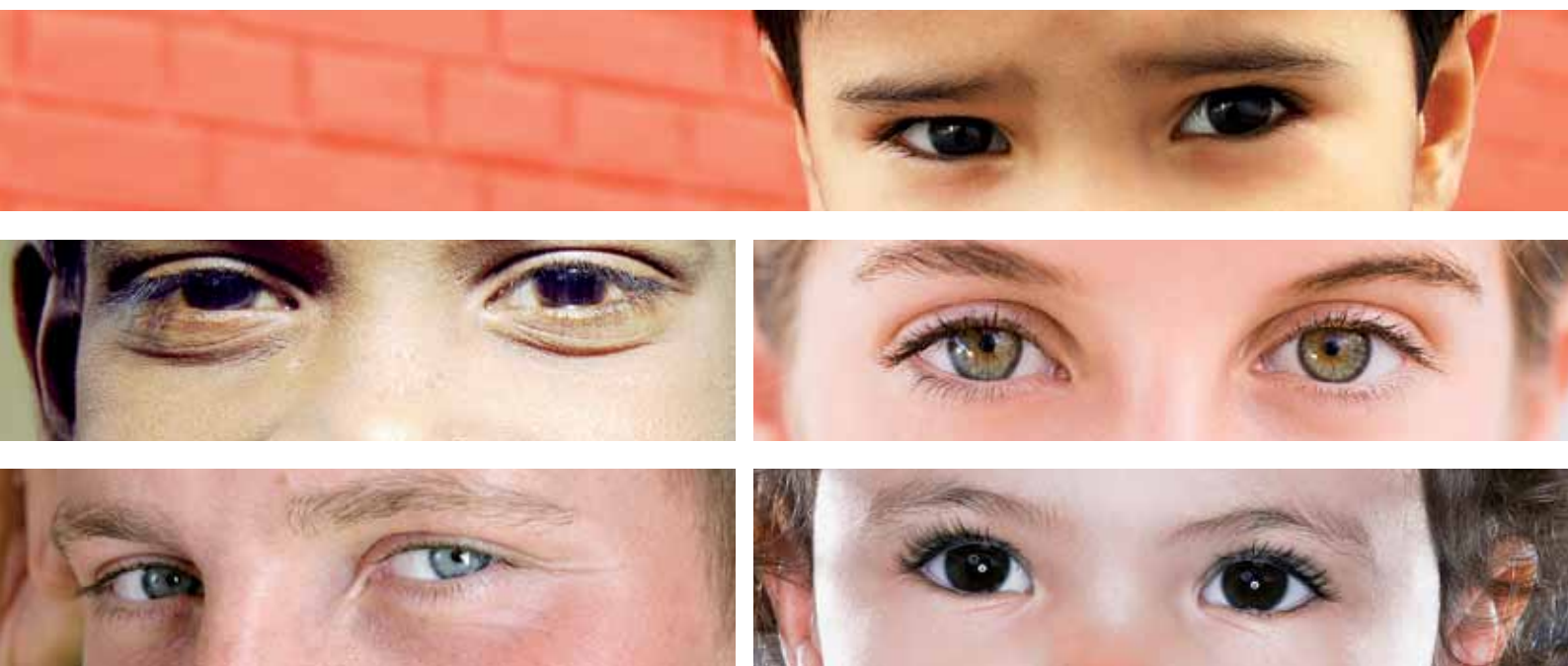


Governance fit for Children

To what extent have the general measures of implementation of the UNCRC been realised in Romania?



Co funded by the European
Union's Fundamental Rights
and Citizenship Programme



Salvați Copiii
Save the Children Romania

WE ARE the world's leading independent organisation for children.

OUR VISION is a world in which every child attains the right to survival, protection, development and participation.

OUR MISSION is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives.

Author: Mihaela Manole

Professional Consultants: Gabriela Alexandrescu, Roxana Paraschiv, George Roman

The author would like to thank Save the Children Romania branches from Constanta and Iasi counties for the support offered during the research activities. Save the Children Romania would also like to give warm thanks to all the specialists and children consulted in the study, for their interest, time and openness

Romanian Edition: Organizația Salvați Copiii, „Administrație publică în beneficiul copiilor – Măsurile generale de implementare a Convenției privind Drepturile Copilului la nivel central și local în ROMÂNIA”

Save the Children Romania, "Governance Fit for Children – To what extent have the general measures of implementation of the UNCRC been realised in Romania", Bucharest, May 2011

Graphic Design: Press Art

© 2011 Save the Children Romania

Intr. Ștefan Furtună 3, Sector 1, 010899 – Bucharest, Romania

Phone: +40 21 316 61 76. Fax: +40 21 312 44 86

E-mail: rosc@salvaticopiii.ro

Internet: www.salvaticopiii.ro

This report is part of the project "Good practices on the General measures of implementation of the Convention on the Rights of the Child".

Project Coordinator: Camilla Nygren, Save the Children Sweden

This publication has been produced with the financial support of the Fundamental Rights and Citizenship Programme of the European Commission. The contents of this publication are the sole responsibility of Save the Children Sweden and can in no way be taken to reflect the views of the European Commission.

Contents

Foreward	4
Introduction	5
I. Research Background	7
I.1 Romania and the Convention on the Rights of the Child	7
I.2 Romania's latest report and the concluding observations of the UN Committee on the Rights of the Child	8
I.3 Institutional framework	10
I.4 Economic, social and political context	18
2. Research Methodology	24
3. Research Results	23
3.1 Incorporation of the Convention on the Rights of the Child in the national legislation	23
3.2 Development of strategies and action plans	28
3.3 Coordination of Convention implementation	
3.4 Development of indicators, data collection and monitoring of Convention implementation	35
3.5 Ensuring children's visibility in the budgets	43
3.6 Cooperation with the civil society	44
3.7 International cooperation	50
3.8 Independent national institutions for human rights	52
3.9 Information and awareness-raising	56
4. Conclusions	60
Recommendations	64
Annexes	66
ANNEX I – Sample description	66
ANNEX II – Research tools	68
References	74
Abbreviations	79

Foreword

[FROM THE UN COMMITTEE ON THE RIGHTS OF THE CHILD]

The Convention on the Rights of the Child (the CRC) has the ambition to face two challenges:

- ❖ to confirm the status of the child, who has to be considered as a person, not as an object of adults' benevolence, entitled with dignity and rights – from a historical point of view, a “new” child was born in 1989;
- ❖ to offer universal coverage of all rights to which the child is entitled, irrespective of the place, where the child is living.

This new status of the child, subject of rights, is well illustrated by two principles of the CRC: The primary consideration to be given to the best interests of the child (CRC, art. 3), which places the child at the centre of all decisions affecting him/her, and the child's right to be heard (CRC, art. 12), which considers the child as competent enough for influencing such decisions. These two articles complement each other and present a concept of the active and participating child, which now has to be made a reality.

But how to translate this new status of the child and all the provisions of the CRC, including social, economic and cultural rights (food, shelter, education, health...) and rights to protection (against violence, exploitation, neglect...) into the different realities of countries, regions, communities, ethnicities, cultures and juridical systems?

The legislators of the CRC have not proposed a universal mechanism, but have drafted the article 4 stating that “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention”, which leaves it to the State Parties find out which measures are helpful to achieve the shared objectives of the CRC. Additional articles give directions; Article 42 (make the CRC widely known), Article 44(6) (make reports widely available), Article 2 (respect the rights of all children) and Article 3(2) (ensure protection and care).

On this basis, the Committee has generated the concept of “General Measures of Implementation” that are to serve as general prerequisites for the implementation of children's rights in details. In the General Comment No. 5 on “General measures of implementation” (CRC/ GC/2003/5) the Committee has explained what all State Parties should consider to do: examine and amend laws, allocate resources, coordinate measures, raise the awareness, carefully monitor the implementation process and arrange for an independent assessment of progress made. These measures are the toolbox for promising efforts to make the substantive rights a reality for children.

The instruments of this toolbox look so far away from what children need and desire. The Committee knows that children are not living in Ministries or in Services, but in villages and cities, in large families or with one parent alone, in an apartment house or in the streets. Still, the very concrete actions, appropriate to context and cultural background, require a framework of general measures in order to secure their effectivity and sustainability.

The studies presented in this report series has investigated, in which ways five member states of the EU and EU institutions have used such general measures of implementation. The results will be seriously considered by the committee in order to make its recommendations to State Parties the most applicable and useful for the benefit of children and their universal rights.

Jean Zermatten

Vice-Chair of the Committee on the Rights of the Child

Lothar Krappmann

Member of the Committee on the Rights of the Child

Introduction

Five EU member states - Romania, UK, Sweden, Italy and Lithuania – were included in a research project conducted simultaneously in all of them, with the purpose of assessing the efficiency of the measures and structures related to the enforcement of children’s rights. The research consisted in a review of the relevant social policies, as well as in a series of interviews and focus groups with decision makers and specialists from the public sector, representatives of the civil society and children.

This publication presents the main findings of the research conducted in Romania and reveals that the strategies related to the rights of the child are currently facing real implementation problems, as a result of the anti-crisis measures. The frequent institutional reorganisations, the lack of resources and the fact that the specialists are voluntarily leaving the system are among the causes of these problems.

Moreover, no representative of the respondent authorities was able to indicate with precision which county or local institution is responsible for coordinating the implementation and observance of children’s rights. The lack of coordination is also an issue when it comes to data collection and monitoring the implementation of the Convention on the Rights of the Child. For this, the institutions use their own indicators, depending on their respective areas of activity, which sometimes leads to different results that are not comparable.

Romania does not have an independent institution for children’s rights, as it is the case in most European countries, which have the Children’s Ombudsman. The Ombudsman in our country has only limited powers, intervening only in cases where children’s rights are infringed by public institutions.

It cannot be established whether Romania makes all efforts allowed by the available resources in order to ensure children’s rights, because the way in which the national and local budgets are drafted does not allow for the tracking of the amounts which are allocated and spent directly for children. Thus, in our country, “the children’s budget” remains just a provision of the UN Committee on the Rights of the Child, which has not been transposed into practice as yet.

The research also shows that public institutions and non-governmental organisations should strengthen their cooperation and integrate children’s participation in their activities.

At the end, the publication makes a series of recommendations to public institutions and the civil society, with a view to ensuring a wider enforcement of all the rights that all children in our country should enjoy.

The conclusions of national researches were at the basis of a European comparative report, which also contains references to EU institutions. The comparative report¹ identifies the degree of enforcement of the general measures for the implementation of the UN Convention on the Rights of the Child at the local, national and European level; it also presents examples of best practices from the five countries and formulates recommendations for further actions to be undertaken by decision makers.

The general implementation measures are laid down in the first set of articles of the Convention on the Rights of the Child (CRC) – Articles 4, 41 and 44.6 – and refer to the structures and mechanisms needed for the effective implementation of this international instrument. Article 4 provides that the States Parties

1 Governance fit for Children – To what extent have the general measures of implementation of the UNCRC been realised in five European Countries? A comparative study

shall “undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention”. In order to support the States in fulfilling this obligation, the UN Committee on the Rights of the Child has drafted a series of guidelines, called “General Comments”, concerning the interpretation and implementation of the provisions and principles contained in the Convention.

The research starts from General Comment no. 5 on “General Measures of Implementation”, adopted in 2003².

The project which facilitated the five national studies is called **“Good practices on the General measures of implementation of the Convention on the Rights of the Child”** (JLS/2008/FRC-1) and started on February 1st, 2010, for a period of 18 months. The project is financed by the European Commission, as part of the *Fundamental Rights and Citizenship* Programme 2007-2013, and is coordinated by Save the Children Sweden, whereas in our country, it is implemented in partnership with Save the Children Romania.

Gabriela Alexandrescu,
Executive President
Save the Children Romania

² General Comment no. 5 (2003), UNCRC/GC/2003/5, 27 November 2003. Within this context, equal importance should be given to the Guidelines on the format and content of the progress reports submitted by the States Parties pursuant to Article 44, par. 1 (b) of the Convention, UNCRC/C/58, 20 November 1996.

1. Research background

1.1 Romania and the Convention on the Rights of the Child

The Convention on the Rights of the Child was adopted by the United Nations General Assembly on November 20th, 1989, and introduced a new vision on children, who should be treated not only as passive recipients of protection, but also as active contributors to the society. Encompassing the civil, political, economic, social and cultural rights to be granted to children, the Convention provides a comprehensive framework against which the existing and proposed legislation, public policies and structures should be assessed.

CRS is among the international instruments most widely recognised at the global level, having been ratified by 194 countries and territories³. This reflects the perception according to which children are among the most powerless social groups; therefore, it is vital that their biological and social development is supported in order to take account of their present needs and to invest in their future and that of the society.

Romania is among the first States to have ratified the Convention, on September 28th, 1990⁴. Important progress towards the incorporation of the Convention into the national legislation has been made by adopting the Law no. 272/2004 on the protection and promotion of child rights, as well as secondary pieces of legislation.

In the fall of 2001, Romania also ratified the two Optional Protocols⁵ to the Convention on the Rights of the Child which had been adopted by the UN General Assembly in 2000.

The observance and enforcement of the CRC are monitored by the UN Committee on the Rights of the Child, based in Geneva. By becoming a State Party to the Convention, Romania committed itself to submitting progress reports regarding the implementation of child rights. To date, our country presented itself three times before the Committee⁶:

- ❖ in January 1994, during the 5th session, Romania submitted its initial report for review;
- ❖ in January 2003, during the 32nd session, the Committee analysed the second progress report;
- ❖ in June 2009, during the 51st session, the Committee analysed the third and fourth consolidated report.

3 The only States which have not ratified the Convention are Somalia and the USA. See <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> (accessed on 18.09.2010)

4 Law no. 18/1990 ratifying the Convention on the Rights of the Child. See http://www.cdep.ro/pls/legis/legis_pck.htm_act?ida=422 (accessed on 18.09.2010)

5 Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography, adopted by General Assembly Resolution A/RES/54/263 of 25.05.2000, entered into force on 18.01.2002 and Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflict, adopted by General Assembly Resolution A/RES/54/263 of 25.05.2000, entered into force on 12.02.2002.

6 <http://www2.ohchr.org/english/bodies/crc/sessions.htm> (accessed on 18.09.2010)

The Committee may invite as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates.

Additionally, the UN Committee invites specialized bodies, the United Nations Children's Fund (UNICEF) and other United Nations organs, as well as other competent bodies, including non-governmental organisations to submit additional reports and information⁷. In this regard, prior to the review session with the representatives of the State party, the Committee organises a separate meeting with those organisations which submitted such additional reports. In preparation of the 51st session, Save the Children Romania elaborated an alternative report which was sent to the UN Committee. The alternative report encompasses views and recommendations formulated by the organisation, as well as by children and other partner NGOs⁸.

1.2 Romania's latest report and the concluding observations of the UN Committee on the Rights of the Child

The third and fourth consolidated report submitted by the Romanian Government analyses the evolution of child rights in the period 2003-2007 (and partially 2008), containing a comprehensive section on the general implementation measures. The report highlights the legislative changes, mentions the transformation of the National Authority for Child Protection and Adoption into the National Authority for the Protection of Child Rights, as well as the other institutional changes. Additionally, the report informs about the drafting of public policy documents (national strategy and action plan in the field of child rights) and presents the specialists' trainings in enforcing the new legislative package. It also states that the monitoring and data collection system needs further improvements, presents the projects conducted in order to provide information on child rights and refers to the Ombudsman's activity (number and content of the petitions)⁹.

Following its consideration of the report submitted by the Government and of the alternative reports, the UN Committee appreciates¹⁰ that Romania has made efforts in order to apply some of the recommendations formulated during the previous session, but regrets to ascertain that some recommendations have not been fully taken into account. In this respect, it highlights the absence of an independent body for the promotion and implementation of the Convention, the poor development of the monitoring and data collection system, as well as the shortage of resources needed to provide social services at the local level, in particular in disadvantaged communities. Within this context, the Committee cautions that Romania should consider the provisions of General Comment no. 5.

Reviewing the **legislative** aspects, the Committee positively appreciates the progress made, but is concerned about the enforcement of the legislation and recommends that the Romanian State should strengthen its Convention implementation mechanisms, with a particular focus on the newly established institutions.

It also recommends trainings for judges with regard to the use and implementation of the Convention, thus encouraging references to this international instrument in courts.

7 The UN Convention on the Rights of the Child, art. 45 (a).

8 <http://www.crin.org/resources/infoDetail.asp?ID=20389&flag=legal> (accessed on 18.09.2010)

9 Guvernul României, România și Convenția ONU cu privire la Drepturile Copilului – al treilea și al patrulea Raport periodic (Government of Romania, Romania and the UN Convention on the Rights of the Child – Third and fourth progress report), 2007, pages 3-22. See further: http://www.copii.ro/Files/Raport%20Geneva_200710164458906.pdf (in Romanian), accessed on 18.09.2010 (for the English version: <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.ROM.4.doc>).

10 Committee on the Rights of the Child, Fifty-First Session, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations of the Committee on the Rights of the Child: Romania, CRC/C/ROM/CO/4, 30.06.2009. See further: <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ROM-CO-4.pdf>

As regards the **coordination** matters, the Committee welcomes the establishment of the National Authority for the Protection of Child Rights and of its department for monitoring children's rights, but expresses its concerns that the institution places an emphasis on protection rather than on all children's rights. It also highlights the lower status of this authority in relation to other state agencies, as well as the insufficiency of human and financial resources. While taking note of the establishment of the Inter-ministerial Coordination Council, the Committee reiterates its recommendation that Romania should ensure the implementation of the CRC throughout its territory and urges the State to clarify the responsibilities of the relevant national and local institutions, as well as to provide the necessary resources for the fulfilment of these responsibilities.

One year after these recommendations were made, the National Authority was closed down and its tasks were transferred to the Ministry of Labour, Family and Social Protection, so that there is no certainty as regards the status and functioning of the Inter-ministerial Coordination Council.

The UN Committee positively appreciates the approval of the **national action plan and the national strategy** on child rights, and the fact that responsibility has been taken to provide the necessary resources for their implementation. It requests that Romania should provide proper financing in order to fully implement the national plan and strategy, and pay more attention to vulnerable children. Moreover, the Government should ensure follow-up and evaluation mechanisms and should carry out regular progress assessment, in order to identify possible implementation deficiencies.

The Committee is concerned about the and implicitly about the decision of the Romanian Parliament to reject the establishment of the Child Ombudsman. While taking note of the appointment of a Deputy Ombudsman who is responsible, among others, for child rights matters, the Committee emphasises that this institutions is not well known and does not meet the Paris Principles. The Committee requests Romania to take into account its previous recommendations, General Comment no. 2 and the Paris Principles, and to reconsider the status and effectiveness of the Ombudsman in matters related to the promotion and protection of child rights, while providing the necessary human and financial resources. Furthermore, the Committee reiterates its recommendation that the Romanian State should continue its efforts to set up an independent Ombudsman for Children.

Regarding **resource allocation**, the UN Committee regretfully notes that there are no specific budget allocations to children and that no information is collected about the overall amounts spent by Romania in fulfilling its obligations under the CRC. Therefore, the Committee requests the Romanian State to use a child's rights approach in the elaboration of the State budget and to implement a tracking system for the allocation and use of the resources for children throughout the budget. In the context of the decentralisation process, budgets should be drafted in a transparent and participative manner (especially by involving children). The Committee requires further clarity in the budgetary allocation to the county and local level, through the Directorates General for Social Work and Child Protection.

Data collection remains problematic, even after the creation of the department for monitoring children's rights, because the existing system is not fully developed and is still experiencing difficulties. Despite the previous recommendations made by the Committee, the information is collected only on severe child rights violations and on the situation of vulnerable children. The UN Committee requests the establishment of a comprehensive nationwide data collection system encompassing all areas covered by the CRC, and the development of a uniform set of indicators regarding children – which should be applied by all relevant institutions to allow for the collection of comparable and complementary data.

The Committee notes the efforts made by Romania to train the professionals working with children and the decision makers from the local level, recommending that such actions should be further developed, in a

systematic way. The Committee points out that the Romanian State should ensure the **dissemination and knowledge of the Convention** on a wider scale, among both children and adults.

Concerning the **cooperation with the civil society**, the Committee mentions the vulnerability of the non-governmental organisations, which can be affected by the withdrawal of the large foreign donors, and by the competition with the Directorates General for Social Work and Child Protection, since the latter are responsible for both monitoring and providing services; consequently, this situation sometimes resulted in a decrease in the quality of the services provided. Within this context, the Committee recommends that Romania should give NGOs equal opportunities in applying for resources and providing services. It also recommends that the civil society and children should be encouraged to get involved in the enforcement of child rights, the planning stage of policies and cooperation projects, the follow-up of the concluding observations and the preparation of the next periodic report.

A broader picture on the implementation of the concluding observations of the UN Committee on the Rights of the Child is presented in chapter 3 of this publication, which contains the main conclusions of the research.

1.3 Institutional framework

According to its Constitution¹¹, Romania is organised based on the principle of separation into and balance between three powers – legislative, executive and judiciary. **The Parliament** is the supreme representative body of the Romanian people, and the institution which fulfils the legislative power, while the **judicial bodies** fulfil the judiciary power. The executive power is exercised by the **Government**, whose role is to ensure the country's internal and external policy and the overall leadership of the public administration. **The President of the country** is responsible for watching over the observance of the Constitution and the good functioning of the public authorities, having the role to mediate between the State powers, but also between the State and the society.

Protection of the individuals' rights and freedoms is ensured by the **Ombudsman**, who is appointed by the Parliament for a term of 5 years and is served by deputies, specialising in various fields of activity.

At the central level, the governmental policy is fulfilled through the specialised administration – ministries and agencies/authorities - subordinated to the various ministries or directly to the Government.

Deconcentrated public services are territorial structures by which the ministries and the other central bodies carry out their tasks at the territorial level. Deconcentrated public services can be organised at county, district and locality level (e.g.: school inspectorates organised at county level, at the level of the municipality of Bucharest or at the level of districts within the municipality of Bucharest, county public health directorates and police inspectorates organised at county level and at the level of the municipality of Bucharest etc.).

The Government appoints a **Prefect** in each county and in the municipality of Bucharest. The prefect is the Government's representative at the local level. There are no subordination relations between the prefects, on the one hand, the local councils and the mayors, the county councils and their presidents, on the other hand.

11 Constitution of Romania, as amended and supplemented, published in the Official Journal, Part I no. 767 of 31/10/2003

The local public administration¹² has the following components: **county council, mayor and local council.**

As regards the administrative and territorial division, Romania is divided into 41 counties and the municipality of Bucharest, the latter being organised into 6 districts. According to the National Statistics Institute, as of 2009, Romania had a number of 3180 administrative – territorial units (cities, towns and communes).

Main institutions of the local public administration responsible for ensuring the rights of the child

- ❖ Institutions directly subordinated to the **Government’s Secretariat General or the Prime Minister:**
 - The Romanian Office for Adoptions** ensures the enforcement and observance of adoption regulations, as well as the coordination of the activities carried out by public or private legal entities in this field. This institution is responsible for drafting the legal framework required for the harmonisation of the domestic legislation on adoptions with the provisions and principles set out by the international treaties and conventions to which Romania is a party, as well as for enforcing such legal provisions. In the area of international adoptions, the institution coordinates and supervises the procedures conducted throughout the entire process and ensures international cooperation in these matters.
 - The National Agency for the Roma** enforces and monitors the measures laid down in the public policies aimed at improving the situation of the Roma, including children. In this regard, the Agency initiates and conducts projects and sectorial programmes, including partnerships with other institutions and non-governmental organisations.

- ❖ **The Ministry of Labour, Family and Social Protection (MLFSP)** has most of the responsibilities for ensuring child rights, especially after it took over the attributions of the former National Authority for the Protection of Family and Child Rights (NAPFCR) and those of the National Authority for People with Disabilities (NAPD). The National Authority for the Protection of Family and Child Rights was formerly responsible for coordinating and controlling the protection and promotion of child rights, preventing children’s separation from their parents, ensuring the special protection of children separated from their parents, monitoring the observance of the rights provided by the CRC and coordinating and monitoring the implementation of specific strategies. The National Authority for People with Disabilities was responsible for coordinating centrally the activities related to the special protection and promotion of the rights of people and children with disabilities, as well as for drafting policies, strategies and standards in the field. Following the closing down in June 2010 of the two Authorities which had their own legal personality, two specialised directorates were set up within the Ministry – the **Directorate General Child Protection (DGCP)** and the **Directorate General for the Protection of People with Disabilities**. The following structures are also subordinated to the MLFSP:
 - The National Agency for Social Benefits**, a specialised body with legal personality, whose purpose is to manage all social benefits granted from the State budget¹³.
 - The Agency has deconcentrated public services, i.e. the **Territorial Agencies for Social Benefits** (at county level and at the level of the municipality of Bucharest). These services have their own legal personality and, among other things, establish the entitlements to social benefits and make the related payments, while keeping track of the beneficiaries of social benefits at the territorial level¹⁴.

12 Law on local public administration no. 215/2001, republished, as subsequently amended and supplemented.

13 The national social benefits system includes several forms of support, only some of which are managed by the National Agency for Social Benefits, such as family allowances (state allowance for children, foster care allowance, support allowance for single parent families etc.), social aids and indemnities (aid for rearing a child with disabilities, monthly food indemnity for children with HIV/AIDS etc.).

14 Government Ordinance no. 116/2007 on the organisation and functioning of the National Agency for Social Benefits. http://www.prestatiiisociale.ro/legi/OUG_116_2007.pdf

- ❖ **The Ministry of Education, Research, Youth and Sports (MERYS)** is mainly responsible for ensuring the children's right to education, being in charge of: drafting, implementing, monitoring and evaluating the national education policy; coordinating and controlling the national education system; approving the school network; ensuring specialised schooling and psychological and pedagogical assistance for children with special educational requirements; and assessing how social protection is ensured in the education system. Additionally, MERYS organises the initial training and development of the specialists working with children.

In all 41 counties and in the municipality of Bucharest are organised **School Inspectorates** which are subordinated to MERYS. In line with the country capital divisions (districts), the structure of the Bucharest Municipality School Inspectorate includes other 6 District School Inspectorates. The school inspectorates are deconcentrated specialised bodies, responsible for implementing the educational policies and strategies, at county level and in Bucharest. Their responsibilities also include: ensuring the schooling of pupils during compulsory education (together with the authorities of the local public administration), assuring the quality of the education and compliance with the standards, setting up schools (with the approval of MERYS and following the proposal of the local and county councils), informing MERYS with regard to the proposed schooling network from their territorial area etc¹⁵.

- ❖ **The Ministry of Health** is the central public health authority, acting in order to prevent illnesses, promote and ensure the health of the population, including children. The Ministry of Health develops action policies and programmes, assesses and monitors the population's health condition and takes measures to improve public health, regulates the functioning of the healthcare system and assesses the activity of healthcare institutions. In conjunction with the central and local public administration institutions, the Ministry of Health provides the human, material and financial resources needed for the operation of public health institutions.

Public Health Directorates are the deconcentrated structures of the Ministry of Health, having their own legal personality and acting at the county level and the level of the municipality of Bucharest. They represent the public health authority at the local level. These Directorates implement national healthcare policies and programmes, organise healthcare structures, coordinate medical assistance services across their territory, collect statistics on health-related matters from all healthcare providers, draft statistic reports, and participate in providing medical assistance in case of calamities and other special situations etc.

There are also other **facilities with legal personality** subordinated to the Public Health Directorate, such as ambulance services, diagnosis and treatment centres, medical centres – fully financed from their own revenues, from the contracts concluded through the social health insurance system, as well as county centres for the maintenance and repair of medical equipment, and paid polyclinics, fully financed from their own revenues¹⁶.

- ❖ **The Ministry of Administration and Interior** protects human rights and fundamental freedoms, participates in the implementation of the strategies related to public administration reform, ensures the unitary application of local autonomy and decentralisation principles etc.

The Romanian Immigrations Office is subordinated to the Ministry of Administration and Interior and acts as a specialised body of the central public administration, having its own legal personality and being responsible for managing migration issues, asylum matters and social

¹⁵ Law on national education, of 28.10.2010, published in the Official Journal no. 18 of 10.01.2010.

¹⁶ A research was made into the following pieces of legislation: Law no. 95/2006 on healthcare reform; Government Decision no. 144/2010 on the organisation and functioning of the Ministry of Health, as subsequently amended and supplemented; Order of the Ministry of Health no. 1078/27.07.2010 approving the regulation for the organisation, functioning and organisational structure of the public health directorates from county level and the level of the municipality of Bucharest.

integration of foreigners in Romania; additionally, the Office is competent for protecting and ensuring the rights of unaccompanied children, asylum seekers and refugees.

The Romanian Police is part of the Ministry of Administration and Interior, being a specialised State institution responsible for protecting human rights and fundamental freedoms, preventing and combating crimes. Therefore, the Police has a key role to play in child protection, being competent to intervene in cases of abuse, neglect, exploitation or domestic violence, as well as to conduct crime prevention and combating actions.

In order to fulfil its duties, the Police is organised into territorial units – **Police Directorate General of the Municipality of Bucharest and County Police Inspectorates**¹⁷.

- ❖ **The Ministry of Justice** has responsibilities in areas like juvenile justice, prevention and combating of criminality, putting together the case law of the judicial courts, protection of victims and social reintegration of offenders.

The Ministry of Justice acts as the main budget holder for the **appellate courts, district courts and lower courts**¹⁸.

The Ministry of Justice also has responsibilities for supervising the execution of sentences, thus coordinating the **National Administration of Penitentiaries**, a public institution of national interest, having its own legal personality and being responsible, among others, for coordinating the execution of custodial sentences, pre-trial detention measures, and educational measures of putting children in re-education centres.

The four **Penitentiaries for Minors and Youth** and the three **Re-education Centres** are coordinated by the National Administration of Penitentiaries¹⁹.

Main institutions of the local public administration responsible for ensuring the rights of the child

- ❖ **The County Council:** is the deliberative authority at county level, consisting of elected counsellors²⁰ and coordinating a series of **public institutions/services of public interest at county level** (including social, cultural, child protection institutions etc.), to which it allocates the necessary funds. The **President of the County Council** represents the county in its relations with the other public authorities and is accountable to the County Council for the good functioning of the county public administration. Thus, coordinates and controls the providers of public services and public utilities of county interest, and provides consulting to the administrative-territorial units across its territory. The County Council allocates the necessary funding for setting up day-care services at the local level, if the local council cannot find the necessary sources²¹.

The Directorates General for Social Work and Child Protection (DGSWCP) are public institutions with legal personality, subordinated to the county council and respectively the local councils of Bucharest districts. Their role is to ensure the implementation of the social work policies and strategies at county level and at the level of Bucharest districts, as well as to provide assistance and support for children, families, single persons, elderly people, people with disabilities and other persons in need. DGSWCP checks the claims related to suspicions of abuse against children, and has certain responsibilities for the protection of refugee children and the protection of children in case of armed conflict.

17 Law no. 218/2002 on the organisation and functioning of the Romanian Police.

18 Decision of the Government of Romania no. 83/2005 on the organisation and functioning of the Ministry of Justice

19 Government Decision no. 1849/2004 on the organisation, functioning and attributions of the National Administration of Penitentiaries, updated.

20 The term of office for the positions of the local public administration elected by direct ballot is 4 years.

21 Law no. 272/2004 on the protection and promotion of child rights, Art. 111.

DGSWCP provides **social services** – foster care and residential services aimed at ensuring the special protection of children²², day-care services to prevent the separation of children from their families, specialised services of county interest for the protection of abused or neglected children and of children who commit criminal offences but have not reached the age of criminal liability²³.

The Commission for Child Protection is subordinated to the county council and respectively the local councils of Bucharest districts, acting as a specialised body, without legal personality. It has decision-making powers related to the protection and promotion of child rights (e.g.: it decides on the severity of disabilities affecting children, establishes special child protection measures, decides on the issuance of the foster parent certificates etc.). **The Secretary General** of the county, and respectively of Bucharest districts, is the president of the Commission for Child Protection²⁴.

- ❖ **The Local Council and the Mayor:** the Local Council is the deliberative authority which decides on all matters of local interest (except for those which fall under the responsibility of other public authorities, by law). Local Councils act at the level of cities, towns, districts of Bucharest and communes, through elected counsellors. The Mayor fulfils the role of public authority and ensures the observance of the citizens' rights and fundamental freedoms, the enforcement of laws and local council decisions. The Mayor has the obligation to ensure the observance of the fundamental rights of the children from the community where he is elected²⁵. The Mayor leads the **local public services** (established depending on the local needs and resources, including services such as: the registry of births, marriages and deaths (*etat civil*), security, local transport, social work, sanitation etc.); he also acts as the registrar of births, marriages and deaths, takes measures to prevent and manage emergency situations, takes measures to organise the provision of social services for the protection of children, people with disabilities, elderly people, families and other persons or groups in social need²⁶. Based on community needs, local councils have the obligation to organise, independently or by association, **day-care services** aimed at preventing the separation of children from their parents (or to request financial support from the county council if they are unable to identify the necessary resources)²⁷.

Public Social Work Services²⁸ (PSWS) are organised at the level of cities, towns and communes by the local councils. When the local councils of communes do not have the necessary resources to set up PSWS, they can hire **persons with social work responsibilities**. Public social work services and persons with social work responsibilities subordinated to the local councils take measures and conduct social work activities in order to ensure the protection of children, families, single persons, elderly people, people with disabilities and any persons in need.

Public social work services are also responsible for setting up and providing **primary social services**²⁹, depending on the identified social needs, with a view to identifying and mitigating risk situations to which individuals, families or groups may be exposed. According to the law, they can also develop specialised services.

Community Consultative Structures³⁰ (CCS) gather local businesspersons, teachers, local counsellors, police officers, clergy representatives and other local leaders. On a voluntary basis,

22 Through the DGASPC, the county council exercises its duty to organise foster care and residential services, as provided by Art. 112 of Law no. 272/2004 on the protection and promotion of child rights.

23 Government of Romania, Romania and the UN Convention on the Rights of the Child – third and fourths progress report, page 16.

24 Decision no. 1437/2004 on the organisation and functioning of the Commission for Child Protection

25 National Strategy on the protection and promotion of child rights, 2008-2013, pages 21-22

26 Government of Romania, Romania and the UN Convention on the Rights of the Child – third and fourths progress report, page 17

27 Law no. 272/2004 on the protection and promotion of child rights, Art. 111.

28 Law no. 47/2006 on the national social work system.

29 According to the law, primary social services are proximity and prevention measures and actions taken within the community, in order to identify and mitigate risk situations.

30 Law no. 272/2004 on the protection and promotion of child rights

they can initiate and hold consultations, meetings or actions in order to solve certain social cases and problems and meet community needs. These are optional structures and can be established by the authorities of the local public administration.

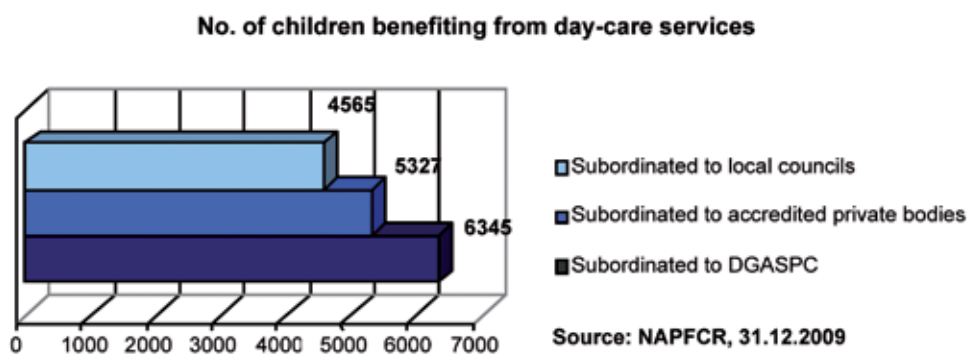
As it can be seen, when it comes to the implementation and protection of child rights, in various areas of social life, responsibilities are shared between several ministries, central and local authorities. In the list above, we have limited ourselves only to those institutions which have most of the responsibilities in the area of child rights, as this presentation is not intended to be all-encompassing. Thus, the list can be further developed, if a certain right of the child needs to be analysed more thoroughly.

The communication and cooperation between these institutions have been influenced by the evolution of the decentralisation process which started back in the 1990s and continued with the implementation of the new legislative package on the protection of child rights and social work.

Thus, it can be noted that there are many institutions at the county level which belong to the executive/ deconcentrated services (therefore to the central level) and which have responsibilities in the field of child rights (public health directorates, school inspectorates, police inspectorates etc.).

Social work – which also includes social services and social benefits – is mainly the responsibility of the county and local councils, which are both local public authorities. The territorial agency for social benefits (which pertains to the central level) also has a significant role in granting social benefits. It should be mentioned that the types of social benefits granted by the agency are different from those granted by the local level. In the spirit of decentralisation, Law no. 272/2004 provides for the transfer of certain attributions and services from the county to the local level. For instance, as regards children at risk, it is the responsibility of cities, towns and communes to prevent the separation of children from their parents, monitor the situation of children, identify and assess risk situations. If specialised intervention is needed, the cases are referred to the county level (DGSWCP).

Although the responsibility for providing primary social services mainly falls on the local council, the low level of specialisation of the staff from the public system in many localities (lack of technical know-how) makes it that prevention is ensured merely through the granting of material benefits. Day-care centres and services aimed at preventing the separation of children from their parents require accreditation and are underdeveloped in rural communes or small urban localities. Therefore, the need to provide day-care services should be covered by the intervention of the DGSWCP. NGOs have a significant role to play in organising and providing such services, as shown in the chart below:



The purpose of decentralisation in the healthcare sector is to transfer certain healthcare facilities to the local councils (mainly municipal councils). Certain healthcare facilities are concomitantly subordinated to the public health directorate (deconcentrated public service of the central public administration). Specialised

medical or research institutes are directly subordinated to the Ministry of Health. For example, we will refer to the healthcare units operating in the territorial area of Bucharest: 15 healthcare units (most of them national institutes) are directly subordinated to the Ministry of Health³¹, 9 healthcare facilities (emergency hospitals) are subordinated to the Bucharest Public Health Directorate³² and 22 (most of them clinical hospitals) are subordinated to the Mayorality of Bucharest³³.

The financing of public institutions and services is neither unitary nor very clear³⁴. More often than not, material and financial resources come from mixed sources (central and local); below, we will use the example of the right to education³⁵ in order to illustrate this reality. State pre-university institutions are financed from “public funds or other sources, according to the law”³⁶, using the following funding mechanisms:

- ❖ Basic financing: for the normal functioning of the education system (staff remuneration, supplies, services and maintenance, professional training of teachers and periodical assessment of pupils). The allocation of funds for the basic financing of schools is established every year, based on a financing formula approved by Ministerial Order. The formula takes into account the number of pupils, the standard cost per pupil and specific coefficients (correction factors). This financing is ensured from the local budgets, amounts allocated from the state budget (broken down from the value-added tax and other „state budget revenues”³⁷). The county, local and district councils may contribute to basic financing with amounts from their own budgets.
- ❖ Complementary financing: allocated for capital expenditures, social expenses and other expenses associated to the educational process (consolidation works, investments, repairs, subsidies for boarding schools and canteens, security services, pupils’ scholarships, pupils’ transport, commuting expenses of teachers etc.). The complementary financing is approved on a yearly basis by the state law budget and is distributed between communes, towns, cities and districts. This type of financing is ensured from budget of the locality where the school is situated, from amounts broken down from the value-added tax.
- ❖ Additional financing: is granted from the budget of the Ministry of Education, Research, Youth and Sports, rewarding those state schools which obtained special achievements in terms of school performance or inclusion. The county and local councils, the general council of Bucharest and the district councils contribute to additional financing, giving grants to the educational institutions, based on their own methodology.

Regarding the asset base, the following distinction should be made³⁸:

- ❖ the lands and buildings where state-owned pre-university education units operate (except for special education facilities) are part of the public domain of the localities and are managed by the local councils and respectively the councils of Bucharest districts;
- ❖ for special education facilities, the lands and buildings are part of the county public domain and are managed by county councils and respectively the councils of Bucharest districts.

31 http://www.dspb.ro/asistentamedicala/unitati_ms.pdf

32 http://www.dspb.ro/asistentamedicala/unitati_dspmb.pdf

33 http://www.dspb.ro/asistentamedicala/unitati_pmb.pdf

34 Some of the specialists from the public system, interviewed during this research, openly expressed their confusion about the financing of social work measures; they consider that more clarity and transparency are needed in this respect. More details can be found in chapter 3 of this publication.

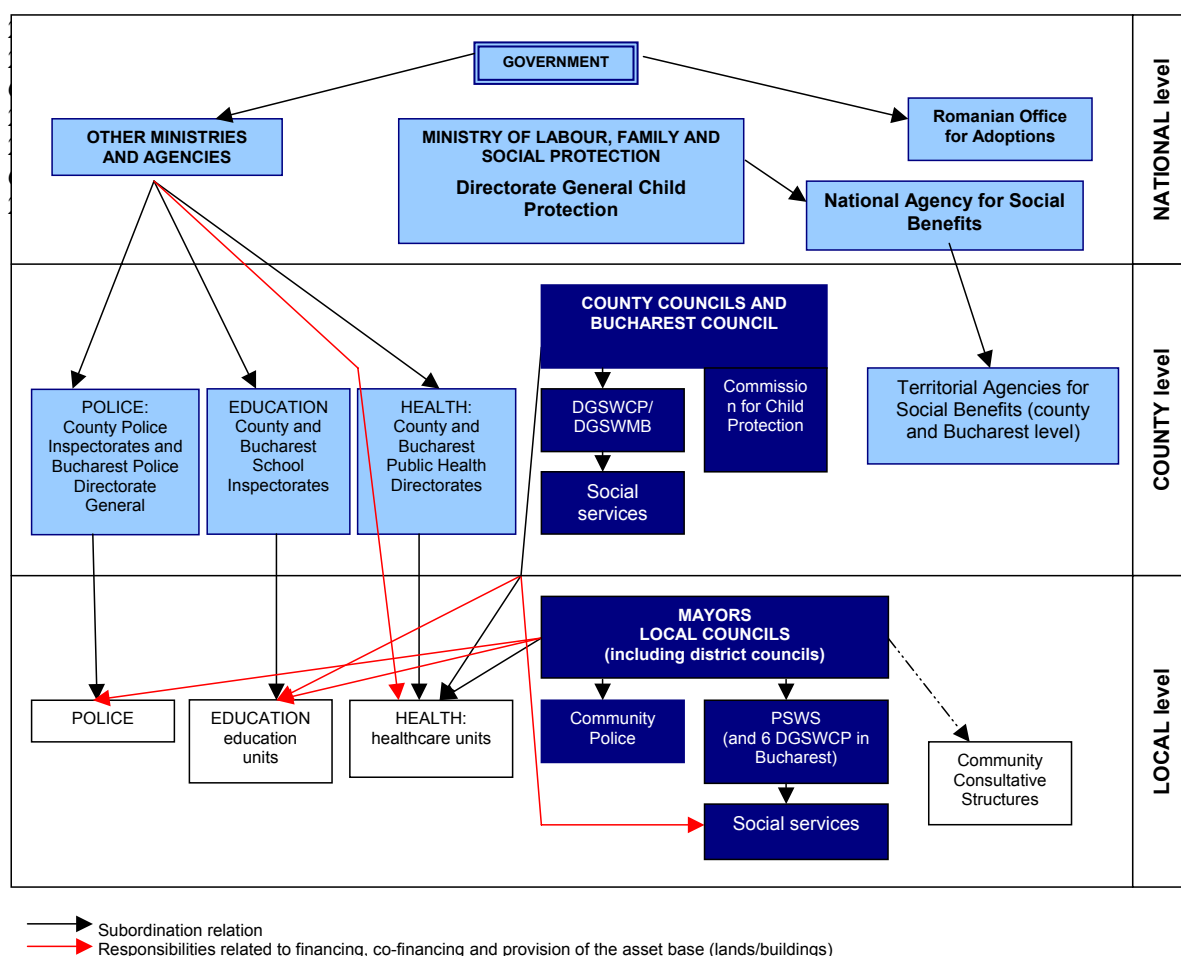
35 Law on national education, of 28.10.2010, published in the Official Journal no. 18 of 10.01.2010, Articles 101-107.

36 Idem, Art. 102 (1).

37 Idem, Art. 104 (2).

38 Idem, Articles 112-113.

A comparative study on the monitoring of child rights at the local level³⁹ analysed the decentralisation models of 7 countries, including Romania, considering that our country has a model of “deconcentration in a centralised context”, with mixed situations: „Methodological guidance and supervision is guaranteed by central authorities (...) Systematic and wide-scale decentralisation of child protection services has consisted mainly in administrative delegation of powers to the county level, and shifting of responsibilities for service provision to the municipal level. Yet, coordination of education, health and child protection efforts at local level is an issue and decentralisation remains incomplete”. The study presents, in graphic form, the vertical organisation of the main institutions having responsibilities in the area of child rights. The chart has been updated to the current situation and is presented below.



39 Save the Children Sweden, Child Rights Monitoring at Local Level – a Pre-Study in Estonia, Lithuania, Moldova, Romania, Serbia and Sweden, 2007.

1.4 Economic, social and political context

In the early 1990s, Romania was facing severe problems in the area of child protection; the situation of street children, the conditions in “mammoth” protection institutions, the lively discussions generated by international adoptions were topics which made headlines in the national and international newspapers for a long time. Romania’s accession to the EU was another change driver, as child protection was a key issue on the negotiation agenda. The country progress reports drafted by the European Commission required that urgent solutions should be found to problems such as: the limited opportunities for the social integration of children leaving protection institutions, the situation of the disadvantaged families from rural areas, the situation of homeless persons or of the Roma minority.

There were no real changes to the legislative system in the field of child rights protection until 1997, when the Romanian Government adopted important provisions concerning the legal status of adoption and the protection of children in difficulty, proposing a modern vision of the child, as a holder of rights and as a beneficiary of the newly introduced social services.

Within this context, the reform of the child protection system was quicker compared to other sectors, mobilising important resources and benefiting from political and social support. Thus, the legislative package in the field was adopted in 2004, when the drafting of the secondary legislation also started. Violence and humiliating treatment against children were banned by the law in 2004 also. The institutional framework developed accordingly, and institutions were established to investigate cases of violation of children’s rights. Notable progress was achieved as regards the gradual closedown of old large-sized protection institutions, concomitantly with the development of alternative care forms. The training of the staff working with children also became highly important; in this respect, guidelines, manuals and trainings were developed for the various categories of professionals, at the national and local levels. Pre-accession funds were equally important, as they facilitated investments in the area of child rights, including international projects which allowed for the transfer of knowledge and the organisation of experience exchanges. Non-governmental organisations were also very active, keeping the topic on the authorities’ agenda and conducting projects meant to support communication and cooperation, promote best practices, provide services and develop the institutional framework, raise awareness on child-related matters etc.

Despite the major developments in the area of child protection, the slow pace of the reforms and the fluctuations inherent to a transition society led to a state of economic, regulatory and cultural imbalance, with a major impact upon families and implicitly upon children. Insufficient resources and red tape are still impediments to the proper enforcement of the laws, strategies and programmes.

According to statistics, poverty mainly affects families with many children and single parent families, so children remain the most strongly affected social group. Moreover, Romania has the highest infant mortality rate in the EU.

As regards access to services, infrastructure development or access to information, we can speak of two Romanias – rural and semi-urban Romania, on the one hand, and urban Romania, on the other hand, the former lagging way behind the latter in terms of development. Education in the rural areas is a problem reflected in the school achievements (including promotion rates of various school cycles), which are lower compared to rural areas, lower rate of school enrolment and lower representation of teenagers from rural areas in higher education. Also, access to healthcare and rehabilitation services is more difficult for children in rural areas, especially in isolated communities.

While institutionalisation was the solution for the problem of children with disabilities during the communist regime, we can note that the current efforts are aimed at going beyond with this model. Yet, Romania is still unprepared to cope with the complex needs of disabled children, as there are major barriers

to overcome, such as: shortage of rehabilitation services, insufficient preparation of schools (buildings, teachers, adapted curricula) for the inclusion of children with disabilities, limited vocational training and employment opportunities, as well as underdevelopment of the facilities (access ramps, adapted transportation means) that would support participation in the social life.

Romania has one of the largest Roma minorities and has not yet identified effective measures against discrimination. School segregation remains a reality, despite the law which provides to the contrary and the programmes implemented by the authorities. Additionally, the right to proper living standards (housing, facilities, food) is impaired for the children in the Roma community, who are more affected by poverty than the majority population.

As a result of the focus on child protection, child rights have been mainly interpreted in terms of social work. Local and county strategies are built around children who need protection or children at risk, but there is no comprehensive, integrated approach based on the implementation of all the rights set out by the Convention on the Rights of the Child. The same segmented understanding is reflected in the manner in which the institutional framework has been developed – at the local and county level, there are social work institutions, prevention services, healthcare institutions, schools etc., but there is no institution that would actually coordinate the implementation of the Convention or ensure connection and communication between all these institutions.

Several governmental strategies have also been implemented; they include components related to the prevention and combating of child rights violations, but lack coherence and the possibility for assessing their efficiency (as there are no relevant statistic indicators). The data reflecting the situation of the child are currently held by various institutions, and it is difficult to centralise or compare them. The data collected for the monitoring of child rights by public services and directorates general of social work relate mainly to children receiving a certain form of protection and those at risk, but do not properly reflect the observance of the other rights, which proves once again a rather limited approach.

It should be pointed out that, despite the investments and progress made, certain areas registered a standstill or even a regression, mostly because of the insufficient resources. An example in this regard refers to the efforts made in order to develop a juvenile justice system in line with international regulations. The judiciary reform strategy of 2005 – 2007 provided, under the chapter “Juvenile Justice”, that the protection of minors’ rights requires special attention from the society and in particular from the law enforcement authorities⁴⁰. Several Phare projects were implemented in order to provide trainings and experience exchanges for magistrates (including working visits to other European countries). Although the objectives of the reform strategy and the knowledge acquired by the specialists should have been used as a basis to amend and supplement Law no. 304/2004 with regard to juvenile justice, the new judiciary organisation law represents a step back in this area, as it replaces the *obligation* to set up specialised courts for minors and families with the *possibility* of setting them up, leaving this decision to the discretion of court chairmen. Thus, the discussions with children deprived of liberty, held by Save the Children, revealed that these children had not heard of judges specialised in minor-related matters and that, during the criminal trial, children were often in a situation not to understand the judicial procedures in which they were involved and hence the grounds underlying the judicial decisions concerning them⁴¹.

40 C. Nicoară, The need for the mandatory establishment of specialised courts for minors and families – a comparison between the old and new provisions of Law no. 304/2004, in the Minors’ Rights Magazine no. 1 /2006.

41 Save the Children Organisation, Situation of child rights observance in Romania, Bucharest 2006, page 34, and the results of the consultations with minors deprived of liberty within the project „JUST. Juvenile justice. Development of child rights based methods of intervention to prevent juvenile crime and promote re/integration of young offenders”.

The recent economic crisis had a direct impact on the enforcement of child rights. Thus, the central institution responsible for coordinating the implementation of the CRC was reorganised several times. In November 2009, it merged with the National Authority for Family Protection, leading to the establishment of the National Authority for the Protection of Family and Child Rights; then, only half a year later, it was closed down, and its responsibilities were transferred to the Ministry of Labour (within which a specialised directorate for “child protection” was set up three weeks after the ministry took over these attributions). All these changes involved significant staff reorganisations and the redefinition of responsibilities and activities, which affected the efficiency of child rights implementation. Moreover, although the national strategy on child rights of 2008-2013 provides for the need to move from an approach which consists only in ensuring the right to protection to one encompassing all child rights, the newly established directorate within MLFSP brings the protection concept back to the forefront.

Statistics:

- ❖ **Total number of children in Romania⁴²**: 3,967,012 (18.5% of the overall population)
 - Percentage of girls: 48.7%
 - Percentage of boys: 51.3%
 - Percentage in urban areas: 49.6%
 - Percentage in rural areas: 50.4%
- ❖ **Birth rate⁴³**: 10.4 ‰
- ❖ **Infant mortality rate⁴⁴**: 10.1‰
 - In urban areas: 8.1‰
 - In rural areas: 12.6‰
- ❖ **Number of children abandoned in hospitals⁴⁵**: 1,400
- ❖ **Number of children whose parents are abroad for work⁴⁶**: 85,605
 - Of them, 3,623 are in the social protection system
- ❖ **Number of children benefiting from services aimed at preventing their separation from their parents⁴⁷**: 41,537
- ❖ **Number of children in state care⁴⁸**: 69,246
- ❖ **Number of children in placement centres⁴⁹**: 23,696
- ❖ **Number of children with disabilities⁵⁰**: 91,107
- ❖ **Number of children victims of abuse, neglect and exploitation⁵¹**: 11,686

42 As of January 1st, 2010. Source: National Statistics Institute.

43 As of 2009. Source: National Statistics Institute.

44 Idem

45 Between January – December 2009. Source: National Authority for the Protection of Family and Child Rights

46 December 2009. Source: National Authority for the Protection of Family and Child Rights.

47 Idem

48 Idem

49 Idem

50 Idem

51 January – December 2009. Source: National Authority for the Protection of Family and Child Rights.

2. Research methodology

This paper presents the results of a **qualitative, exploratory research**, whose **purpose** was to analyse how Romania applies the general measures of implementation of the UN Convention on the Rights of the Child at the local, county and national level.

The general measures of implementation are set out in Articles 4, 41 and 44.6 of the CRC and refer to the necessary structures and mechanisms for an effective implementation of this international instrument. The general measures analysed in this research refer to:

- ❖ Incorporation of the CRC in the national legislation;
- ❖ Development of national strategies and action plans;
- ❖ Coordination of Convention implementation;
- ❖ Development of indicators, data collection and monitoring of Convention implementation;
- ❖ Ensuring children's visibility in the budgets;
- ❖ Cooperation with the civil society and children's participation;
- ❖ Development cooperation;
- ❖ Independent national institutions for human rights;
- ❖ Information and awareness-raising with regard to the CRC.

The research started with **an analysis of the social documents**, which outlined the set of CRC implementation measures and allowed for the adaptation of the common methodology developed in the project to the national specificities. Thus, the approach consisted in the analysis and interpretation of the main applicable pieces of legislation, relevant public strategy documents, as well as reports, documents and statistics provided by public institutions and civil society organisations.

A second goal of the research was to identify the perceptions of child protection specialists with regard to the efforts made to apply the general measures of CRC implementation. This stage used the method of the **sociological inquiry based on semi-structured interviews**, which allowed for a detailed exploration of the specialists' opinions and the development of trust-based relations between the researcher and the participants, while facilitating the tackling of "sensitive" issues (such as the perception regarding the efficiency of the actions carried out by their own institution or the various shortcomings and steps back in the process) and an adjustment to the participants' programme.

A major emphasis was put on encouraging children to express their opinions about the analysed topic, in a series of **focus groups**, which gathered between 6-12 children and which were adapted to their age and level of understanding.

The structure of the research instruments (interview and focus group guidelines) includes the general measures subject to analysis and is presented in Annex II.

In line with the common project approach, the research consisted of an **analysis of the central level**, represented by the main relevant national institutions, as well as of the county and local level, represented by **4 administrative-territorial units – the counties of Alba, Constanța, Iași and district 1 of Bucharest**.

The research covered the following **target groups**:

- ❖ Representatives of the central authorities;
- ❖ Specialists of the national institution of the Ombudsman and its territorial offices;
- ❖ Specialists of the specialised institutions for social work from the county (DGSWCP) and local level (PSWS);
- ❖ Representatives of county and local councils;
- ❖ Specialists from NGOs;
- ❖ Children aged 12 to 17, from both urban and rural areas.

Overall, the research included interviews with **25 representatives of central, county and local authorities and 12 NGO specialists**, as well as **7 focus groups with 56 children altogether**. The sample characteristics are detailed in Annex I.

The limitations of the research are specific to qualitative research and related investigation methods. Therefore, the data collected during the research are not statistically representative in percentage terms, but rather describe patterns in terms of facts, opinions/attitudes. Another limitation is given by the fact that the sociological inquiry reflects only those aspects of which the participants in the research are aware and about which they have information.

3. Research results

3.1 Incorporation of the UN Convention on the Rights of the Child in the national legislation

”States parties need to ensure, by all appropriate means, that the provisions of the Convention are given legal effect within their domestic legal systems” – General Comment no. 5.

The UN Convention on the Rights of the Child (CRC) was ratified by Romania by Law no. 19/1990. Major progress towards the incorporation of the Convention into the national legislation has been made by adopting the Law no. 272/2004 on the protection and promotion of child rights, as well as secondary pieces of legislation for the enforcement of the provisions of this law. Thus orders were adopted, containing minimum mandatory standards for residential services and day-care centres, as well as cost-related standards for these services.

However, it has to be mentioned that, in the absence of a proper juvenile justice system, in which children-related cases should be dealt with by tribunals or at least specialised courts of law, the level of references to the CRC in court rulings cannot be monitored. Moreover, one can notice that the courts tend to refer to the Law 272/2004, rather than directly to the CRC provisions.

In line with the United Nations Convention on the Rights of the Child, Law 272/2004 defines the principles underlying the observance of child rights. The law lays down the institutions, bodies and persons having responsibilities in relation to child rights, introduces responsibilities, sanctions and special procedure rules. It also regulates the relevant institutional framework and the financing mechanism of the child protection system. The law contains detailed provisions with regard to the following:

- ❖ Children’s rights and civil freedoms;
- ❖ Family environment and alternative care;
- ❖ Children’s health and welfare;
- ❖ Rights to education, recreational and cultural activities;
- ❖ Special protection of the child deprived of parental care;
- ❖ Protection of refugee children;
- ❖ Protection of children in armed conflicts;
- ❖ Protection of the child who committed a criminal offence and is not criminally liable;
- ❖ Protection of the child against exploitation.

This research ascertains the fact that both the specialists from public institutions and the respondent NGOs appreciate the progress on ensuring the rights of the child at national and local level, brought by the current legislative framework. They consider that this step starts building a new approach, in which children are seen not only from the perspective of their needs, but also as rights holders. Nevertheless, the specialists who participated in the research point-out a number of difficulties in implementing the legislation, while also identifying legislative gaps:

- ❖ Even though the legislation creates the perspective of a system that addresses all children in Romania, the interventions remain focused on the vulnerable categories of children (particularly tackling the “classic” vulnerabilities), **being difficultly adapted to the new problems** encountered by children.

The provisions regarding children whose parents are abroad for work are considered incomplete and superficial, in that they cannot produce effects and do not actually address the problem.

“The legislation has so many gaps that it is almost impossible to enforce, it is not based on reality. Do you think anybody is asked at the border whether they have children at home, whether they declared their leaving with the PSWS? Anybody can say that they are leaving on a holiday or just for a few days. How could one know?”, director of DGSWCP;

“Those children are actually left without a legal representative. I have encountered situations when the authorities did not apply the family placement measure, to enable the grandmother, for instance, to receive that allowance, because the child was considered to have remained in the extended family. It is not only about money, even though it does count as well, but who is responsible for the child? Who is his/her legal representative in such cases? Is it the parent who no longer returns in the country for years?”, NGO representative.

Also in this category, the following themes were indicated as needing more legislative clarity: the parental education, the children with mental health disorders (especially clear and unitary intervention methodologies), the children in conflict with the law (especially a post-criminal assistance system for children who committed an offense, especially for those who served a custodial sentence or measure), the assets of the children for whom guardianship is established (with regard to the responsibility of inventorying / assessing and managing the child’s assets, as well as monitoring of their proper administration).

- ❖ **The principle of the child’s best interest** (Art. 3 of the CRC) was brought into discussion with regard to parental rights and responsibilities, specialists considering that even if there are situations of child neglect which require the termination of parental rights, the current legislation hardly allows it.

“Children have rights, but parental rights seem to be more important. We have children who have been in the protection system for many years, they turn 18 and have to leave. However, while the parent has called once in many months, this is considered contact and one cannot terminate his/her rights. I understand that the philosophy behind these provisions is that the parent would one day solve his/her problems and be able to take care of the child, but then you see years passing by without any progress being made, or, on the contrary, they give birth to other children who also end up in the system (...) This is where I think the law needs some rethinking and revision”, director of DGSWCP.

Also with regard to the child’s best interest, another topic discussed is the exposure of children in the mass media, particularly child victims, with the parents’ agreement. The law gives the parent the right to express this agreement even though there are situations when the exposure is against the child’s best interest, as it enables easy identification, particularly in the case of small communities (even though the child’s identity is not directly provided, the fact that images of the parents are given, as well as of the abuser or details about the locality where the abuse was made, facilitates the identification of the child victim).

Thus, there is a need to review the provisions on parental rights so that the principle of the child’s best interest is actually ensured.

- ❖ **The principle of listening to the child** (Art. 12 of CRC) was debated particularly in terms of the child’s participation in legal proceedings.

All interviews revealed the concern that procedures regarding children are poorly framed in the Romanian legislation and differ only to a small extent from those applicable to adults. Most children involved in legal proceedings do not understand what is happening to them and encounter a cold atmosphere, some children might get in contact with accused adults or can even suffer re-victimisation, due to the lack of a real juvenile justice system (which should ensure that the cases involving children are handled by tribunals or at least specialised courts, the human resources are receiving proper specialisation, the settings for child hearings are adequate, the presentation of the information is made in child friendly manner etc.).

❖ **Different interpretation and application of the legislation, as well as the need to supplement the secondary legislation**, were other sensitive issues raised mainly by the civil society representatives:

“I am a social worker in a placement centre and collaborate with several counties. Iasi understands and applies the law in one way, Neamt in a different way, if I go to Bacău, there would be a third different version, if I go to Botosani, the fourth version (...) regarding also the instruments; in fact the instruments are not complete in the legislation and everybody has been trying to supplement them”, NGO representative.

As an example, with regard to the need to supplement the secondary legislation, it was pointed out that there is no clear methodology for contracting NGOs to provide social services:

“It is not the law which prevents us from contracting, but the fear of not doing it well and correctly, a clear methodology on this segment is actually missing”, director of DGSWCP.

❖ **Not complying with certain provisions as a result of a lack of sanctions** (or their superficiality) **and of a shortage of financial and material resources**:

“Nothing can be accomplish in Romania unless the people feel forced to comply, or, in the case of the legislation regarding children’s rights, the sanctions are sometimes as if inexistent (...) the legislation is rather permissive, also in what concerns the cases of neglect and abuse”, director of PSWS;

“The interventions do not fit the beneficiary’s best interest or its priority, but the existing funds (...) there are benefits, provisions only on paper. For instance, granting subsidies for the employers who integrate persons, including youngsters, with disabilities – we prepared the files together, but those firms have still not received the money granted by the law”, NGO representative;

“We had a case of a young girl who was a witness of violence in her family, meaning that she was also at risk of becoming a direct victim of physical violence and it took a long time before a measure was taken as there were no places in the centre”, NGO representative.

With regard to the **drafting of legislation and the public consultation process**, the experiences reported in the interviews are wide-ranging – lack of public consultations, lack of information of the specialists with regard to involvement opportunities, failure to consider the points of view submitted, (on the one hand, successful initiatives of the civil society, successful collaborations between institutions, lobby made by local public institutions and other best practices, on the other hand.

“I believe those meetings are conducted just to fulfil a procedure, not to have an input from the group (...) well, it does happen sometimes that the opinions are taken into account. But my point is that the focus is on the procedure and not on the result, as I have seen meetings organised on a very short notice, just before the law proposal is submitted for legislative discussions, so that you have short time to prepare”, representative of MERYS;

“We made proposals about children whose parents are abroad for work, but nothing happened, this is discouraging, when you bring proposals and see no effects, then you take a step back”, director DGSWCP;

“We changed some laws here and there, through MPs, as long as they supported us or as long as they had the availability and preoccupation for social matters. For instance, a law was issued that we could not apply, it was impossible! So I made pressures, I presented the paper until I convinced somebody, an MP from our area, to support the changes. This is why I say that the public administration has a political component. A different approach can also be taken and we always get involved - when the Ministry of Labour posts a draft law on its website and we see it or hear about it, if we have comments, we immediately submit them. And I saw that they have even started to answer to us lately ... for a change”, director of PSWS.

An interesting aspect is the information with regard to the opportunity to participate in the drafting of legislation. It can be noted, that the initiator from the central level, usually an institution within the Government, often submits the proposal to the relevant central institutions, for horizontal consultation, while also initiating work meetings sometimes. The lower we go, towards the local level, the fewer the participation opportunities are – the county level is rarely consulted (for instance the representatives of DGSWCP were invited to contribute with viewpoints particularly by the former NAPFCR and by the Ministry of Labour and much more rarely by other central institutions, such as the Ministry of Education or Health), while PSWS representatives mentioned that they find out about these public consultations rather from the mass-media, from the Internet, or via informal discussions with persons from DGSWCP.

“For each topic, for each project I have to examine, I multiply the documentation and I give it to my colleagues so that they can also participate”, mentions a chief of service within PSWS, whereas the respondent social worker from the same institution, indicated: *„I participated in the substantiation of certain decisions of the local council or of the Child Protection Commission, but not higher, not in the drafting of national laws, where my input was not asked for so far”.*

We find that the situation applies also with regard to the vertical structure of public institutions. Participation mainly takes the form of involving the management, this process being almost not experienced by the subordinated staff.

Similarly to the representatives of public institutions, the NGO representatives describe both successful experiences and ineffective legislative consultations. In the latter case, the information with regard to the participation opportunities is a major issue, as they rarely receive briefings or invitations from the State institutions. On the other hand, the public institutions mention that it is rather difficult to inform the non-governmental organisations, as they do not know all those who could be interested and, consequently, address only to the largest ones. Another problem is that certain NGOs, in particular local ones, although they have been very active throughout the time, may face difficulties or restructuring processes which affect their capacity to take part in public consultations.

Most of the specialists felt the need for the development of an IT system allowing the social stakeholders to be informed in due time regarding the legislative drafts and changes, while facilitating their participation in public consultations. The suggestion was made therefore that each public institution should develop on its own website an application containing a database of the social stakeholders.

Conclusions

Important measures have been carried out by Romania in order to incorporate the CRC in the national legislation, with major progress achieved by the adoption of Law 272/2004 on the protection and

promotion of child rights, which entered into force at the beginning of 2005, as well as the following secondary legislation.

Nevertheless, as regards the legislation in the field of child rights, specialists in Romania face difficulties related to the following:

- ❖ Focus on the “classic” categories of vulnerable children and difficult adaptation to the new problems faced by children, or to the situations of all children (children whose parents are abroad for work, children with mental health disorders, children in conflict with the law, parental education, assets of the child for whom guardianship is established, etc.);
- ❖ Failure to apply the principle of the child’s best interest in all situations (cases where parental rights prevail over the child’s best interest: exposure of child victims in the mass-media with the parents’ agreement, neglect of children);
- ❖ Lack of procedures ensuring the observance of the principle of listening to the child, particularly with regard to the child’s participation in legal proceedings;
- ❖ Different interpretation and application of the legislation, as well as the need to supplement the secondary legislation;
- ❖ Limited power to comply with certain provisions as a result of a lack of sanctions (or their superficiality) and a shortage of financial and material resources.

Similarly to the representatives of public institutions, the NGO representatives describe both successful experiences and ineffective consultations as regards the participation in the drafting of legislation. In the case of public institutions, at the central level, consultations take place mainly horizontally, sometimes reaching also the county level and almost never the local level. The situation applies also with regard to the vertical structure of public institutions, participation occurring particularly at management level and being almost inexistent at the level of the subordinated staff.

It is worth pointing out to the successful collaboration between institutions (including in the public and NGO sectors), the success of certain legislative proposals initiated by the civil society, as well as the lobbying capacity of certain local public institutions.

Recommendations

- Periodical review of the legislation (including secondary legislation) regarding child rights to provide solutions to new problems and the reality reflecting children’s lives at present.
- As indicated by the specialists’ opinions, major immediate priorities include: the legislation regarding children whose parents are abroad for work, children with mental health disorders (particularly as regards the establishment of unitary work methodologies), children in conflict with the law (development of a juvenile justice system according to the international regulations and instruments adopted by Romania, ensuring a post-criminal assistance system for children who committed an offence or for those who served a custodial sentence or measure), strengthening the enforcement of the child’s best interest principle and the principle of child participation, and revision of the sanctions applicable in the event that the obligations of the institutions and individuals responsible with ensuring the child’s rights are not complied with;
- Periodical review of the legislation to ensure that it fully adheres to the Convention on the Rights of the Child;
- Resumption of the training programmes for the specialists in the field, taking into account the understanding and unitary application of the legislation;
- Ensure mechanisms are in place to facilitate the participation of the civil society in the public consultation process. An example would be the creation and implementation of an IT application allowing the interested social actors to be informed in due time about the legislative projects and amendments and supporting them in submitting their comments.

3.2 Development of strategies and action plans

„If Government as a whole and at all levels is to promote and respect the rights of the child, it needs to work on the basis of a unifying, comprehensive and rights-based national strategy, rooted in the Convention (...) To give the strategy authority, it will need to be endorsed at the highest level of government. Also, it needs to be linked to national development planning and included in national budgeting; otherwise, the strategy may remain marginalized outside key decision-making processes (...) The strategy needs to be adequately resourced, in human and financial terms”, General Comment no. 5

In General Comment no. 5, the UN Committee on the Rights of the Child mentions that the Member States should have a unifying national strategy (or a national action plan) on child rights, elaborated and updated by taking into account the UN Committee’s Concluding Observations, and giving priority to disadvantaged groups of children, while also referring to all children in the respective country and all the rights set out in the CRC. It is also requested that such a strategy should be developed through a process of meaningful consultation of children (by ensuring child-sensitive materials and processes, rather than by simply extending children’s access to an activity of the adults), youngsters and all those with responsibilities in ensuring child rights. In addition, the Committee emphasises the Government’s responsibility to ensure the dissemination of the strategy to the wide public and to the children (by child friendly versions), as well as to monitor and periodically assess the status of its implementation, and to report periodically to the Parliament and to the wide public. It is also mentioned that the national strategy should be a comprehensive document which can be transposed in several specific sectoral national plans of action (for instance for education or health).

Situation at the national level

In August 2008, the Romanian Government adopted the National Strategy in the field of Protection and Promotion of Child Rights 2008-2013 and the Operational Plan for its implementation⁵².

Reviewing the strategic document, as well as the drafting process, it is found that it largely complies with the CG5 provisions as:

- ❖ It focuses on vulnerable groups of children, while indicating that, by implementing the strategy, the Government aims to move from the protection of children in difficulty, to the protection of all children’s rights;
- ❖ It is based on a thorough analysis of the context and situation faced by the children in Romania when it was drafted, emphasising both the results registered over the last two years, as well as the sensitive aspects and issues which have remain to be addressed;
- ❖ It defines clear objectives and results, identifies opportunities and constraints, describes the roles of public institutions as regards the implementation of the strategy and indicates the monitoring and assessment component (both internal and external, both periodical and final);
- ❖ The drafting of the strategy and of the plan also included a public consultation with the public institutions with responsibilities in the field and the NGO sector.

However, **the power of implementation is strongly affected by the fact that these documents, well developed up to a point, omit one of the most important elements, i.e. the allocation of the necessary resources (budgetary and human)**. Thus, the strategy reviews only the budgetary sources, but does not indicate the amount necessary for the implementation. We see a well written operational plan, which, for each objective of the strategy, defines operational objectives, activities, responsible institutions, partners, indicators and deliverables, but the content of which does not indicate the budget or the staff needed to achieve these activities and results:

52 G.D. 860/13.08.2008 can be consulted at http://www.anpfdc.ro/afisareact.aspx?id_act=345

„With a view to achieving the results expected from the implementation of the national strategy [...] it is estimated that an increase of the financial resources is needed [...] All the mentioned sources will be thoroughly reviewed when establishing concrete methods to assess and monitor the Strategy”, excerpt from the National Strategy.

Furthermore, even though the text of the strategy mentions that its implementation will be monitored on an annual basis and at the end of each operational plan (the first one covering the period 2008-2009), for improvement and updating, no assessment or progress report could be identified by September 2010, being affirmed with certainty that the two strategic documents were not subject to any updates.

It is also found that the drafting of the two public policy documents was not carried out with the real participation of children and teenagers, as mentioned in CG5. The current research showed that most of the specialists consulted were not familiar with the contents of the National Strategy, while some of them did not know that such a document existed. Among children, the level of information regarding the strategy is extremely low, no child participating in the focus-groups being aware of its existence.

The governmental measures aimed at mitigating the effects of the economic crisis, such as the repeated restructurings of the institutions (NAPCR held the main responsibilities in child rights field, until they were taken over by NAPFCR and currently by the Ministry of Labour), as well as the salary and staff cuts, raise real concerns with regard to the implementation chances of the National Strategy.

An additional reason for concern is the text of the Government Decision amending the attributions of MLFSP⁵³ after the institutional reorganisation of June 2010 – while we can see that, after the integration of the National Authority for People with Disabilities within the ministry's structure, the role to develop, implement and monitor the national strategy in the field of disability is taken over by the ministry, the same cannot be said in the case of the national strategy on the rights of the child which is not found in the text of the decision (even though this is the legislation which refers also to the takeover of NAPFCR's responsibilities).

In addition to the national strategy in the field of child rights, other central authorities have developed sectoral strategies focused on certain rights of the children (education, protection against trafficking, exploitation etc.). Most of the times, the process of adopting these strategies included the consultation of the authorities with responsibilities in their implementation, and lately, the NGOs as well.

The representatives of the central institutions identified also a series of difficulties in the strategy adoption and implementation process:

- ❖ The time period between the start of the consultations and the actual adoption of the strategy is sometimes very long, as the document flows can mean the review and approval by a large number of public institutions (usually those with a role in implementation).
- ❖ It can be seen that, if any changes are affecting the activity of the targeted institutions (change of management, restructurings or transformations), the entire process is resumed. Given the political and economical instability which marked Romania over the last period, several public policy documents important for the implementation of child rights went through a difficult path to their adoption (if this took place in the end). The national strategy for child rights also falls within this category – even if the drafting process started in 2005⁵⁴, the document was approved only in August 2008.

53 G.D. 728/21.07.2010 to amend and supplement G.D. 11/2009 on the organisation and functioning of the Ministry of Labour, Family and Social Protection

54 As per 2005 Activity Report of the National Authority for the Protection of Child Rights, which can be viewed at

- ❖ The working group created to design a strategy does not always operate efficiently, as it happens that there are not always the same representatives of the institutions participating in the meetings, which leads to a lack of continuity, or the persons appointed do not have sufficient authority within the institution represented (a position on the document debated has to be adopted by a hierarchical superior who is not informed about the discussions which took place) or there are situations when the viewpoints of the institutions are very different.

„It is a slow process. I noticed in many occasions when the meetings are convened that the participants are not always the same, therefore there is no history of the evolution of the discussions and materials distributed. Or the same person participates, but the viewpoints are so different and irreconcilable, that progress is insignificant, while the initiator sticks to its form, because he is the initiator and the others stick also to their opinions”, representative of a central public institution.

- ❖ The implementation of the national strategies depends also on the capacity and existing resources at the local level, as well as on the communication between the central and local authorities:

„This decentralisation process is a good thing. But, like any other good thing, we make it good on paper and when it comes to local level, the implementation cripples. This happens because there are all sorts of interpretations, all sort of interests affecting the implementation, thus the process designed at the central level is no longer uniformly applied, according to very clear, transparent and unique criteria across the country. In other words, as a central institution, we aim to implement certain things, but the problem is that we do not have the guarantee that what we set out in the strategy would also be financed and applied at the local level... as, otherwise, it remains well and nice only on paper”, representative of a central public institution.

Situation at county and local level

At county/ sector level, the strategies are developed by the Directorates General for Social Work and Child Protection (DGSWCP).

Out of the 3 counties and one district of the Municipality of Bucharest analysed, it can be noted that only Alba county and District 1 of Bucharest currently have a strategy for children. Iasi county is in the process of developing it (the latest strategy referred to 2004 but included also a long term action plan - 2007) while Constanta county has a strategy with objectives for the period 2005-2007. The representatives of DGSWCP Iasi and Constanta mentioned that in the absence of a county strategy, they are following the lines of the national one.

One can note a significant quality difference between the strategies of district 1 and Alba County, on the one hand, and those of Iasi and Constanta counties, on the other hand. This difference can also be attributed to the period when these documents were written. In the interview with the DGCP representative, it was mentioned that the former NAPCR conducted trainings and provided methodological guidance to DGSWCPs in order to support the design of their own strategies. Therefore, it is possible that this methodological support is reflected in the strategies of DGSWCP Alba and District 1, while it was still unavailable when the other two counties drafted their documents.

DGSWCP District 1 has a strategy for the period 2008-2013 (in line with the period of the national strategy on the rights of the child) including also an annex regarding the existent and foreseen budget.

Unfortunately, the strategy is not focused on children's rights only, but also on the rights and protection of other categories of beneficiaries of the institution (adults, elderly, persons with disabilities, people at risk of marginalisation or social exclusion), including also objectives in the field of community medical assistance⁵⁵.

Similarly, the strategy of DGSWCP Alba includes a separate section regarding the rights of the child and targets the same period of time as the national strategy. Even though it defines indicators and results, the text of the strategy does not refer to how its implementation would be assessed (since the frequency and the procedures for monitoring and reporting are not mentioned). Meanwhile, we notice that this document includes also sections related to the human resources involved in its implementation, as well as the related budget⁵⁶.

It was also noticed that references to children are also found in the strategies of the county councils, without, however, ensuring a concrete connection with the plans and strategies of DGSWCP. Furthermore, the interventions of the county councils depend also on their capacity to attract funds. For instance, Alba County Council was able to win and implement projects with European funding, some of them having children and teenagers as beneficiaries⁵⁷.

The situation is similar also in the case of some of the mayoralties and local councils analysed. Sebes, for instance, has a component included in the municipality's strategy, with regard to social matters which refer also to children, among other things.

Also at the local level, only one of the PSWS included in the analysis had a children-related strategy in force. When the research was conducted, PSWS Mangalia was not accredited yet, the representative of the institution mentioning that the number one priority was to obtain the accreditation, followed by the development of a strategy (necessary to attract funds) and the establishment of a day-care centre.

While most of the times, it is the staff of the institution who develops the strategies, situations were identified when this attribution is partially or totally outsourced – DGSWCP Iasi collaborates with Alexandru Ioan Cuza University for the assessment of the community needs, while the strategy of the Municipality of Sebes was fully developed by a firm contracted for this purpose.

Therefore, one can say that the practice is not consistent and differs a lot from one county to another, as well as from one locality to another, having, however, one common denominator, i.e. the lack of communication between the institutions and the absence of evaluations regarding the implementation and impact of the strategies (some of the institutions said that they do conduct this evaluation, but the deliverables are reflected in the general monthly, quarterly or annual reports of the institution or in the assessments addressed to the funders, therefore not in a separate document):

“I am familiar with it up to a point” (regarding the county strategy), “as regards evaluation... this is where the big issue appears, it is rarely made and I can understand why – there is no time, you can think strategically, section by sections, then you realise that the year is coming to an end and there is no more time left, the strategy is no longer updated or assessed... unfortunately, we are improvising too much in this country”, head of PSWS service;

55 Strategy of the integrated structures for Social Work and Community Medical Assistance <<Directorate General for Social Work and Child Protection District 1>> and << Caraiman Multifunctional Complex >> within the Local Council of District 1 – Period 2008-2013

56 County Strategy in the field of Social Work and Protection of Children's Rights, 2008 – 2013, Alba

57 The projects focus on: disseminating information on the importance of identity documents and providing assistance for obtaining them in the disadvantaged communities, rehabilitating 5 multifunctional centres for persons with disabilities in distinct localities, ensuring the operation of these 5 centres and establishing 2 social enterprises.

“Yes, every 3 or 6 months. Cross-evaluations are made, by sectors, leading to reviews. The evaluations are then submitted to the funders – Local Council, Ministry of Labour, European Union, so the one which gives you the money”, director of PSWS;

“In the course of the process, the Mayor has the obligation to submit an annual report regarding the social, economic status, including the budgetary execution, and the achievement of the municipality’s strategy objectives. However, this evaluation was not yet conducted up to this moment.”, representative of the local council.

The discussions held with the representatives of the public institutions identified the following **problems in the development and implementation of the county and local strategies:**

- ❖ Most strategic documents are actually own strategies of the institution (with a focus on the activities and specificity of the institution) and not strategies centred on the implementation of the rights of the child. Subsequently, at present, one of the most important functions of these documents is to be used in attracting funds / drafting projects (the strategy being mostly mentioned in the chapter regarding project justification).

„You cannot access European funds without a strategy, so they are of course good, but their power of implementation depends on the power to absorb the European funds, on the financial power of each and every mayoralty and on the political will and openness of that mayoralty”, director of PSWS.

- ❖ The development of the strategy can sometimes be a long process due to the lack of specialised staff within the DGSWCP which has to analyse the problems existing in the community and to draft the document:

„We have started an analysis in order to identify the needs at county level, but we had to ask for and received the support of the University as we did not have specialised people for this, sociologists to conduct the field research. This analysis will substantiate the strategy. A map of the needs will be developed and, hopefully, ready by next June”, director of DGSWCP.

In the case of two PSWS analysed, their representatives did not understand very well the notion of „strategy”, making a confusion at first with the notion of „methodology”, and, thus, referring to how the institution handles the children-related cases, as well as the individual protection plans.

- ❖ The main issue in implementing the strategies is the lack of resources (human and financial). The economic crisis is showing its effects, both in terms of staff cuts, and especially salary cuts which result in the voluntary leaving of the specialists from the system:

„Do you know how 9.000 applications for heating subsidies are handled in this office? In 3 shifts. If you had asked me about child protection ... I would have had to sit for a moment and collect my thoughts ... let’s see, did I do something for that child? No, because I had other activities, also from my attributions, which kept me busy (...) I have a sociologist who is now unloading pastas. Streets are also related to social matters, but that does not mean that a social worker will go in the near future to pour asphalt.”, director of PSWS;

„I really do have a good team now, they are young but very good. I have 90 specialised social workers, but I do not know what will come next as a decrease in the number of employees is intended”, director of DGSWCP;

„We did not have to go through staff restructuring, but are confronted with the voluntary leaving of the employees, they are not motivated, they cannot cover their own personal needs. I can tell you that out of 6 subordinates of mine, 5 have already applied for other jobs, although one of them has been working in the social work field for 11 years. If their salaries are lowered to the threshold of a socially assisted person, I do not know how they can work efficiently.”, representative of DGSWCP;

“If I tell you that I have subordinates with high education who are paid 490⁵⁸ Ron per month, you would not believe it, and this in spite of the fact that they are specialised. It’s true that they are only at the beginning of their career, but... this thing with 800 Ron as a minimum⁵⁹, I can tell you that it is not actually applied and it is like this almost from the beginning. I have colleagues who leave, they invested a lot here, but cannot take it anymore – a colleague with 10-12 years of seniority has a salary of up to 800 Ron, including seniority. In reality, the drop in salary is 35-50%, not 25%. And then, how could you employ an IT specialist to develop databases and work with them, when all you can offer is a salary corresponding to the public system? Who would come in such conditions?”, head of PSWS service;

„We can no longer cover all the issues; we have few employees, and a large number of beneficiaries as a result of the crisis. We are no longer considering the quality of the service provided, but the safety of the beneficiary this time, I have to unfortunately admit this. I do not say this with pride, but with fear. The standard of quality that we should ensure for the residential service, for maternal assistance has lowered a lot... there are maternal assistants who gave up the children they had in their care”, director of DGSWCP.

The NGO representatives are also concerned about the effects of the economic crisis:

„Due to the lack of funds we are going back in time. The state has fought for a long time with the mammoth centres. Do you know what happens now? They are re-established! Placement centres are merged together, those family modules are given up; the special school conducts its activity within the placement centre, as their building was claimed back. And I am truly concerned about what will come next”, project coordinator, local NGO.

At the local and county level, the familiarity with the strategy is very low. The representatives of the authorities mentioned only the existence of the strategies of their own institution and could not say whether other strategic documents regarding children’s rights exist at the local level. However, there were situations when the interviewees could not even say for sure whether their own institution has a strategy in the field. Also, the representatives of the NGOs reported a poor familiarity with these issues. The focus groups with the children indicated that they also lack information about the strategies concerning them.

Conclusions

Romania has a national strategy largely complying with the provisions of General Comment no. 5, as well as an operational plan regarding children’s rights covering the period 2008-2013. Other central authorities have developed, in time, sectoral strategies focused on certain rights of the child (education, combating exploitation, combating trafficking in children etc.).

Nevertheless, there are many concerns regarding the power of implementation of the strategy and of the operational plan in the field of children’s rights, as long as none of the documents provides also the budgetary and human resources necessary for the application. Furthermore, even though the strategy

58 Equivalent to around 117 Euro

59 Reference to the legislation setting out the minimum salary for the employees with high education (the amount is equivalent to little over 190 Euro)

mentions that the implementation would be monitored on an annual basis, both internally and externally, in practice, this periodical evaluation component is missing, no intermediary evaluation report for the status of the implementation being developed, not even two years after the approval.

At county level, it can be noted that not all analysed DGSWCPs have a strategy in force. When the strategy exists, children's rights are representing only a section or a chapter of this strategy. Sometimes, children-related sections are also found in other strategic documents drafted by the county and local council or by PSWS. It can be noted, however, that these documents at the local and county level, are actually the strategy of the institution.

At the local and county level as well, the biggest issues appear in the implementation of the strategies, the measures to combat the economic crisis being poorly felt. Thus, the voluntary leaving of the staff following the salary cuts, the overloading of the human resource, the reorganisation of the protection institutions are only some examples in this regard.

Recommendations

- Revision of the National Strategy and of the Operational Plan in the field of Protection and Promotion of Child Rights, with a view to adapting them to the current national context (i.e. dissolution of NAPFCR and reorganisation of its activities within MLFSP, presence of the economic crisis and the governmental measures to mitigate it, reduction of the specialised staff etc.), taking into account all the provisions of the General Comment no. 5, especially those regarding proper funding, evaluation and monitoring of the implementation and real participation of children;
- Clearly define the local, county and national responsibilities for designing and monitoring the strategies aimed to implement the UN Convention on the Rights of the Child;
- Strengthening the capacity to implement the local and county strategies and action plans, especially by adapting them to the existing resources;
- Ensuring a better transparency and clarity to the way the strategies and national planes are being reflected during the processes of drafting, debating, adopting and spending the public budgets at all levels;
- Increasing the visibility of the strategic documents and ensuring a proper assessment of their impact.

3.3 Coordination of the implementation of the Convention

“The Committee proposes that States parties, if they have not already done so, should review the machinery of government from the perspective of implementation of the Convention and in particular of the four articles identified as providing general principles (...) It is not practicable to bring responsibility for all children’s services together into a single department, and in any case doing so could have the danger of further marginalizing children in Government. But a special unit, if given high-level authority - reporting directly, for example, to the Prime Minister, the President or a Cabinet Committee on children - can contribute both to the overall purpose of making children more visible in Government and to coordination to ensure respect for children’s rights across Government and at all levels of Government. Such a unit can be given responsibility for developing the comprehensive children’s strategy and monitoring its implementation, as well as for coordinating reporting under the Convention”, General Comment no. 5

Situation at the national level

Due to the frequent reorganisations of the central mechanism, we cannot say with certainty which central institution is currently responsible for the coordination of the CRC implementation.

Therefore, it is necessary to refer to the main landmarks of institutional organisation:

- ❖ The function of coordinating the protection and promotion of child rights is provided in Law 272/2004, in force, as pertaining to the National Authority for the Protection of Child Rights, an institution with its own legal personality, subordinated to the Ministry of Labour.
- ❖ The legislation regulating the operation of the National Authority for the Protection of Child Rights⁶⁰ indicated that the activities and measures to implement the objectives of the national strategy in the field are coordinated by this institution, while also indicating the existence of a Steering Committee in the field of protection and promotion of child rights. This body without a legal personality, attached to the State Secretary leading the Authority, had an advisory role and consisted of representatives of NAPCR, Romanian Office for Adoption, Ministry of Interior, Ministry of Education, Ministry of Health, the Ombudsman, the National Union of the Romanian County Councils and the Federation of the Non-Governmental Organisations for the Protection of Child Rights. The attributions of this body included also ensuring cooperation between the component institutions and organisations, with a view to implementing the public policy documents in the field of protection and promotion of child rights. The Committee was to meet on a quarterly basis and could adopt decisions in the form of recommendations. Even though the legislation entered into effect on January 1st, 2005, this Committee was first convened in 2009.
- ❖ Based on the need to rationalise public expenditures and comply with the agreements concluded with the European Commission and the International Monetary Fund, the Romanian Government decides, on 18.11.2009, to dissolve four institutions with a role in the protection of family and children and establish the National Authority for the Protection of Family and Child Rights which was to take over the roles of the four institutions. In the government decision regulating NAPFCR⁶¹ it is indicated that it shall take over the attributions of the former institution for the protection of child rights, including the coordination of the activities and measures to implement the objectives of the national strategies in the activity field. The Steering Committee disappears, being replaced by the Advisory Committee, with similar status and roles, including with regard to ensuring inter-institutional cooperation.
- ❖ On June 30th, 2010, the Government dissolves the NAPFCR, and decides MLFSP to take over

60 G.D. 1432/02.09.2004 regarding the attributions, organisation and operation of the National Authority for the Protection of Child Rights

61 G.D. no. 1385/ 18.11.2009 regarding the establishment, organisation and operation of the National Authority for the Protection of Family and Child Rights.

its attributions⁶². Thus, a new structure is created within the Ministry – the Directorate General Child Protection, without own legal personality, led by a director, subordinated to a State Secretary, subordinated to the Ministry of Labour.

„ – Who coordinates? There is this hybrid Agency at the national level, the Authority for Family ... within the Ministry of Labour, Family ... I no longer know its name, I am very confused after so many changes in the names of the Ministry and of the Authority.

- But the Authority does not exist since July”, NGO representatives.

Another concern resulted from the discussions with the children. They do not know which central institution is responsible for the observance and enforcement of their rights. Furthermore, even when the moderator mentioned the name of the former NAPFCR, all children participating in the discussions said that they had never heard of it and only guessed what its activity is based on its name.

Except for the representative of the former NAPFCR, all the other 36 interviewed specialists (from the authorities and NGOs) were not sure about the future attributions of the newly-established central structure and were informed from the media or discussions with other colleagues about the changes made. Not even the deputy directors of DGSWCPs, who participated in the interviews, were officially informed about this reorganisation. Furthermore, clear information cannot even be found on the website of MLFSP or of the former NAPFCR⁶³:

„No, I haven't received any notification or anything. I found out from the media (...) I tried to look now, before your arrival, on the website of the Authority and, as you know, they have two different websites, but neither included any information, I do not even know what is happening, maybe you know more and you could also tell us, as you said you paid them a visit too”, director of PSWS;

„To be honest, I tell you their presence in our life is rather absent, they used to be more present before, I refer here to the former NAPFCR, but since they were included within the Directorate, I cannot say anything... it is difficult to approach somebody there as we do not know how they are reorganised. At one point, we weren't sure whether we should address directly to the minister, we did not know that they were reorganised in a directorate, we believed that they had disappeared completely”, director of DGSWCP.

Even if few participants considered that takeover of the attributions by a minister will favour the relationships with the other central institutions, the majority of the specialists interviewed declared their scepticism that a structure positioned so low within a central institution will be able to coordinate activities relating to the involvement of other national authorities.

The objectives set out by the Governance Programme 2009 – 2012 include: educational and healthcare reform, reduction of child abandonment, combating domestic violence, enhancing child's life quality in disadvantaged environments, observance of the minimum quality standards in all special services granted to children, ensuring the financial and institutional conditions to support young families. The complexity of all these objectives requires national coordination among strategic, regulatory, monitoring and decision-

⁶² EGO 68/ 30.06.2010 regarding some measures to reorganise the Ministry of Labour, Family and Social Protection and the activity of the institutions under its subordination or authority

⁶³ The website of the former authority still indicates the communication regarding the establishment of ANPFDC (of November 2009) while the last press release marks the celebration of the international day against child labour (June 12th, 2010).

making functions. Since there is no central institution with such powers, the situation of the child and its leveraging in the Romanian society are only desiderata that remain in the phase of programmatic documents which cannot be materialised because of economic reasons.

Situation at county and local level

The main conclusion arising from the interviews is that the representatives of the authorities and of the civil society cannot indicate with certainty which institution is responsible for the implementation of the CRC at county or local level. Their answers indicate a wide range of possibilities: county and local councils, mayors, commissions for child protection, DGSWCPs and PSWS or even the Ombudsman or the NGOs.

„Yes, I believe it is us, the County Council ... it should be us, but I do not know whether that is possible, as we have much wider attributions (...) maybe we should create a department to coordinate this entire activity, but I do not think we need a new institution, with a distinct legal personality, as money and time is lost in Romania only with the organisation and then, when we should start the work, we are dissolved”, representative of county council;

„Who will be responsible at the municipality level for the implementation of the children’s rights... I don’t think there is such a thing for now (...) not something with this responsibility (...) I cannot say, we do have attributions but they are much too general to be able to fit with that (...) it should be seen whether it is supposed to be in the responsibility of the PSWS”, representative of local council.

The representative of DGSWCP Iasi considers that the institution is the representative of NAPFCR in the territory and has the obligation to coordinate the activity of the local councils and ensure the compliance with and guarantee of the rights of the child at the local level. Subsequently, the structure of the institution includes also an office to coordinate the local councils, which organises monthly meetings with the social workers at the level of communes and which coordinates the activity of 6 regional centres operating as territorial offices of DGSWCP. Each regional centre has a team of 3 specialists who try to supplement the activity of the local social workers, providing also specialised services with the aim of not concentrating all these services in the county residence town, but making them large available in the territory.

Similarly, DGSWCP Alba established regional Departments for Social Services, in 5 separate locations. The description of the regional departments indicates that these are component structures of the county system for child protection, with a role in the prevention of children’s placement in protection centres, promotion and observance of children’s rights, including support for their free expression of opinion and preparation of the reintegration or integration of children into their birth families.

It can be noted that, as far as the local level is concerned, children can better identify those institutions they can refer to with regard to their rights, most of them mentioning the mayoralty, or, in the case of children coming from the rural area, even the name of the local social worker. Some children, particularly those residing in the county capitals, said that they could also refer to the directorates for social work. Nevertheless, children were rather confused about the roles and responsibilities of these institutions.

Conclusions

The frequent changes in the structure and name of the central institutions authorised to coordinate the implementation of children’s rights, as well as the lack of inter-institutional communication, created confusion even among the relevant social stakeholders (NGOs as well as representatives of other public institutions). A worrying fact is mainly the low level of information among children in this regard.

The closure of the National Authority for the Protection of Family and Child Rights on June 30th, 2010, and the transfer of its powers to an internal directorate of the Ministry of Labour are disapproved by most of the consulted specialists, being seen as a major step backwards. The complexity and interdependence of the measures meant to transform child rights into reality require national coordination. Although the natural process of reform in the field of child rights would have required the consolidation of the mandate and position of the national institution responsible for child rights, the Romanian authorities decided otherwise. They mentioned the current economic context as the justification of this decision. The authorities decided the closure despite the fact that, just because of the crisis, it would have been necessary to focus more on one of the most vulnerable social groups – children.

Even though the name of certain institutions should reflect their mandate, the transformation of NAPFCR into the Directorate General Child Protection focuses rather on the children's right to protection and not on the complex rights-based approach. This happens even though the concluding observations of the UN Committee showed its concern that the national institution (National Authority for the Protection of Child Rights at that time), through its mandate, was focusing on protection and not on the rights of the child.

The specialists interviewed could hardly give an opinion about the institution responsible for the enactment of CRC at local and county level, most of them mentioning that their answer is only an assumption and that a clarification is necessary regarding the roles of the institutions and the granting of a specific mandate to one of the existing institutions.

Recommendations

- The Government of Romania must urgently make the decision to re-establish the national authority for child rights, with a superior status, as a specialised structure within the Prime Minister's cabinet; the mandate of the authority should be in line with the provisions of GC no. 5 and cover the strategic function of ensuring the substantiation and enforcement of the strategies and programmes in the field of child rights, the function of monitoring the observance of child rights and promoting child rights;
- It is necessary to conduct a review of the powers and positioning of county and local institutions and clearly designate that institution which is empowered to and responsible for coordinating all the other public institutions having responsibilities in enforcing child rights;
- Better inter-institutional communication should be ensured, both vertically (national-county-local) and horizontally (between institutions with different responsibilities, at the same level).

3.4 Development of indicators, data collection and monitoring of the Convention implementation

"Ensuring that (...) all the provisions of the Convention are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment (predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of implementation). This process needs to be built into government at all levels (...) Self-monitoring and evaluation is an obligation for Governments", General Comment no. 5

"It is essential not merely to establish effective systems for data collection, but to ensure that the data collected are evaluated and used to assess progress in implementation, to identify problems and to inform all policy development for children. Evaluation requires the development of indicators related to all rights guaranteed by the Convention", General Comment no. 5

The UN Committee indicates to the Member States that the monitoring and assessment of CRC implementation should be based on disaggregated statistical data, as well as qualitative analyses, in order to have a complete overview of the observance of all the rights of the child. It also emphasises the importance of involving children in the data collection process (by interviewing them or by supporting children-led surveys) and positively appreciates the efforts of those States which publish complex annual reports with regard to the children's situation in the respective country. Discussing these reports within the Parliament and disseminating them to the large public and to the children (by means of adapted forms) is also an action which is appreciated.

The data collection activity should not be limited only to tracking the situation of the children in a certain State, at a given time, but should substantiate the policies, budgetary allocations or children-related legislation.

Situation at national level

The legislation regulating the functioning of NAPFCR provides for its responsibility to monitor child rights, the institution developing a specialised monitoring department, as well as an IT system to collect data about children – CMTIS (Child Monitoring and Tracking Informational System). This system was gradually improved and extended, being implemented with the involvement of DGSWCP (with a role in centralising the county data) and PSWS (with a role in collecting the data at the local level and sending them to DGSWCP), statistical situations being developed on a quarterly basis. Unfortunately, the indicators used so far are not reflecting the compliance with all the rights mentioned in the Convention, but they are rather focused on the situation of children benefiting from protection measures and of children in difficult situations.

At this stage, is difficult for the current research to ascertain the impact which the latest institutional change has had on the national data collection system. Therefore, the available information and the opinions of the specialists only reflect the situation under the NAPFCR framework. Nevertheless, it is necessary to investigate, in the future, if these specific tasks of the former authority have been fully taken over by the new DGCP.

According to G.D. 728/2010, the Ministry of Labour will continue the child rights monitoring activity: *"monitor the observance of child rights and recommend to the central or local authorities to take the necessary measures, centralise and integrate the information on the observance of the principles and requirements established by the Convention on the Rights of the Child"*. However, by September 2010 (the end of the third quarter), no statistical situation about children, developed by NAPFCR or DGCP, could be found for the ongoing year, even though this situation was periodically made public on the institution's website in the previous years⁶⁴.

In addition to NAPFCR, other central institutions conduct activities to collect children-related data, in their sector of activity (health, education, juvenile justice etc.). Furthermore, the National Statistics Institute (INS) supports this data collection and centralisation activity, MERYS mentioning that there are statistical yearbooks published by the INS, according to the relevant indicators for the ministry.

Over the previous years, it can be noted that certain indicators were measured by several institutions, but the results were different (for instance, the number of children with disabilities presented by NAPFCR did not coincide with the one from National Authority for People with Disabilities):

64 <http://copii.ro/contenta9e4.html?id=55>

„Many times you hear news about a certain number of children... and you think that you actually have a different number, which makes you wonder about how they made the calculation”, representative of central institution.

The interviews revealed that a problem in the development and correct interpretation of a statistical situation is generated by the collaboration with other public institutions (both the subordinated structures, as well as other central authorities). Thus, there are differences in understanding the same requirements, with delayed or incomplete answers:

„You send some tables which they need to fill in. I tell you it is as if we weren't speaking the same language ... everybody understands something different, everybody fills in those data differently, and when you receive the forms and try to put them together... you eventually write down an approximation”, representative of central institution.

The data collected by the institution are then used to develop the strategies, plans or projects, but there is often no periodicity in analysing them.

Even if is the only one, the Ministry of Education presents a status report on an annual basis with regard to the national education system.

Unfortunately, the data regarding all the rights set out in CRC are not cumulated for analysis, or presented annually, but only in the periodical reports prepared by Romania for the UN Committee (every 4-5 years). Otherwise, we can see that these statistics are presented roughly, without a more complex interpretation to include also the new results revealed by the surveys and research in the field.

Situation at county and local level

While at the local level the institutions responsible for the collection of data about children (in CMTIS) are the authorities of the local public administration – through the PSWS (if they exist) or the local social worker, at the county level the number of institutions with responsibilities in the field is increasing. DGSWCP remains the institution which centralises the data about children, and collaborates for this purpose with the PSWS or the local mayoralities, as well as the other county authorities. Similarly to the central level, the problems related to institutional communication and collaboration, as well as the differentiated definition of the same indicators, affect also the effort at the county level:

„There are hardly any difficulties in a small mayorality as they are all in the same building, but in the case of the municipalities, which have separate offices and institutional autonomy, it is more difficult to obtain all the documents, because not all of them have the data in the format we require and then they have to count them, look for them... and it is more complicated. Even though we are asking for the same things quarterly, some have not developed a compatible system yet and always go back to counting the files... which takes time”, director of DGSWCP;

„What do I, as PSWS, care about the pension of a child's grandmother? ... this answer was given to me by the pension house for a long time ... excuse me then for asking (...) and you still wonder why there are common beneficiaries?”, director of PSWS.

The lack of a common database was often highlighted during the interviews:

„It is possible for the Paying Agency to have the same database, all the county agencies are subordinated to the minister, they speak the same language. We, the mayoralities, depending on the money or

imagination we had... or didn't have... we developed small programmes, unique on a given segment, but interconnection is an old dream which has not been accomplished yet (...) the institutions have their own regulation, their own laws, plus there is data confidentiality (...) we look badly ones at the others: <why do you ask me?>, <but I'm not giving this to you>, <but I do not want to>. So, it should start from the legislation level downwards: us and some others more to be allowed to work with confidential data...but let us see the result of the work in a unique database! That would be great!”, representative of PSWS.

The representatives of the county and local institutions mentioned that the measures and projects implemented are often substantiated based on the information collected. There are, however, problems felt particularly at the local level and caused by the fact that certain local data can only be obtained from the county level (for instance, in the case of the persons with disabilities, the commission which decides upon a degree of disability is positioned at the county level). Sometimes, the county institutions do not have databases separated by municipalities and localities, without any mechanism being implemented to enable this data to automatically get to the local level. This makes it difficult to substantiate the local decisions, measures or strategies:

”The Mayor calls me to ask how many people with disabilities we have. I tell him I do not know... I thought he would throw me out of the window, but I just don't know, how could I? Only those with serious disabilities return to us and we also find those with accentuated disability... if we find them. I do not know about those with a medium- or low-degree of disability(...) eventually this is why the institutions provide random statistics and reports, they will never be appropriate. If they are not appropriate in our case, at the local level, from one month to another, how could they be at higher levels? (...) If we think about it, the school inspectorate is at the county level, and so are the pension house and the payment agency, while the local institutions in the social field are only the PSWS. In order to find out the number of persons in the municipality from a certain category, I ask them, at the county level, because I cannot know this, the loop is open. The social investigation starts from me, that is true, but it doesn't always return to me after it is concluded. I sometimes copy the statistics from newspapers, hoping that they could give me an image about the situation at a given moment. What kind of work is that? But I do not have any other method! If I had sufficient staff available, I would have one person keeping into contact with one of the county institutions ... but I do not”, director of PSWS.

The interviews emphasised also that, because of the limited resources and solutions at local level, the reports reflect sometimes what is desirable to happen, not what is actually happening:

„School headmasters, for instance, report, but they do it constrained by certain things... If I have, for example, 25 children in a class, and the law says I am not allowed to have more than 20, then what do I do with the remaining ones? So he might report the legal issues and those included in the schooling plan... which leads again to differences”, representative of central institution.

The discussions with the representatives of the NGOs revealed that they have a major contribution to improving the knowledge about the children's situations, by the surveys and research they conduct or by the best practices they develop.

No locality or county out of the analysed ones publishes a status report about the situation of children in the respective territorial administrative unit.

Conclusions:

Several authorities of the central administration (including deconcentrated services) and of the local government (at county and local level) have responsibilities for the collection and analysis of children-related data, but it is the Ministry of Education which presents a more complex picture of the enforcement of a child right (the right to education), in its annual status reports. Data about children are also disclosed by other central institutions (in particular the former NAPFCR, MLFSP and the Ministry of Interior, the Ministry of Justice etc.), but they are presented in a raw form, without complex interpretations that would contain correlations with or results of the various studies and researches conducted in the field. None of the analysed localities and counties publishes a local status report on the situation of children.

A specialised department for child rights monitoring was set up within the former NAPFCR, which developed a national information system for collecting data about children – CMTIS (Child Monitoring and Tracking Information System). Although it does not yet reflect the situation of the observance of all the rights provided by the Convention, focusing mainly on children benefiting from protection and children in difficulty, the system has improved, including in terms of its deployment at the local level.

After the dissolution of NAPFCR, the responsibility for monitoring the implementation of the Convention was transferred to MLFSP (more precisely to the Directorate General for Child Protection). As it can be seen from the previous years, the situation of the implementation of all the rights set out by the CRC is not presented on a yearly basis, but only upon submission of Romania's progress report to the UN Committee (every 4-5 years).

On the other hand, at county level, DGSWCP has increased responsibilities for collecting data about children, but here also, the focus is rather put on children benefiting from protection or vulnerable children; however, at the local level, one cannot indicate any institution which would be in charge of presenting the situation of CRC observance (because PSWS or the mayoralty collect mainly the data required by DGSWCP, via CMTIS).

The main problems affecting child rights monitoring include: the different definitions and meanings of the same indicators, institutional communication and collaboration difficulties (as a result of reorganisations, staff changes, different specialisations of human resources, as well as the fact that certain decisions regarding persons within the community are adopted and executed at the level of county authorities or deconcentrated services and do not get to be communicated back to the local level) or the required reporting.

Recommendations:

- Publication, by MLFSP (through DGCP) and by every territorial unit, of an annual status report about the situation of children, to combine both statistics data as well as the results of the relevant studies;
- Promotion of these status reports at the level of all the relevant stakeholders, as well as children (in child-friendly version);
- Start of an inter-institutional discussion, with the participation of the NGO sector, to develop a common set of indicators monitoring children's rights and a common database to be used by all the authorities with responsibilities in the field of child rights;
- Staff training so as to ensure a unitary methodological approach in the collection of data and information about children.

3.5 Ensuring children's visibility in the budgets

"No State can tell whether it is fulfilling children's economic, social and cultural rights <to the maximum extent of... available resources>, as it is required to do under article 4, unless it can identify the proportion of national and other budgets allocated to the social sector and, within that, to children, both directly and indirectly. Some States have claimed it is not possible to analyse national budgets in this way. But others have done it and publish annual <children's budgets>". General Comment no. 5

Certain amounts devolved for children can be identified in the national budget⁶⁵, such as: child rearing allowances, amounts broken down from VAT receipts to finance decentralised expenditures at county level to support the child protection system or expenditures for preschool education. However, most of the amounts impacting children are not distinct amounts, but are included in the general budgetary headings (social work, staff expenditures, goods and services etc.), so that it can be stated with certainty that Romania does not ensure children's visibility in the budgets, as required by GC no. 5.

The discussions with the representative of the central and county public institutions revealed that it is impossible to identify such a "child's budget" for the time being, and that such a budget would require the rethinking of the drafting procedures for national and county budgets. Moreover, certain representatives of DGSWCP consider that the financing of the interventions for beneficiaries is not clear:

"As long as the financing of the social protection system is not very clear, it is useless for us to make certain proposals. When we speak about decentralisation, we do not refer only to transferring the responsibility for social work on the shoulders of local public authorities. If we do transfer it, we also need to transfer the related budgets and the financing should be clearly provided by the law. Now the law does not specify the different percentages that should be allocated from the state budget, from the county council and from the local council", DGSWCP representative.

However, the local level seems more flexible, in the sense that some of the representatives of the local administration mentioned it would not be impossible for them to find out how much was spent for children in a given year, but this would consume a lot of time and would block some human resources who would only be dedicated to this task.

Nevertheless, most of the interviewed persons believe that it would be useful to have a clear budget for children, in order to support the planning and intervention process, thus meeting the needs of all children. The idea was further developed, in the sense that there is a minimum budget established at the European level, which each country should allocate for children:

„There is no such thing in the national budget. But I think it would have been normal to have such a child protection budget at the Community level as well. And then, let's say that Romania needed these minimum services but did not have the budget to cover them, so this budget should have been balanced at the European level – maybe a certain country needs more, other countries need less for these children to develop gradually into European citizens. Therefore, it would be useful to consider this at the European level, I mean there should be some minimum mandatory standards for the quality of children's life. And these standards should ensure at least a minimum level such as vaccination, food, minimum services for children", DGSWCP Director.

65 Law no. 11/26.01.2010, Law on the state budget 2010, http://discutii.mfinante.ro/static/10/Mfp/buget2010rectificat/Legea_Bugetului_de_Stat_nr.11-2010.pdf

Conclusions:

Romania does not have a national budget ensuring the visibility of the expenditures addressed to children. “The child’s budget” does not even exist at county and local level, although specialists consider that this approach would be useful for ensuring child rights and might lead to the development of minimum European standards that each country should observe when it comes to children’s life and development.

Recommendations:

- The Romanian Government should set out procedures to ensure visibility to the amounts allocated to children in the national, county and local budgets with a view to ascertaining how effectively children’s rights are being implemented;
- The Romanian authorities should identify, adapt and implement best practices from the States which have developed such budgets.

3.6 Cooperation with the civil society

“Implementation is an obligation for States parties, but needs to engage all sectors of society, including children themselves (...) The State needs to work closely with NGOs in the widest sense, while respecting their autonomy; these include, for example, human rights NGOs, child- and youth-led organizations and youth groups, parent and family groups, faith groups, academic institutions and professional associations”, General Comment no. 5

Situation at national level

The interaction between public institutions and NGOs takes a variety of forms – projects submitted for financing and then implemented in partnership, workshops and events, trainings, service development or cooperation on legislation development, to name only a few. Depending on the area of expertise, non-governmental organisations can be invited to participate in national working or steering structures in charge of developing strategies, action plans and sectoral methodologies (e.g.: combating child labour, protection of children with HIV/AIDS etc.).

The representatives of public institutions have a positive view on the involvement of NGOs in the area of child rights, considering them as promoters of change, appreciating their experience and expertise, and pointing out that NGOs are in many circumstances the fastest to react to the new problems, as they cover those areas where the authorities have not yet developed intervention tools. However, certain representatives of public institutions mention that the approaches of the authorities and of the NGOs are sometimes so different that it is difficult for them to reach common ground, which generates real cooperation problems.

NGO representatives referred to success cases where they could make a contribution to amending or improving the legal framework, but also to situations where their viewpoints were simply ignored. It is considered that the draft laws developed by the civil society have the biggest chances to succeed and attract support from decision makers:

„It is a long process: you come up with a proposal then you have to look for allies in the Parliament or the Government, you must convince them so that they identify themselves with the undertaking and eventually, if you are successful, most of what you have proposed is adopted. Otherwise, you can participate in public consultations on a legislative draft, but from what I’ve seen, there are few cases when your opinion is taken into consideration; and then, you feel as if on a race against the clock... the consultations are organised in a hurry, then they change something here or there, only superficially, because they don’t have time to reword everything or change the view completely”, NGO representative.

„The initiators of the laws are not very keen on gathering other viewpoints either, as they are sometimes caught in other duties”, central authority representative.

Since 2004, there is a law in Romania banning any form of violence and humiliating treatments against minors. This legislative proposal was initiated by Save the Children Romania, which managed, by sustained advocacy actions, to draw the Parliament’s support for its adoption. Save the Children also developed a Pilot Centre in Bucharest and another 9 transit centres across the country for the victims of trafficking in human beings (organising also staff training), and then handed over these services to the relevant DGSWCPs, one year later.

As regards children’s participation, the National Pupils’ Council is a national structure from which a group of children was involved in the reporting of the state of CRC implementation.

Thus, in 2006, NAPCR created the Children’s Council “Spune!” (“Speak!”), whose main goal in the first year was to prepare a special children’s report, included in the report that the Romanian Government submitted to the UN Committee in 2008⁶⁶.

Additionally, the National Pupils’ Council was invited in 2010 at the debates organised by the Ministry of Education on the new education draft law. In fact, this is the only example of children’s involvement in public consultations; otherwise, children are not involved in the development of the strategy and national action plan on child rights or of other specific laws:

„The National Pupils’ Council is functioning, and children are delighted, willing to get involved, but we are rather the ones who forget we might ask for their opinion. We know how to ask them, we know the principles, but we either consider it’s not necessary, or we don’t have the time and we believe that the slightest evil is not to have consulted the children... but this participation concept is not too present in our minds either.”, central authority representative.

Promoting children’s opinions and facilitating dialogue with the relevant public authorities are the main objectives of the „National Children’s Forum”⁶⁷, an annual event organised by Save the Children Romania. During two days, children from all over the country debate on topics related to their rights, and then they submit their conclusions and suggestions to the authorities, in a debate which takes place on the last day of the Forum.

Situation at county and local level

In line with the CRC provisions, Law no. 272/2004 on the protection and promotion of child rights establishes the obligation that local public authorities should involve the local communities in identifying and addressing children’s needs and problems. Art. 103(2) of the Law mentions that local public authorities may set up Consultative Community Structures (CCS) including local businesspeople, clergy representatives, teaching staff, doctors, local counsellors, police officers etc., whose role is to find solutions to concrete cases and address community needs. Therefore, the establishment of these structures is optional, and members participate on a voluntary basis.

This research has identified different practices and experiences regarding the setting-up and operation of these advisory structures (sometimes known as local consultative councils). Thus, DGSWCPs have mentioned they have made efforts to set up CCS, working for this with mayoralities, local councils and

66 For more information, please visit http://www.drepturilecopiilor.ro/spune/despre_spune.htm

67 For more information, please visit http://www.salvaticopiii.ro/romania/ce_facem/programe/participare_copii.html

PSWS. All the adult interviewees mentioned that where these structures exist, their functioning depends on the will and involvement of their respective members. Some success examples were mentioned, where CCS meet on a regular basis (even if not in the presence of all members), respond to NGO invitations to various events and get involved in debating local problems.

However, most of the respondents indicated a rather weak involvement of the structures, the fact that some of them only exist on paper or even the impossibility to establish them, because of the difficulty to gather all members on the same day, the poor coordination and the lack of civic spirit and reluctance to volunteering (which can be justified by the experience of the former communist regime, when citizens were forced to participate in “community work”):

„We conduct activities in 20 communes and invited them to participate. Most of them came, but not all. Some of them asked me why they are still on the list, because they never went to any meetings. Half of the 20 councils told us that luckily we were there to gather them”, NGO representative.

„We have tried to set up an consultative council at the level of the county council, for all community issues, not just for children. As far as I know, this does not work in the case of other mayoralties either, in fact I know of only one mayoralty which established it, kept it for one month and that was it; you can't make Romanians work on a voluntary basis, that's reality. We tried, we made papers, invitations... to find businesspeople, or pensioners (well, we found pensioners very easily, because we have a very active Seniors' Council)... but we did not find other social categories willing to come to work consistently. They did not even bother answering, not even when they were invited by the Deputy Mayor himself. We don't have such thing as civic or social responsibility”, PSWS director.

„There are communes where they meet especially if a very serious problem occurs and one single institution cannot solve it ; but there are also situations when the consultative structure only meets in theory, on paper, in the sense that the social worker or somebody else prepares a paper with the problem, the minutes of meeting, and then the members sign it when they have time to stop by the town hall”, NGO representative.

„We tried to do these consultative councils, we did them, we keep them alive artificially, there's no point in telling you that only God knows how we keep them alive – completely artificially. If they start as an answer to an order of somebody from the county, it's as if they were born dead”, DGSWCP director.

Similarly to the central level, NGOs and public institutions from the county and local level mention that the workshops, conferences and other public events are a good opportunity to present and debate different viewpoints on child-related matters, identify commonly accepted solutions and initiate specific cooperation activities. County authorities (county councils, school inspectorates, DGSWCP) and local authorities (mayoralties, PSWS) conduct multiple partnerships with NGOs and appreciate this collaboration as being positive. However, the representatives of the local public institutions emphasise that the NGOs have different levels of expertise and professionalism, which leads to a tendency to communicate and cooperate only with certain organisations, which in turn is sometimes misinterpreted as a biased approach.

With regard to the cooperation between the public sector and the civil society, a very important aspect is the fact that specialised social services are almost absent at the local level, in particular in small localities, where PSWS provide mainly primary services – information, prevention, material support. This is why PSWS representatives said that, when more complex services are required (day-care centre, specialised counselling), they must refer the child to the NGOs which provide those services locally. This is the effect of the limited coverage of social services in the country and of the focus on providing social benefits. Thus,

the support a child from a small locality may receive (mainly in the rural areas) is dictated not by the child's needs but by the capacity of the civil society to organise and maintain these services.

It should be noted that most of the local authorities are currently reluctant to contracting services to NGOs, this practice being rather underdeveloped (mainly because of the gaps in the secondary legislation). As a result, there are situations where children can benefit from services at the local level only to the extent that NGOs manage to attract funds from external sources (private, European funding):

„We have a very good cooperation with the social work authorities. They refer the cases to us and monitor us, we sometimes discuss the solutions for the case and we provide services in the day-care centre (...) We do not receive financial support from them; for the time being, we are lucky to implement a European-funded project, but I couldn't say what we will do when the money runs out, whether we can continue the project or not”, representative of a service providing NGO.

„We have a project aimed at training independent life skills for the children in the protection institutions, but it is hard for us to implement it because we don't have enough space in some of the institutions in order to conduct our activities”, NGO representative.

Other situations were also identified when local authorities provide material support for the implementation of partnership programmes.

For example, the representatives of Sebes local council referred to an initiative of the NGO “Trebuie”, for which the Mayoralty made available the land for the organisation of a service for disabled children, while the service provision expenses were split between the organisation and the Mayoralty.

The main difficulties identified in relation to the cooperation between NGOs and authorities are owed to: the sporadic character of the meetings and the insufficient communication, the difficulties in (re)financing certain projects and the lack of funds or limited mobility of the relevant staff. The respondents pointed out that the relations between institutions are actually limited to relationships between persons and that the success of the cooperation is influenced by the persons' specialisation, responsiveness and openness:

„The cooperation is also influenced by the person in charge ... when the person changes, the approach and the relation also change (...) We cooperate well as long as we don't talk about money: if no financial contribution is needed, everything is ok. If you do the activities with your money, it's wonderful, but if you ask for anything from them...”, NGO representative.

The interviews showed that children's participation is still underdeveloped. Some DGSWCPs have recently established county consultative councils of children, but they include for now only children from the placement centres and have not conducted too many actions so far. The representative of the leadership of one DGSWCP mentioned that he has planned a series of meetings with this council of children, in order to find out their opinion about their everyday life in placement centres, their future prospects and needs. The council meets with the support of an employee from the placement centre, as these children need to be guided/taught how to participate and adopt a proactive behaviour, because the discussions are generally focused only on identifying their needs.

The participants in the discussions also mentioned other means to consult children, such as the registry and the box of suggestions and claims (which are analysed once a month).

The director of PSWS Alba Iulia – prior to holding this position – coordinated voluntarily a representative structure of children – the Local Youth Council – which worked very well, as the children participated in projects and experience exchanges, learning how to organise themselves, in neighbourhoods. However, after three years, he could no longer be involved in this council and did not find another adult willing to continue to support the children’s activity.

DGSWCP Alba conducts discussions and debates with the pupils, with the participation of the school inspectorate and of schools. The institution was also involved in a project initiated by Hope and Homes for Children Romania, during which two teenagers were supposed to spend two days with the General Director and the Deputy Director in order to see what their job consists of and in order to contribute with opinions and suggestions.

The representatives of Sebes Mayorality highlighted the involvement of the Pupils’ Council at the municipal level. Every year, this council receives a certain amount of money from the local budget, based on an annual action plan it submits to the Mayorality. The Pupils’ Council is involved in the town’s cultural and educational activities and is coordinated by a teacher.

Although schools should support the development and functioning of the pupils’ councils, most of the children who participated in the focus groups expressed their disappointment with these councils, for various reasons: limited power to influence school decisions, superficiality of the activities and of their decisions (most of them referring to the organisation of festivities, the purchasing of flowers on special days etc.), election of certain members by the form teacher, without taking the pupils’ opinions into account, and even the fact that certain councils exist only in theory, meeting at very long intervals or only when the teachers consider it necessary. There were only a few children satisfied with the activities of the council in their school. However, what is even more interesting is that many of the interviewed adults were not aware of the existence of such pupils’ councils.

„Pupils’ Council? It does not exist... in fact, it does, but only formally. Nobody has ever considered what is discussed there. Nobody listens to us. They asked us about the colour of the uniform... but otherwise nothing... I don’t even think they meet anymore”, pupil, 17 years old.

„It is the music teacher who is in charge of it (...) Yes, I am part of the council here also. I was also a member in the other school I came from (...) We meet once a month, something like that (...) but here we mainly talk; in the other school, we also organised activities, or environmental projects. Last time when we discussed here we talked about the end-of-year festivity”, child, 14 years old.

„I don’t think these councils are organised in all schools. I am telling you this because I have children who go to school and I have never heard talk about this. I think it also depends on the person in charge (...) I did not know they also existed at county level, I haven’t thought about it until now, but it’s not too late, I will find out and contact them”, DGSWCP representative.

None of the children interviewed during the research participated in consultations organised by public institutions, but some of them remembered they participated in events organised by Save the Children, which also included meetings and debates with the authorities. Analysing these participation opportunities, children pointed out that more focus should be placed on the authorities’ feedback, so as to follow to what extent the children’s recommendations are put into practice. The children’s opinion is also supported by some of the adult respondents:

„In a first stage, it depends on us, the adults, because it is from us that they learn. They just complain at first, but you need to show them how to find solutions; they need training and guidance and they want to know that the solutions worked. This is what we, adults, forget to do; there is hardly any feedback. When you just tell stories, rather than giving feedback, the child thinks that instead of working in vain, s/he would rather take a sleep. The child must feel s/he participates, otherwise you lose him/her”,
DGSWCP representative.

Conclusions:

The cooperation between the authorities and NGOs takes various forms – conferences, trainings, projects submitted for financing and/or developed in partnership, participation in public legislative debates etc. NGOs bring innovative approaches and quick reactions to new social problems, mobilise resources towards those areas where public authorities fail to identify solutions, stay alert and report problems which need solutions, acting as change drivers.

NGOs have a key role to play in providing services at the local level, being in fact the only social service providers in certain localities. However, their activity is tightly connected to the project funding capacity. Because of the authorities' reluctance to contracting services to NGOs, these organisations are eventually forced to rely mainly on foreign or private funding, and may encounter problems related to service continuity, which finally leads to limiting the children's access to measures aimed at addressing their needs.

The problems related to the cooperation between the NGOs and the public sector sometimes appear because of the diverging viewpoints, the short time available, the absence of a joint calendar of activities, the sporadic character of the events, and also the typology of the persons involved in the cooperation (level of professionalism, responsiveness or openness).

Community Consultative Structures, which can be established by local authorities, may be an important resource for solving community problems, as they bring together various professionals, local leaders and decision makers. However, their optional character and voluntary involvement of the members often lead to a superficial functioning of these structures. In exchange, positive experiences reveal the following key factors: good coordination, mobilisation capacity and high interest of the members.

Children's participation is a concept which is only starting to be implemented by central and local public authorities. Because of the lack of time, lack of knowledge regarding involvement methods and consideration of children's participation as something of low importance, most of the children who participated in the research were not involved in such actions. In addition to the development opportunities provided by NGOs, the main structure where children can exercise their right to participation is the pupils' council (which exists at national, county, local and school level). Unfortunately, the children's satisfaction with the functioning of these structures is rather low, because these councils are often times only formal.

Recommendations:

- Development by the authorities of the necessary mechanisms to ensure cooperation with the civil society, including by strengthening community consultative structures;
- Ensure that the principles of competition, efficiency and transparency are met in the financing from public sources of the social services granted by NGOs as private social service providers;
- Strengthening pupils' councils and developing the authorities' capacity to consult with children and integrate children's participation as a principle in their activity; in this regard, the expertise and support of NGOs can be very important.

3.7 International cooperation

”The Committee advises States parties that the Convention should form the framework for international development assistance related directly or indirectly to children and that programmes of donor States should be rights-based. The Committee urges States to meet internationally agreed targets, including the United Nations target for international development assistance of 0.7 per cent of gross domestic product”, General Comment no. 5

The UN Committee encourages the States to use the available technical assistance for CRC implementation from UNICEF, the High Commissioner for Human Rights, as well as other UN agencies. In this respect, one can say that Romania benefited from the technical support offered by UNICEF (e.g.: support for the development of the handbook on the implementation of the main legislation on child protection, technical assistance in the progress reporting of CRC implementation etc.).

Situation at national level

Romania’s development cooperation efforts are coordinated by the Ministry of Foreign Affairs (MFA) and implemented based on its own policy and in line with the EU policy in the matter. Upon EU accession, Romania joined the group of donor countries, contributing to the implementation of the Millennium Development Goals (MDGs).

In May 2006, the Government of Romania approved⁶⁸ the National Strategy on the Development Cooperation Policy and the Action Plan for the implementation of the National Strategies, defining the geographical and sectoral priorities of Romania in this field. Priority sectors include: a) good governance, b) consolidation of democracy and rule of law, c) economic development, d) education and vocational training, employment, e) health, f) infrastructure development and environmental protection.

The analysis of the strategic document reveals that Romania’s policy for development assistance is not in line with GC no. 5, as children are approached in terms of their right to protection and not from a more comprehensive perspective of child rights. Thus, the priority sector “Consolidation of democracy and rule of law” includes the topic of “Promotion of human rights”, which incorporates, among others, “child protection”.

Development assistance, including humanitarian assistance granted by Romania, is financed from the budget of the Ministry of Foreign Affairs, from a distinct budgetary heading. In addition to this budget, our country’s contribution is supplemented by specific funds allocated by most of the ministries⁶⁹. The ministries contribute mainly by offering scholarships and financing international bodies and institutions active in the field (such as the European Union, the United Nations Organisation, the World Bank, the International Organisation for Migration, the Organisation for Economic Co-operation and Development etc.).

The official reports show that Romania contributed to development assistance with approximately 80 million Euro (out of which 4.67 million Euro were allocated from the MFA’s budget) in 2007, and with more than 94 million Euro (out of which 1.92 million from the MFA’s budget) in 2008. The amount was increased to approximately 99 million Euro in 2009 (while the sum allocated from MFA budget dropped to 1.83 million Euro). Taking a look at the total amounts allocated by our country in the period 2007-2009,

68 G.D. 703/31 May 2006, at: <http://www.aod.ro/resurse/Strategia%20Nationala.pdf>

69 The financing of these activities is regulated by Law no. 404/2006 on the financing of development assistance within the national policy on international development cooperation, as well as by Government Decision 747/2007 regulating the specific actions for financing assistance under the national policy on development cooperation.

we can see that the largest contribution (between 68-74%) goes to the development budget of the European Commission, followed by the granting of scholarships (18-21%)⁷⁰.

Around half of the amount for 2007 allocated from the budget of the Ministry of Foreign Affairs was transferred to the various international bodies and funds for development cooperation. Approximately 1,500,000 Euro were allocated directly to Republic of Moldova, Georgia and Serbia (defined as priority partner countries in the national development cooperation policy) in areas like: social and economic development, rule of law and local governance, civil society and access to drinking water. Meanwhile, 825,000 Euro were invested within the country to train specialists in the field, develop Romania's capacity to manage projects and increase the level of information and awareness of the Romanian citizens with regard to the Millennium Development Goals⁷¹.

Additionally, the amount allocated in 2008 was split between: participation in international bodies and funds in the field, humanitarian and emergency aid, organisation of conferences, financing of development, information and infrastructure projects in the beneficiary countries. The list of countries to which these funds were allocated by Romania was supplemented by: Afghanistan and Iraq (both countries of focus of Romania), Armenia, Azerbaijan, Libya, Ethiopia and the Palestinian territories⁷².

In addition to the participation to the international bodies and funds, the projects financed from the MAE budget in 2009 included, among others, training sessions, reconstruction or infrastructure rebuilding⁷³.

As of 2011, Romania will contribute to the budget of the 10th European Development Fund (2008-2013) – the main instrument of the European Commission for granting official development assistance to developing countries but also to overseas territories. Romania's contribution is estimated to amount to about 84 million Euro⁷⁴.

FOND – Federația Organizațiilor Neguvernamentale pentru Dezvoltare (NGDO Platform – the Federation of the Development Nongovernmental Organisations) was established in October 2006 as a platform which currently gathers over 40 associations and foundations conducting activities in the field of international cooperation and humanitarian aid⁷⁵. FOND is an observer member of CONCORD – the European NGO Confederation for Relief and Development⁷⁶.

All interviewees were found to have a rather low level of information regarding the attributions and efforts of Romania in terms of assistance for development. None of the interviewed specialists was aware of the actions conducted by our country in this regard or of the institutions in charge.

Conclusions

Although Romania participates in international development assistance efforts, by allocating funds and developing its own national strategy, its measures and actions are not known by the persons interviewed during the research. The national strategy refers to children as beneficiaries of protection and does not include a more complex perspective of all their rights, as required by the General Comment of the UN Committee on the Rights of the Child.

70 Romanian Ministry of Foreign Affairs, *New Donors can make a difference*, 2010, pages 7-8.

71 Ministry of Foreign Affairs, 2007 Reporting, at: http://www.mae.ro/sites/default/files/file/userfiles/file/pdf/aod/AOD_raportare_2007.pdf

72 Ministry of Foreign Affairs, 2008 Reporting, at: http://www.mae.ro/sites/default/files/file/userfiles/file/pdf/aod/AOD_raportare_2008.pdf

73 Romanian Ministry of Foreign Affairs, *New Donors can make a difference*, 2010, pages 9-15.

74 *Idem*, page 19.

75 <http://fondromania.org/pagini/statutul-fond.php>

76 <http://www.concordeurope.org>

Recommendations

- Including an approach based on child rights in the national strategic documents on development cooperation, as required by General Comment no. 5; particularly, children rights should be integrated in the National Strategy on the Development Cooperation Policy of Romania;
- Strengthening the institutional capacity of the Ministry of Foreign Affairs in development cooperation matters; thus, the establishment of a distinct department, specialised in coordinating the development assistance is recommended.

3.8 Independent national institutions for human rights

“Independent human rights institutions are complementary to effective government structures for children; the essential element is independence”, General Comment no. 5

In its General Comment no. 5, the UN Committee on the Rights of the Child reiterates the responsibility of the CRC signatories to ensure the functioning of independent national institutions in charge of monitoring the extent to which their respective States observe the Convention provisions, as well as of assessing the progress made in its implementation. More details about the role of these institutions in protecting and promoting child rights are given in General Comment no. 2, focusing on this specific issue. The Committee draws the attention that Governments should not transfer their own monitoring obligation to the independent institutions, as these institutions have to maintain their independence and freedom to set their own agendas and activities.

Situation at national level

Romania does not have an independent specialised institution taking over the duties mentioned by the UN Committee, similar to the more than 40 Children’s Ombudsman institutions which operate in other European countries⁷⁷. Although the civil society and the UN Committee underscored the importance of a dedicated Children’s Ombudsman, the Parliament rejected the draft law on the establishment of this institution in 2009, arguing that Romania already has proper institutions capable to intervene in cases of child rights violations (such as the Ombudsman and the National Authority for the Protection of Child Rights – dissolved in the meantime), as well as the provisions of the Romanian Constitution, which only mentions the institution of the Ombudsman⁷⁸. Thus, in our country, there is a semi-specialised department for child right matters within the Ombudsman, but this department is understaffed and deals with the rights of the child, family, youth, pensioners and people with disabilities. The Romanian legislation and Constitution guarantees the independence of the Ombudsman, but its roles and powers are limited; the institution has the obligation to submit an annual activity report to the Parliament, including legislative proposals, but does not have the obligation to monitor and report on the situation of human rights observance on a regular basis⁷⁹. The Ombudsman intervenes following complaints received from children, parents or tutors, or takes action of its own motion when it finds that child rights and freedoms were violated in the relation with public authorities.

Similarly to the previous years, the number of complaints regarding children remained quite low, the institution registering altogether 8,295 petitions in 2009, of which only 53 (0.6% of the total) referred to child right matters. These petitions contained requests for information regarding the entrustment of a child to one of the parents, the rights and obligations of divorced parents towards their children, the payment

⁷⁷ Also found under different titles

⁷⁸ Transcript of the Senate meeting on March 4th, 2009 – Debate on and rejection of the draft law on the establishment of the Children’s Ombudsman, <http://www.cdep.ro/pls/steno/steno.stenograma?ids=6601&idm=21>

⁷⁹ Law no. 35/1997 on the organisation and functioning of the Ombudsman, republished

or increase of the alimony, the tutor's rights and obligations towards the child under his/her care or the various child rearing facilities. Additionally, out of the 30 inquiries conducted by the Ombudsman in 2009, only one (representing 0.3% of the total) referred to the protection of children and youth, in relation to the activity of a placement centre⁸⁰. The institution's activity report shows that it granted material support to children from three schools.

During the interview, the representatives of the institution referred to the types of activities carried out, indicating that when they receive several complaints on the same issue, they analyse the problem and issue special reports with recommendations. For example, the institution organised a workshop on the problem of children without identity documents.

The respondents often mentioned during the interview that the institution they represent has limited powers and can only intervene when the violation of individual rights⁸¹ was committed by a public authority, and the complaint is filed by an identifiable person. Thus, the institution cannot intervene in cases where the rights were violated by other persons, nor in the case of anonymous complaints, which explains the low number of cases assigned to the institution. The interlocutors mentioned that they were favourable to the establishment of the Children's Ombudsman, but consider that the low number of cases related to child rights and the current economic context would not justify such an initiative for the time being. Therefore, the discussions revealed that there are specialists in child rights within the Ombudsman, and that the setting up of the Children's Ombudsman cannot remain just a good idea; it has to be materialised and solved by finding answers to problems such as staffing, head office, budget and logistics needed for a new institution.

Upon presentation of its 2009 report to the Parliament, the Ombudsman requested the establishment of a new Ombudsman, not for child rights, but for the rights of military staff (police, army and penitentiary staff). In this regard, the Deputy Ombudsman on matters related, among others, to child rights, was of the opinion that the success of this initiative would be a precedent for the future setting up of the Children's Ombudsman.

Regarding the promotion of the Ombudsman among children, the representatives of the institution mentioned the implementation of humanitarian actions (annual donations of stationery products, food and footwear for 50-100 children in poor villages, having an impact upon the respective communities), media coverage of the institution (sections in certain publications, collaboration with various TV stations, having however a limited success because of the tendency of the mass media to look for sensational stories) and the posting of information on its website. However, the interlocutors mentioned that, although they received some complaints directly from children, the general rule is that most of the children do not refer to the Ombudsman (directly or through their parents), but prefer to contact NGOs and the county DGSWCP when their rights are violated.

Situation at county and local level

The Ombudsman has 14 local offices, corresponding to the territorial courts of appeals; depending on the number of counties it is responsible for and the number of complaints received, each local office has 2-3 workers (according to the 2009 activity report, there were 32 workers altogether in the territorial offices). These employees are not specialised in child right matters. Whenever a recommendation needs to be made, the person in charge from the territorial level analyses the case and refers the information to the national Ombudsman, which is entitled to issue such recommendations.

80 The Ombudsman, Summary Report on the Ombudsman's Activity in 2009, at <http://www.avp.ro/raport%202009/sinteza%20a%20raportului%20institutiiei%20avp%20pe%202009.pdf>

81 The complaints cannot refer to violations of collective rights or of legal entities

During the discussions, representatives of the Ombudsman's territorial offices of Alba, Iasi and Constanta reiterated the problem of the limited powers of the institution and the low number of cases involving children:

„The Ombudsman should be much more than it is at the moment, it must have the capacity to get involved more, to be more present, even to have a coercive means, if necessary, it needs authority, because it does not have the means right now. We don't even have competence over legal entities – if an NGO sends a complaint to us, there is nothing we can do”, representative of a territorial office of the Ombudsman.

„We have extracted the cases with children – we have found 10 in the last 4 years”, representative of a territorial office of the Ombudsman.

Only one of the territorial offices named above mentioned they went on the site to get to know the situation of children better, but such activities are rare also because the institution does not have the financial means.

As regards the cooperation with the other institutions, most of the representatives of the local office declare they are satisfied with the relations, although there were some cases of communication difficulties:

„I work very well with the social work people. I've had emergency situations where we solved the problems over the phone, because you have to move fast, you don't have time for written papers until the crisis is over. But it is more difficult at county level: I sent them a collaboration protocol three months ago and nothing has been solved”, representative of a territorial office of the Ombudsman.

On the other hand, almost all the representatives of the interviewed county and local institutions declared that the institution of the Ombudsman is close to inexistent, considering it is not very active at the territorial level and it lacks the intervention power. Although the institution has the authority to conduct monitoring visits in any state service, the respondents could not identify any occasions when they collaborated or interacted with the Ombudsman in relation to children:

„We have never been contacted by the Ombudsman on child right matters, but on other issues. However, this institution is very limited, it does not have too much of a say... well it exists just for the sake of it, it has the right to challenge cases in court, according to the law, to request data... but otherwise it does not really represent the citizens, it does not have a monitoring power”, local council representative.

„I have not had any interaction since I've been here. And then, they don't monitor child rights, they can even do it by law”, DGSWCP representative.

„I think there are such independent institutions responsible for assessing whether the State is doing its job, but I haven't heard of any in our county”, PSWS representative.

The limited visibility and power of the Ombudsman are also mentioned by the representatives of the civil society. With the exception of one NGO, which has recently concluded a collaboration protocol with the territorial office of the institution, all the other NGOs participating in the discussions had never interacted with the Ombudsman. The lack of information regarding this institution was also identified in the discussions with the children (most of them were not aware of its existence, and those who declared having heard of it could not say exactly what it did or how it could be contacted).

The interviewed local and county specialists support the need for the Children's Ombudsman, but most of them are sceptical about the duration of such an initiative (giving the example of the territorial offices of the Ombudsman, which are still underdeveloped) and point out that investments could be made in the existing structures to start with, and only then should the Children's Ombudsman be separated from the general Ombudsman:

„To be honest, this institution is just an institution which was simply established but did not make major progress although a few years have already elapsed. I am afraid that if a new institution were to be created, the efforts would be directed towards the building, the offices and the infrastructure.... but if we want this institution to monitor the observance of the rights, then the people working for it should understand the system that they monitor... if they don't have the training and understanding... it would all be in vain. I could not even say what specialisation would be needed – legal specialists would not be enough, social workers are not enough... this should be given more thought”, PSWS representative.

Conclusions

Although Romania has an independent institution for human rights – the Ombudsman – it does not also fulfil the role of monitoring how the State fulfils its obligations, as it has limited powers which mainly relate to solving petitions from citizens only in connection with their relations with the State authorities. The institution has local offices in 14 areas, but it is still not well known and used. The Ombudsman also has responsibilities in the field of child rights, but the local staff's specialisation is still insufficient. Even at the national level we could speak of a semi-specialisation, as long as the department dealing with children is also responsible for youth, family, pensioners and people with disabilities.

While other European countries have the Ombudsman representing children's interests and defending their rights, acting as their spokesperson, the same is not true for the similar Romanian institution. The annual report submitted by the Ombudsman from our country to the Parliament does not present the picture of the observance by the state of its obligations to ensure child rights, being in fact an activity report.

The number of cases referring to children is particularly low compared to the overall population of Romania below the age of 18, but also compared to the number of child rights infringements reported to the civil society⁸². This is caused, among other things, by the poor organisational development (lack of visibility and lack of proactive attitude, limited powers and specialisation).

Recommendations

- Establishing a Children's Ombudsperson in compliance with the Paris Principles and the UN Committee on the Rights of the Child latest Concluding Observations and the two General Comments no. 2 and 5.

⁸² For example, Save the Children receives over 500 complaints every year, and UNOPA Federation identifies every year thousands of persons with HIV/AIDS whose rights are violated.

3.9 Information and awareness-raising

“The Committee proposes that States should develop a comprehensive strategy for disseminating knowledge of the Convention throughout society. This should include information on those bodies - governmental and independent - involved in implementation and monitoring and on how to contact them (...) There needs to be a strategy for dissemination of the Convention among illiterate people (...) learning about the Convention needs to be integrated into the initial and in-service training of all those working with and for children”, General Comment no. 5

The UN Committee encourages the development of CRC versions adapted to children, mentioning that such initiatives have been taken by the civil society and the UNICEF in many countries. Additionally, GC no. 5 requires the inclusion of the Convention on the Rights of the Child and human rights notions in the school curriculum.

Situation at national level

Starting from the need to train the staff within the child protection system as a result of the adoption of Law no. 272/2004 on child rights, the former National Authority for the Protection of Child Rights undertook a vast training and information programme addressing mainly the staff working with children.

Thus, with UNICEF support, the NAPCR developed a comprehensive handbook on the implementation of Law 272. Additionally, 6 other handbooks were developed for various professional categories coming in contact with children in their activity (teaching staff, medical staff, social workers, judges and prosecutors, priests and police officers).

Using EU funding, NAPCR conducted the campaign „Child Rights are Law!” (2005-2006), which included three components: public information (promoting in particular the right to education, identity, opinion and protection against abuse), training of professionals (over 1,800 participants from all relevant professional groups across the country) and activities in the national and international mass-media. In the period December 2005-October 2007, a new information campaign was implemented, under the slogan „You too can be a better parent!”, aimed at increasing parental responsibility⁸³.

Thus, NAPCR can be appreciated for its efforts to train professionals and promote legislation in the field. It can be noted that these efforts were only made in a certain period of time, are not consistent and hardly exist anymore. However, the relatively high rate of staff turnover in this system and the legislative developments require the organisation of periodical trainings for specialists.

„There is a need to train specialists – social workers, physicians, teachers, legal advisors, everybody. Whilst many investments were made in past years in training those who work with children, such actions are very limited now. We are talking about a field where the burn-out risk is high and there is a rather high rate of staff turnover. I think that more attention should be given to this aspect. We think that everybody in the system is familiar with the Convention, but it’s really not so.”, NGO representative.

It can be stated that the civil society played the main role in promoting child rights and the CRC in Romania.

⁸³ Government of Romania, Romania and the UN Convention on the Rights of the Child – Third and fourth progress report, 2007, pages 26-28.

In 2006, owing to the actions taken by Save the Children Romania, child rights were included in the school curriculum for the 6th grade as an optional course, the organisation developing the necessary teaching materials. Save the Children also organises the accredited course “Child Rights” for pre-university teachers, on an annual basis.

Additionally, the organisation carries out actions such as raising children’s awareness on their rights, holding training sessions in schools, national competitions and thematic summer camps. In order to help children become more familiar with the Convention, Save the Children developed a short CRC version adapted for children, and other promotional materials. There are also training sessions for specialists and parents⁸⁴.

The Child Protection Hotline was established in 2001 and started operating as a non-governmental organisation in 2006 (Child’s Hotline Association). This free-toll phone service has a counselling and an information component on child rights and protection⁸⁵.

Situation at county and local level

In 2007, the DGSWCPs from the 41 counties and district 1 of the Municipality of Bucharest organised information workshops addressing county and local decision makers⁸⁶. During the research, the specialists from Constanta County also mentioned that DGSWCP organised training road-shows for the representatives of the local PSWS, but they were mostly focused on methodological aspects (drafting of the social inquiry report, data collection, etc.).

DGSWCP mentioned that they conducted information projects in order to promote the rights of the child (sometimes in partnership with other institutions such as the school or the police) by organising special events in schools or posting information at their headquarters.

DGSWCP Iasi, in partnership with the county school inspectorate and the Association for the Development of Social Programmes of Iasi, developed the project „Have you found out about child rights protection?”, whose goal was to provide information about the activity of DGSWCP to pupils from 27 schools and high-schools, as well as to identify the children’s information needs. For this purpose, boxes were installed in schools to collect claims, questions and suggestions from children, and an e-mail address was also made available. Almost 1,000 different questions were centralized and answered (children asked more information about their rights, information about camps, holidays and allowances, advice about adults’ abusive behaviour and family environment, but also reported cases of rights violations).

As regards the information needs, the specialists of public institutions and NGO identified the following target groups: disadvantaged communities, affected by poverty (information with regard to the right to identity, education and protection against exploitation, the right to survival and development), children with disabilities and their parents (adapted and accessible information), pupils (provision of tools to enable their access to rights, information about preventing violent situations, drug consumption, etc.). As regards the information means, the specialists considered that the topics should also be addressed in information road-shows or Romanian TV series, in addition to the conventional communication means.

84 http://www.salvaticopiii.ro/romania/ce_facem/programe/promovarea_drepturilor.html

85 <http://www.telefonulcopilului.ro/>

86 Government of Romania, Romania and the UN Convention on the Rights of the Child – Third and fourth progress report, 2007, pages 26-28

Adults' knowledge of the Convention

The interviewed adults proved familiar with the CRC provisions, with some exceptions – two individuals within the PSWS included in the research mentioning either no contact with this international document, or non-familiarity with its content:

„Had I known what you wanted to talk about today, I would have read it⁸⁷ last night... so that we speak the same language”, PSWS representative.

„I did not study it too much, but I suppose it refers to child rights, doesn't it?”, PSWS representative.

The interviews were also a good opportunity to increase awareness on the general measures for CRC implementation, as many of the respondents were not familiar with some of the notions discussed. On the other hand, there was a high level of familiarity with the working methodologies and the legal provisions.

Children's knowledge of the Convention

The Romanian teenagers have the highest level of awareness about child rights (85% of them saying that they know their rights) compared to the teenagers in the other EU Member States, according to a survey commissioned by the European Union to Gallup in 2008 and conducted among children 15-18 years old⁸⁸. Even though the number of Romanian teenagers who are informed about their rights is 18% above the European average, most of them express negative opinions about how these rights are observed (57% of them said that the rights of the child are not protected or are only partially protected in Romania). When asked about issues which they may encounter when trying to defend their rights, most teenagers said that they do not know what steps to follow or whom to contact.

The conclusions of the Eurobarometer were also confirmed within the focus-groups conducted for this research, all the participant children having knowledge about their rights (being able to easily list 4-5 rights). However, almost all children and teenagers encountered difficulties in indicating the persons or institutions they can contact if their rights are infringed.

Thus, it could be noted that the responsible public structures are very little known. The name of the National Authority for the Protection of Family and Child Rights was unknown to the children participating in the focus-groups (some of them attempting to identify the possible roles of the institution only upon request of the moderator). The Directorate General for Social Work and Child Protection was known to few children (generally only to those who had been beneficiaries of the institution, directly or through their families). A slightly higher level of knowledge was noticed among the children coming from the rural environment or small communities, who indicated the mayoralty or even the name of the social worker. Thus, if their rights are violated, children would rather turn to the family, teachers, friends and non-governmental organisations:

„I believe we all know our rights, but the problem is that we hardly have any. Not all adults take them into account and we cannot force them to do so. There are children who are never allowed to go outside

87 CRC

88 The Gallup Organization Hungary, The Rights of the Child – Analytical Report, flash Eurobarometer, April 2008, http://ec.europa.eu/public_opinion/flash/fl_235_en.pdf

or play football because they have chores to do. Do you think that if they were to tell their parents that they have the right to play, that would change anything? Nothing. They do not take this into account. It is not enough to know our rights, they also have to be respected by others, otherwise it is nothing but poetry learned in school... and that's all.”, child, 13 years old, rural environment.

Only few of the children had heard about the Ombudsman prior to participating in the focus groups, but could not give more details. When asked about what the Ombudsman does, the children assumed it was the person who represented in court those who could not afford a lawyer, making a confusion with the attorney appointed ex officio.

Furthermore, the interviewed children and youngsters did not know about other aspects related to the implementation of the Convention, like the existence of national and local strategies and action plans, the laws on the matter or Romania's obligation to monitor the rights and report on the progress of CRC implementation.

It can be concluded that, even though children know their rights set out by the Convention, they do not quite understand how they can exercise these rights, as they don't have access to the necessary tools.

Conclusions

Children's awareness of their rights is high, and this is partially due to the efforts made by the authorities and the civil society. It is also worth noting the national and local training activities for the specialists with responsibilities in the field of child rights.

Since 2006, child rights have been an integral part of the school curriculum, so that they can be studied as an optional subject matter in the 6th grade.

The main information gaps are caused by the fact that, even though children know their rights, they lack the necessary information and tools to make sure they are respected. Additionally, the training of specialists is not consistent, but rather sporadic, and is not aligned with the high turnover rate of the human resources. Moreover, the specialists consider that further efforts are needed so as to improve the access of certain target groups to information.

Recommendations

- Enhancing the visibility of the public institutions responsible for implementing child rights and providing the tools enabling access to these rights, including in a child friendly manner (clips, contests, games, web-pages, publications and other materials for children);
- Including child rights as a topic in the training curriculum of all the professional categories with responsibilities in the field;
- Ensuring the periodicity and consistency of the trainings on child rights for the specialists working with children;
- Organising training sessions on the general measures of implementation of the CRC, in particular for decision makers and the staff with managing and coordination responsibilities;
- Developing information campaigns at the local level, targeting persons and communities with a low level on information, tackling the rights of the child, including the importance of access to education, obtaining identity papers, health promotion (especially prevention of infant mortality).

4. Conclusion

Apart from the normal exploratory character, this research was an opportunity to increase the level of information and awareness of specialists with regard to *general measures of implementation* of the Convention on the Rights of Child.

The consultations held with the representatives of authorities and NGOs revealed a low level of knowledge of the general implementation measures, an incomplete or inappropriate understanding of notions like „strategy” (sometimes mistaken for methodology or understood only as a planning of the institutions’ activities rather than a public policy document) or “national independent institution for human rights”. During the discussions, real difficulties emerged in connection to the drafting and execution of budgets from a child rights perspective. We were pleasantly surprised to notice that as soon as these things were clarified, the participants expressed a real interest in the topic, the interviews often containing moments of reflection and analysis from a new angle of what is required to implement the Convention.

These observations related to aspects which were not among the direct objectives of the research lead to the conclusion that it would be particularly useful to organise training sessions on the general CRC implementation measures, targeting mainly decision-makers and the managing staff of the various institutions.

We present below the main conclusions of the research, with reference to the key themes.

Incorporation of the Convention on the Rights of the Child in the national legislation

Romania has taken major steps in transposing the CRC in its domestic legislation, making major progress by the adoption of Law 272/2004 on the protection and promotion of child rights, which entered into force at the beginning of 2005, as well as of the ensuing secondary legislation. Nevertheless, the specialists in Romania are confronted with difficulties in the following areas: focus put on the “classical” categories of vulnerable children and difficult adaptation to the new problems encountered by children or to the situation of all children, non-enforcement of the child’s best interest principle in all situations, lack of procedures that would implement the principle of listening to children, low degree of observance of certain provisions, different interpretation and application of the legislation and the need to supplement the secondary legislation.

The representatives of NGOs and public institutions describe both success stories and ineffective consultations as to the participation in the drafting of laws. In the case of public institutions, at the central level, consultations take place mainly on the horizontal, sometimes reaching the county level and hardly at all the local level. This is also true when it comes to the vertical structure of public institutions. Among the positive things, one can note the successful collaborations between institutions, the success of certain legislative proposals initiated by the civil society and the lobbying capacity of certain local public institutions.

Development of strategies and action plans

Romania has a national strategy which largely follows the provisions of GC no. 5, as well as an operational plan on child rights for the period 2008-2013. In time, other central authorities have developed sectoral strategies specific for particular child rights (education, combating of exploitation, combating of trafficking

in children etc.). However, there are big question marks as regards the country's power to implement the strategy and the operational plan on child rights, as long as none of the documents provides for the budgetary and human resources necessary for the implementation. The regular assessment of the implementation progress is also a missing component in practice.

At county level, it can be noted that not all the analysed DGSWCPs have an effective strategy, and where it exists, it also contains a section on child rights.

Sometimes, sections about children can also be found in other strategic documents drafted by the county or local level or by the PSWS. The biggest problems are related to the implementation of the strategies, mainly because of the measures taken to counter the economic crisis (voluntary leaving of the staff as a result of salary cuts, excessive workload, institutional reorganisation).

Coordination of Convention implementation

The current economic context requires the increase of the Government's responsibility in maintain and developing new actions and social services for children, the most vulnerable in a situation of economic crisis.

Contrary to the requests of the UN Committee on the Rights of the Child⁸⁹, at the end of June 2010, Romania dissolved the National Authority for the Protection of Family and Child Rights, whose existence had been a prerequisite for the country's accession to the EU. The lack of central coordination of child protection brings Romania back to the critical position in the past, when our country gave a negative example in this regard before the whole international community.

The name of the Directorate General Child Protection within the Ministry of Labour (which has taken over the responsibilities of the former NAPFCR) shows that the emphasis is put once again on the children's right to protection rather than on the approach of children from a comprehensive perspective of all their rights.

The frequent changes in the structure and name of the central institutions in charge with implementing child rights, as well as the lack of inter-institutional communication have created confusions even among the social stakeholders (NGOs and even other public institutions). What is worrying is the low level of information of the children in this respect.

The interviewed specialists hardly knew which county and local institutions are responsible for coordinating the implementation of the CRC, most of them saying that they are just taking guesses and that there is a need to clarify the roles and assign a specific mandate in this respect to one of the existing institutions.

Development of indicators, data collection and monitoring of Convention implementation

The situation regarding the implementation of all the rights provided by the Convention is not presented every year, but only on the occasion of Romania's progress reporting to the UN Committee (every 4-5 years). Additionally, none of the analysed counties and localities publishes a local status report regarding the situation of children.

89 In June 2009, the UN Committee requested the Romanian authorities to strengthen the inferior status of NAPCR. See: Committee on the Rights of the Child, Fifty-First Session, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations of the Committee on the Rights of the Child: Romania, CRC/C/ROM/CO/4, 30.06.2009. <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ROM-CO-4.pdf>

At the moment, the responsibility for monitoring the implementation of the CRC falls onto the MLFSP (more precisely the newly established Directorate General for Child Protection). Depending on their specific tasks, several authorities of the central administration (including the deconcentrated services) and of the local administration (at county and local level) share the role of collecting and analysing statistics about children and, more often than not, these data are presented to the public in a raw form, without being accompanied by more complex interpretations.

The main problems affecting child rights monitoring include: the different definitions and meanings of the same indicators, institutional communication and collaboration difficulties (as a result of reorganisations, staff changes, different specialisations of human resources, as well as the fact that certain decisions regarding persons within the community are adopted and executed at the level of county authorities or deconcentrated services and do not get to be communicated back to the local level) or the required reporting and the focus on children as beneficiaries of protection or vulnerable children.

Ensuring children's visibility in the budgets

Romania does not have a national budget ensuring the visibility of the expenditures addressed to children. "The child's budget" does not even exist at county and local level, although specialists consider that this approach would be useful for ensuring child rights and might lead to the development of minimum European standards that each country should observe when it comes to children's life and development.

Cooperation with the civil society

NGOs have a key role to play in providing services at the local level, being in fact the only service providers in certain localities. However, their activity is tightly connected to the project funding capacity. Because of the authorities' reluctance to contracting services to NGOs, these organisations are eventually forced to rely mainly on foreign or private funding, and may encounter problems related to service continuity, which finally leads to limiting the children's access to measures aimed at addressing their needs. The problems related to the cooperation between the NGOs and the public sector sometimes appear because of the diverging viewpoints, the short time available, the absence of a joint calendar of activities, the sporadic character of the events, and also the typology of the persons involved in the cooperation (level of professionalism, responsiveness or openness).

Community Advisory Structures, which can be established by local authorities, may be an important resource for solving community problems, as they bring together various professionals, local leaders and decision makers. However, their optional character and voluntary involvement of the members often lead to a superficial functioning of these structures.

Children's participation is a concept which is only starting to be implemented by central and local public authorities. Because of the lack of time, lack of knowledge regarding involvement methods and consideration of children's participation as something of low importance, most of the children who participated in the research were not involved in such actions. In addition to the development opportunities provided by NGOs, the main structure where children can exercise their right to participation is the pupils' council (which exists at national, county, local and school level). Unfortunately, the children's satisfaction with the functioning of these structures is rather low, because these councils are often times only formal.

International cooperation

Although Romania participates in international development assistance efforts, by allocating funds and developing its own national strategy, its measures and actions are not known by the persons interviewed during the research. The national strategy refers to children as beneficiaries of protection and does not include a more complex perspective of all their rights, as required by the General Comment of the UN Committee on the Rights of the Child

Independent national institutions for human rights

Although Romania has an independent institution for human rights – the Ombudsman – it does not also fulfil the role of monitoring how the State fulfils its obligations, as it has limited powers which mainly relate to solving petitions from citizens only in connection with their relations with the State authorities. The Ombudsman also has responsibilities in the field of child rights, but the local staff's specialisation is still insufficient. The institution has 14 territorial offices but is still poorly known and accessed. Even at the national level we could speak of a semi-specialisation, as long as the department dealing with children is also responsible for youth, family, pensioners and people with disabilities.

The number of cases referring to children is particularly low compared to the overall population of Romania below the age of 18, but also compared to the number of child rights infringements reported to the civil society. This is caused, among other things, by the poor organisational development (lack of visibility and lack of proactive attitude, limited powers and specialisation).

Information and awareness-raising

Children's awareness of their rights is high, and this is partially due to the efforts made by the authorities and the civil society. It is also worth noting the national and local training activities for the specialists with responsibilities in the field of child rights.

The main information gaps are caused by the fact that, even though children know their rights, they lack the necessary information and tools to make sure they are respected. Additionally, the training of specialists is not consistent, but rather sporadic, and is not aligned with the high turnover rate of the human resources. Moreover, the specialists consider that further efforts are needed so as to improve the access of certain target groups to information.

The conclusions of the research clearly illustrate that the simple ratification of the Convention does not necessarily mean the automatic and immediate implementation of all the rights that children should benefit from. Therefore, a more comprehensive approach is needed, going beyond the paradigm of child protection characteristic of the past 20 years. Romania also needs planning, monitoring and coordination, proper, clear and transparent budgeting, specialised human resources and a proper legislative and institutional framework. The Convention on the Rights of the Child should be regarded as a dynamic instrument, accessible to the central and local authorities, the civil society and all those concerned, which, if used properly and accompanied by political will, guides the implementation of child rights, translating principles and standards into concrete and effective actions.

Recommendations

- Periodical review of the legislation (including secondary legislation) regarding child rights to provide solutions to new problems and the reality reflecting children's lives at present.
 - Periodical review of the legislation to ensure that it fully adheres to the Convention on the Rights of the Child;
 - Resumption of the training programmes for the specialists in the field, taking into account the understanding and unitary application of the legislation;
 - Ensure mechanisms are in place to facilitate the participation of the civil society in the public consultation process. An example would be the creation and implementation of an IT application allowing the interested social actors to be informed in due time about the legislative projects and amendments and supporting them in submitting their comments.
-
- Revision of the National Strategy and of the Operational Plan in the field of Protection and Promotion of Child Rights, with a view to adapting them to the current national context (i.e. dissolution of NAPFCR and reorganisation of its activities within MLFSP, presence of the economic crisis and the governmental measures to mitigate it, reduction of the specialised staff etc.), taking into account all the provisions of the General Comment no. 5, especially those regarding proper funding, evaluation and monitoring of the implementation and real participation of children;
 - Clearly define the local, county and national responsibilities for designing and monitoring the strategies aimed to implement the UN Convention on the Rights of the Child;
 - Strengthening the capacity to implement the local and county strategies and action plans, especially by adapting them to the existing resources;
 - Ensuring a better transparency and clarity to the way the strategies and national planes are being reflected during the processes of drafting, debating, adopting and spending the public budgets at all levels;
 - Increasing the visibility of the strategic documents and ensuring a proper assessment of their impact.
-
- The Government of Romania must urgently make the decision to re-establish the national authority for child rights, with a superior status, as a specialised structure within the Prime Minister's cabinet; the mandate of the authority should be in line with the provisions of GC no. 5 and cover the strategic function of ensuring the substantiation and enforcement of the strategies and programmes in the field of child rights, the function of monitoring the observance of child rights and promoting child rights;
 - It is necessary to conduct a review of the powers and positioning of county and local institutions and clearly designate that institution which is empowered to and responsible for coordinating all the other public institutions having responsibilities in enforcing child rights;
 - Better inter-institutional communication should be ensured, both vertically (national-county-local) and horizontally (between institutions with different responsibilities, at the same level).
-
- Publication, by MLFSP (through DGCP) and by every territorial unit, of an annual status report about the situation of children, to combine both statistics data as well as the results of the relevant studies;
 - Promotion of these status reports at the level of all the relevant stakeholders, as well as children (in child-friendly version);
 - Start of an inter-institutional discussion, with the participation of the NGO sector, to develop a common set of indicators monitoring children's rights and a common database to be used by all the authorities with responsibilities in the field of child rights;

- Staff training so as to ensure a unitary methodological approach in the collection of data and information about children.
- The Romanian Government should set out procedures to ensure visibility to the amounts allocated to children in the national, county and local budgets with a view to ascertaining how effectively children's rights are being implemented;
- The Romanian authorities should identify, adapt and implement best practices from the States which have developed such budgets.
- Development by the authorities of the necessary mechanisms to ensure cooperation with the civil society, including by strengthening community consultative structures;
- Ensure that the principles of competition, efficiency and transparency are met in the financing from public sources of the social services granted by NGOs as private social service providers;
- Strengthening pupils' councils and developing the authorities' capacity to consult with children and integrate children's participation as a principle in their activity; in this regard, the expertise and support of NGOs can be very important.
- Including an approach based on child rights in the national strategic documents on development cooperation, as required by General Comment no. 5; particularly, children rights should be integrated in the National Strategy on the Development Cooperation Policy of Romania;
- Strengthening the institutional capacity of the Ministry of Foreign Affairs in development cooperation matters; thus, the establishment of a distinct department, specialised in coordinating the development assistance is recommended.
- Establishing a Children's Ombudsperson in compliance with the Paris Principles and the UN Committee on the Rights of the Child latest Concluding Observations and the two General Comments no. 2 and 5.
- Enhancing the visibility of the public institutions responsible for implementing child rights and providing the tools enabling access to these rights, including in a child friendly manner (clips, contests, games, web-pages, publications and other materials for children);
- Including child rights as a topic in the training curriculum of all the professional categories with responsibilities in the field;
- Ensuring the periodicity and consistency of the trainings on child rights for the specialists working with children;
- Organising training sessions on the general measures of implementation of the CRC, in particular for decision makers and the staff with managing and coordination responsibilities;
- Developing information campaigns at the local level, targeting persons and communities with a low level on information, tackling the rights of the child, including the importance of access to education, obtaining identity papers, health promotion (especially prevention of infant mortality).

Annexes

Annex I – Sample description

Public institutions (including independent human rights institutions)

Name of the institution	No. of interviewed persons	Position
Ministry of Labour, Family and Social Protection – Directorate General for Child Protection	1 (2 interviews)	Middle management (M.m)
Ministry of Education, Research, Youth and Sports	1	M.m
Ombudsman	2	Top management Counsellor
Alba County Council (including Alba Commission for Child Protection)	2	T.m. M.m
Alba DGSWCP	1	T.m
Ombudsman – Alba territorial office	1	Counsellor
Alba Iulia PSWS	3	T.m (1) Social workers (2)
Sebes Local Council	2	M.m
Constanța DGSWCP	1	M.m.
Ombudsman – Constanța territorial office	1	T.m.
Mangalia PSWS	2	T.m. Social worker
Mangalia Mayoralty	1	Mayor's counsellor
Iași County Council (including Iași Commission for Child Protection)	1	T.m
Iași DGSWCP	1	T.m.
Ombudsman – Iași territorial office	1	T.m.
Directorate for Community Work (PSWS)	2	M.m Social worker
Iași Local Council	1	Counsellor
DGSWCP of District 1 (Bucharest)	1	T.m.
Total	25	

Since most of the respondents requested to remain anonymous, the table above does not include the exact name of their positions; the agreement was as follows:

„Top management” positions include the persons from the leadership of the institution or deputies/directors specialising in child rights (e.g. Director of DGSWCP, Deputy Director for Child Protection within DGSWCP, County Council Secretary, President of the Commission for Child Protection, Director of PSWS etc.).

„Middle management” positions refer to persons who hold managing positions in intermediary structures of the institution (Head of Service, Department Director etc.).

The positions of counsellors and social workers are not managing positions.

Non-governmental organisations

Name of the NGO	No. of participants
Asociația Alternative Sociale (Social Alternatives Association)	1
Asociația pentru Dezvoltarea Programelor Sociale Iași (Association for the Development of Social Programmes, Iasi)	1
Asociația „O Rază de Lumină” Mangalia (“Ray of Light” Association, Mangalia) (a member of UNOPA Federation)	1
Asociația „Și Eu Pot” (“I can, too” Association)	1
Centrul Diecezan Caritas Iasi (Diocese Centre Caritas Iasi)	1
Fundația „Alături de Voi” România (“Next to you” Foundation, Romania)	1
Fundația Baylor Marea Neagră (Baylor Black Sea Foundation)	1
Fundația COTE (COTE Foundation)	1
Fundația Serviciilor Sociale Bethany – Biroul zonal Iași (Bethany Foundation for Social Services – territorial office of Iasi)	1
Asociația Salvați Copiii – Filiala Constanța (Save the Childre Association – Constanța branch)	2
Asociația Salvați Copiii – Filiala Iași (Save the Childre Association – Iasi branch)	1
Total	12

Children

Focus group characteristics	No. of children
Alba County - children aged 14-17 years, rural and urban areas	12
Bucharest – children aged 12-14 years, urban area	8
Bucharest – children aged 15-17 years, urban area	7
Constanța County – children aged 12-14 years, rural and urban areas	8
Constanța County – children aged 15-17 years, urban area	6
Iași County – children aged 12-14 years, rural area	7
Iași County – children aged 15-17 years, rural and urban areas	8
Total	56

Annex II – Research tools

Questions to be asked during interviews with representatives from state and local authorities and NGOs

These questions should be seen as complementing the issues raised in the Terms of Reference for the national research. Most of them ought to be answered through the desk studies, however some might have to be included in the interviews. The questions below should be included in the interviews by all parties in the project, however other questions could be added in the respective country dependent on what information is found during the desk studies.

The questions are separated on what should be asked at national level and what should be asked at local level. Some could be asked to all interviewees, some just for a specific group (eg representatives of government/local government). Questions for children will be formulated in another document.

Legislative measures (only as regards incorporation of the UNCRC into national legislation)

National level

If no:

- ❖ Are there any plans to incorporate the UNCRC into national legislation?
- ❖ How would you see the incorporation be implemented (Constitution? Regular legislation?)?
- ❖ What would be the benefits of incorporation?

If yes:

- ❖ How was civil society involved in the process leading to incorporation?
- ❖ Has the incorporation had the intended effect?
- ❖ Are there any problems with the UNCRC being incorporated into national legislation?

Local level

If no:

- ❖ Would you see any advantaged for the implementation of children's rights at local level if the UNCRC was incorporated into national legislation?

If yes:

- ❖ Has the incorporation of the UNCRC into national legislation had any real impact on the implementation of children's rights at local level? Are there any concrete examples?

Development of National Action Plans

National level

- ❖ How was civil society, including children, involved in the development of the National Strategy/Action Plan on children's rights?
- ❖ What do you see were the main obstacles in developing the National Strategy/Action Plan on children's rights?
- ❖ What are the strengths and weaknesses of the National Strategy/Action Plan?
- ❖ What do you see as the main obstacles in implementing the National Strategy/Action Plan on children's rights?
- ❖ How do you monitor the progress of the strategy/action plan?

Local level

- ❖ Was the local level involved in the development of the National Strategy/Action Plan? If so, how?
- ❖ Is the National Strategy/Action Plan developed to be relevant also for local level?

- ❖ What are you doing to achieve the goals of the National Strategy/Action Plan at local level? Who are involved in this work? How do you report to the central level?
- ❖ Have you developed a local action plan, to ensure the goals of the national strategy are fulfilled?
- ❖ If so, were civil society, including children, involved in the development?

Co-ordination of implementation

National level

- ❖ Could you describe how the co-ordination unit functions in practice?
- ❖ How does the unit coordinate with other actors? Civil society? Ombudsman? Children?
- ❖ What could be improved for the unit to work more effectively?

Local level

- ❖ Could you describe how the unit functions in practice?
- ❖ How does the unit coordinate with other actors? Civil society? Ombudsman? Children?
- ❖ What could be improved for the unit to work more effectively?

Monitoring implementation

National level

- ❖ Who is responsible for monitoring the implementation of the CRC within government and parliament?
- ❖ How is this carried out in practice?
- ❖ Is the monitoring ongoing (rather than only when the State Party is due to report to the UN Committee)?
- ❖ Are children involved in the monitoring process?
- ❖ Can government/parliament retract information from different authorities or are there any problems with data protection etc?
- ❖ How are lessons learnt distributed to other departments/authorities etc?
- ❖ Does the state monitor the activities at local level?

Local level

- ❖ Who is responsible for monitoring within the local government?
- ❖ How is this carried out in practice?
- ❖ How are lessons learnt distributed? To whom?
- ❖ Are children involved in the monitoring process?

Data-collection and indicators

National level

- ❖ Have you developed a mechanism to collect data about children systematically? Are the data disaggregated? Who collect data about children at central level? How are the data available to the public?
- ❖ How is the data used in the work of policy development etc?
- ❖ Has analysis of collected data initiated any policy or practice changes? Is this sort of analysis done regularly?

Local level

- ❖ Have you developed a mechanism to collect data about children systematically? Are the data disaggregated? Who collect data about children at local level? How are the data available to the public?

- ❖ How is the data used in the work of policy development etc?
- ❖ Has analysis of collected data initiated any policy or practice changes? Is this sort of analysis done regularly?

Making children visible in budgets

National level

- ❖ How prioritized are children and children's rights when the annual budget/financial law is under discussion within the government and parliament? What are the main areas under discussion?
- ❖ If no "children's budget" is published: would you consider publishing an annual "children's budget"?
- ❖ Have there been any significant cuts in the budget which affect children specifically due to the current financial crisis? If so, do you have a sense of how they have affected children in practice?

Local level

- ❖ How prioritized are children and children's rights when the budget is under discussion within the local government? What are the main areas under discussion?
- ❖ If no "children's budget" is published: would you consider publishing an annual "children's budget"?
- ❖ Have there been any significant cuts in the budget which affect children specifically due to the current financial crisis? If so, do you have a sense of how they have affected children in practice?

Co-operation with civil society

National level

- ❖ Are there specific mechanisms in place to ensure co-operation with civil society (for example stakeholders' board that meets regularly)?
- ❖ What is functioning well with the co-operation between government and civil society?
- ❖ What could be improved?
- ❖ Do you carry out consultations with children on a regular basis? How is this done? How is it used? Is it included in background documents for decisions? What feedback do children get?

Local level

- ❖ Are there specific mechanisms in place to ensure co-operation with civil society (for example stakeholders' board that meets regularly)?
- ❖ What is functioning well with the co-operation between government and civil society?
- ❖ What could be improved?
- ❖ Do you carry out consultations with children on a regular basis? How is this done? How is it used? Is it included in background documents for decisions? What feedback do children get?

International co-operation

National level

- ❖ Are children's rights (eg the concluding observations from the CRC Committee) brought up in bilateral discussions with countries receiving development aid?

Local level

- ❖ No need to ask any questions on this at local level

Independent national human rights institutions (NHRI)

National level

- ❖ How is the cooperation/coordination between the NHRI and the civil society?
- ❖ How is the NHRI consulting children? What feedback do children get?
- ❖ How can the NHRI be improved?

Local level

- ❖ Is there a local similar mechanism to NHRI?
- ❖ How does it function?
- ❖ What collaboration does it have with civil society?
- ❖ How is it consulting children? What feedback do children get?
- ❖ How can children reach it?

Information and awareness-raising

National level

- ❖ Who is responsible for ensuring that the general public receives information on the CRC?
- ❖ How is this done?
- ❖ Have you targeted any specific groups? If so, why those? How?
- ❖ What are the main obstacles in relation to information and awareness raising?
- ❖ What could be improved?

Local level

- ❖ How do you ensure that all persons in your community are aware of the CRC?
- ❖ Have you targeted any specific groups? If so, why those? How?
- ❖ What are the main obstacles in relation to information and awareness raising?
- ❖ What could be improved?

B. Questions to be asked during interviews with children at local level

The questions below should be included in the interviews by all parties in the project, when interviewing children. However other questions could be added in the respective country dependent on what information is found during the desk studies. The questions below are not adapted neither to children's specific needs nor to different ages of children. The researcher carrying out the interviews should ensure that the children being interviewed understand the questions to their full extent.

Legislative measures (only as regards incorporation of the UNCRC into national legislation)

These questions are optional. Only use them if you have the possibility to prepare the children properly, or if the children already have a good understanding of the topic.

If no:

- ❖ Do you think that UNCRC should be incorporated into the national legislation? If yes, what would the benefits for children's lives be?
- ❖ Who should be responsible for this?
- ❖ What role can children play in the process of incorporating UNCRC?

If yes:

- ❖ Do you think that there are some aspects regarding children's rights that need to be regulated by law? What are these and what kind of regulations are needed?

Development of National Action Plans

National level

- ❖ Do you know that there is a national strategy/action plan for children's rights?
 - If yes, what types of things are included in this strategy/action plan? Are there any other topics that should be included?
 - If no, what do you think should be in such a strategy/action plan?
 - Why do you think the country need to have one?
- ❖ Do you know if your municipality has a local action plan for children's rights?
- ❖ Do you think there is a need for one?
- ❖ Do you think that children can participate in developing these national and local strategies/plans? How?

Co-ordination of implementation

No need to ask any questions to children on this.

Monitoring implementation

- ❖ Have you been involved in monitoring the implementation of the CRC in your community?
If yes:
 - How were you involved? Who organized your involvement? Are you satisfied with your involvement? What went particularly well and what went bad and needs to be changed in the future?
- ❖ What do you think is important for policy makers to follow-up as regards children's rights?

Data-collection and indicators

It is important to have the clear picture regarding children's lives, in order to develop effective measures and actions for them.

- ❖ Is any information regarding children collected in your school, if so, how and by whom?
 - Are you asked to answer regularly to some questions/to provide information?
 - Are any surveys carried out?
- ❖ Do you have suggestions in order for the decision makers to better understand children's lives?
 - Methods regarding the collection of information?

Making children visible in budgets

- ❖ Do you think that the state spend enough money on children?
- ❖ Where do you think there is a need for more funds from the state to children?
- ❖ Have you been involved in planning and/or decisions as regards budget in the family / school/ municipality/other setting?

Co-operation with civil society

- ❖ Do you have the possibility to make your opinions heard to policy makers?
- ❖ Regarding what were you consulted?
- ❖ How is this organized? Can you point out good examples? Can you point out bad examples?
- ❖ Do you get any feedback on what they have done with the information you have provided? Are you satisfied with the results?
- ❖ In what areas of policy making do you think children should be consulted?

International co-operation

- ❖ In development aid, do you think it's important that the state give funds specifically for children?
- ❖ What do you think is most needed for children in developing countries?

Independent human rights institutions (NHRI)

- ❖ Do you know if there is a specific ombudsman for children?
- ❖ Do you know what it does?
- ❖ What do you think an ombudsman for children should do?
- ❖ Do you know how you can use it?
- ❖ Do you have a mechanism at local level where you can turn to if your rights are not respected?
- ❖ Dependent on the answers above, the four first questions can also be asked regarding mechanism at local level.

Information and awareness-raising

- ❖ Do you know what rights children have?
- ❖ Do you think that adults (parents, teachers, school, decision makers) take these into consideration?
- ❖ How have you received information on children's rights?
- ❖ From who?
- ❖ Would you like to know more?
- ❖ Do your parents know anything about children's rights?
- ❖ Do your teachers know anything about children's rights?
- ❖ Do you know that the government reports to a group of experts in Geneva every five years? Have you seen the government's report? Have you seen the recommendations from the experts?

References

- The Gallup Organization Hungary, The Rights of the Child – Analytical Report, flash Eurobarometer, April 2008
- Guvernul României, România și Convenția ONU cu privire la drepturile copilului - Al treilea și al patrulea raport periodic, 2007 [Government of Romania, Romania and the UN Convention on the Rights of the Child – Third and Fourth Progress Report, 2007]
- Institutul Național de Statistică, Anuarul Statistic al României 2008 [National Statistics Institute, The Statistic Yearbook of Romania, 2008]
- Organizația Salvați Copiii, Raport Alternativ la cel de-al treilea și al patrulea Raport periodic înaintat de România Comitetului ONU pentru Drepturile Copilului 2003-2007, București, 2008 [Save the Children Organisation, Alternative Report to the Third and Fourth Progress Report Submitted by Romania to the UN Committee on the Rights of the Child 2003-2007, Bucharest, 2008]
- Organizația Salvați Copiii, Situația respectării drepturilor copilului în România, București, 2006 [Save the Children Organisation, Situation of Child Rights Observance in Romania, Bucharest 2006]
- Romanian Ministry of Foreign Affairs, New Donors can make a difference, 2010
- Salvați Copiii Suedia, Monitorizarea drepturilor copilului la nivel local - Studiu preliminar efectuat în Estonia, Lituania, Republica Moldova, România, Serbia și Suedia, 2007 [Save the Children Sweden, Child Rights Monitoring at Local Level – a Pre-Study in Estonia, Lithuania, Moldova, Romania, Serbia and Sweden, 2007]
- UNICEF, Manual pentru implementarea Convenției privind Drepturile Copilului, Ediție revizuită, 2004 [UNICEF, Implementation Handbook for the Convention on the Rights of the Child, revised edition, 2004]
- C. Nicoară, Necesitatea înființării, în mod obligatoriu a tuturor tribunalelor specializate pentru minori și familie – comparație între reglementările vechi și noi ale Legii nr.304/2004, în Revista Drepturile minorilor nr.1 /2006 [C. Nicoară, The need for the mandatory establishment of specialised courts for minors and families – a comparison between the old and new provisions of Law no. 304/2004, in the Minors' Rights Magazine no. 1 /2006]
- Autoritatea Națională pentru Protecția Drepturilor Copilului, Raport de Activitate pentru anul 2005 [National Authority for the Protection of Child Rights, 2005 Activity Report]
- Avocatul Poporului, Sinteză a Raportului privind Activitatea Desfășurată de Instituția Avocatul Poporului în anul 2009 [Ombudsman, Summary Report on the Ombudsman's Activity in 2009]
- Ministerul Afacerilor Externe, Raportare 2007 [Ministry of Foreign Affairs, Reporting 2007]
- Ministerul Afacerilor Externe, Raportare 2008 [Ministry of Foreign Affairs, Reporting 2008]
- Ministerul Educației, Cercetării și Tineretului, Raport privind Starea Sistemului Național de Învățământ 2009 [Ministry of Education, Research and Youth, Report on the State of the National Education System, 2009]

Stenograma ședinței Senatului din 04 martie 2009 – Dezbateră și respingerea Proiectului de lege privind înființarea instituției Avocatul Copilului [Transcript of the Senate meeting on March 4th, 2009 – Debate on and rejection of the draft law on the establishment of the Children’s Ombudsman]

Strategia Națională în domeniul protecției și promovării drepturilor copilului 2008-2013 [National Strategy on the promotion and protection of child rights 2008-2013]

Strategia structurilor Integrate de Asistență Socială și Asistență Medicală Comunitară <<Direcția Generală de Asistență Socială și Protecția Copilului Sector 1>> și <<Complexul Multifuncțional Caraiman>> subordonate Consiliului Local Sector 1 – Perioada 2008-2013 [Strategy of the Integrated Social Work and Community Medical Assistance Structures <<Directorate General for Social Work and Child Protection of District 1>> and <<Caraiman Multifunctional Complex>> subordinated to the Local Council of District 1 – 2008-2013]

Strategia Județeană în Domeniul Asistenței Sociale și Protecției Drepturilor Copilului, 2008 – 2013, Alba [County Strategy on Social Work and Child Protection, 2008 – 2013, Alba]

General Comment no. 5 (2003), UNCRC/GC/2003/5, 27 November 2003

Committee on the Rights of the Child, Fifty-First Session, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations of the Committee on the Rights of the Child: Romania, CRC/C/ROM/CO/4, 30.06.2009

Guidelines on the format and content of the progress reports submitted by the States Parties pursuant to Article 44, par. 1 (b) of the Convention, UNCRC/C/58, 20 November 1996

Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography, adopted by General Assembly Resolution A/RES/54/263 of 25.05.2000, entered into force on 18.01.2002

Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflict, adopted by General Assembly Resolution A/RES/54/263 of 25.05.2000, entered into force on 12.02.2002

Constituția României, modificată și completată, publicată în Monitorul Oficial, Partea I nr. 767 din 31/10/2003 [The Constitution of Romania, as amended and supplemented, published in the Official Journal, Part I no. 767 of 31/10/2003]

Legea educației naționale din data de 28.10.2010, publicată în M.O. nr. 18/10.01.2010 [Law on national education, of 28.10.2010, published in the Official Journal no. 18 of 10.01.2010]

Legea nr. 11/26.01.2010 Legea bugetului de stat pe 2010 [Law no. 11/26.01.2010 of the 2010 state budget]

Legea nr. 18/1990 pentru ratificarea Convenției cu privire la drepturile copilului [Law no. 18/1990 on the ratification of the Convention on the Rights of the Child]

Legea nr. 35/1997 privind organizarea și funcționarea instituției Avocatul Poporului, republicată [Law no. 35/1997 on the organisation and functioning of the Ombudsman, republished]

Legea nr. 95/2006 privind reforma în domeniul sănătății [Law no. 95/2006 on healthcare reform]

Legea administrației publice locale nr. 215/2001, republicată, cu modificările și completările ulterioare [Law on local public administration no. 215/2001, republished, as subsequently amended and supplemented]

Legea nr. 218/2002 privind organizarea și funcționarea Poliției Române [Law no. 218/2002 on the organisation and functioning of the Romanian Police]

Legea nr. 272/2004 privind protecția și promovarea drepturilor copilului [Law no. 272/2004 on the protection and promotion of child rights]

Legea nr. 47/2006 privind sistemul național de asistență socială [Law no. 47/2006 on the national social work system]

Legea nr. 404/2006 privind finanțarea asistenței pentru dezvoltare din cadrul politicii naționale de cooperare internațională pentru dezvoltare [Law no. 404/2006 on the financing of development assistance within the national policy on international development cooperation]

H.G. nr. 83/2005 privind organizarea și funcționarea Ministerului Justiției [Government Decision no. 83/2005 on the organisation and functioning of the Ministry of Justice]

H.G. nr. 703/ 2006 pentru aprobarea Strategiei naționale privind politica de cooperare internațională pentru dezvoltare și a Planului de acțiune pentru aplicarea Strategiei naționale privind politica de cooperare internațională pentru dezvoltare [Government Decision no. 703/ 2006 approving the National Strategy on the Development Cooperation Policy and the Action Plan for the implementation of the National Strategies]

H.G. nr. 728/21.07.2010 pentru modificarea și completarea H.G. 11/2009 privind organizarea și funcționarea Ministerului Muncii, Familiei și Protecției Sociale [Government Decision no. 728/21.07.2010 amending and supplementing Government Decision no. 11/2009 on the organisation and functioning of the Ministry of Labour, Family and Social Protection]

H.G. 747/2007 privind reglementarea acțiunilor specific aferente finanțării asistenței din cadrul politicii naționale de cooperare pentru dezvoltare [Government Decision 747/2007 regulating the specific actions for financing assistance under the national policy on development cooperation]

H.G. nr. 860/2008 privind aprobarea Strategiei naționale în domeniul protecției și promovării drepturilor copilului 2008-2013 și a Planului operațional pentru implementarea Strategiei naționale în domeniul protecției și promovării drepturilor copilului 2008-2013 [Government Decision no. 860/2008 adopting the National Strategy in the field of Protection and Promotion of Child Rights 2008-2013 and the Operational Plan for its implementation]

H.G. nr. 1385/ 18.11.2009 privind înființarea, organizarea și funcționarea Autorității Naționale pentru Protecția Familiei și a Drepturilor Copilului [Government Decision no. 1385/ 18.11.2009 on the establishment, organisation and functioning of the National Authority for the Protection of Family and Child Rights]

H.G. nr. 1432/2004 privind atribuțiile, organizarea și funcționarea Autorității Naționale pentru Protecția Drepturilor Copilului [Government Decision no. 1432/2004 on the attributions, organisation and functioning of the National Authority for the Protection of Child Rights]

H.G. nr. 1437/2004 privind organizarea și metodologia de funcționare a Comisiei pentru protecția copilului [Government Decision no. 1437/2004 on the organisation and functioning rules of the Commission for Child Protection]

H.G. nr. 144/2010 privind organizarea și funcționarea Ministerului Sănătății, cu modificările și completările ulterioare [Government Decision no. 144/2010 on the organisation and functioning of the Ministry of Health, as subsequently amended and supplemented]

H.G. nr. 1849/2004 privind organizarea, funcționarea și atribuțiile Administrației Naționale a Penitenciarelor, actualizată [Government Decision no. 1849/2004 on the organisation, functioning and attributions of the National Administration of Penitentiaries, updated]

O.U.G. nr. 116/2007 privind organizarea și funcționarea Agenției Naționale pentru Prestații Sociale [Emergency Government Ordinance no. 116/2007 on the organisation and functioning of the National Agency for Social Benefits]

O.U.G. nr. 68/ 30.06.2010 privind unele masuri de reorganizare a Ministerului Muncii, Familiei și Protecției Sociale și a activității instituțiilor aflate în subordinea, în coordonarea sau sub autoritatea sa [Emergency Government Ordinance no. 68/ 30.06.2010 on certain measures for the reorganisation of the Ministry of Labour, Family and Social Protection and the activity of institutions under its subordination, coordination or authority]

Ordinul Ministerului Sănătății nr. 1078/27.07.2010 privind aprobarea regulamentului de organizare și funcționare și a structurii organizatorice ale direcțiilor de sănătate publică județene și a municipiului București [Order of the Ministry of Health no. 1078/27.07.2010 approving the regulation for the organisation, functioning and organisational chart of the county and Bucharest public health directorates]

National Statistics Institute, *Tempo online* statistic programme

www.avp.ro/raport%202009/sinteza%20a%20raportului%20institutiei%20avp%20pe%202009.pdf

www.anpfdc.ro/afisareact.aspx?id_act=345

www.aod.ro/resurse/Strategia%20Nationala.pdf

www.concordeurope.org

www.cdep.ro/pls/steno/steno.stenograma?ids=6601&idm=21

www.cdep.ro/pls/legis/legis_pck.htm_act?ida=422

www.copii.ro/Files/Raport%20ANPDC%202005%20final_20073281744875.pdf

www.copii.ro/Files/Raport%20Geneva_200710164458906.pdf

www.crin.org/resources/find_altrep.asp

http://discutii.mfinante.ro/static/10/Mfp/buget2010rectificat/Legea_Bugetului_de_Stat_nr.11-2010.pdf

www.dspb.ro/asistentamedicala/unitati_ms.pdf

www.dspb.ro/asistentamedicala/unitati_dspmb.pdf

www.dspb.ro/asistentamedicala/unitati_pmb.pdf

http://ec.europa.eu/public_opinion/flash/fl_235_en.pdf

<http://fondromania.org/pagini/statutul-fond.php>

www.mae.ro/sites/default/files/file/userfiles/file/pdf/aod/AOD_raportare_2008.pdf

www.mae.ro/sites/default/files/file/userfiles/file/pdf/aod/AOD_raportare_2007.pdf

www.prestatiisociale.ro/legi/OUG_116_2007.pdf

www.salvaticopiii.ro/romania/ce_facem/programe/promovarea_drepturilor.html

www.telefonulcopilului.ro/

<http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ROM-CO-4.pdf

www2.ohchr.org/english/bodies/crc/sessions.htm

Abbreviations

NAPCR	National Authority for the Protection of Child Rights (reorganised as the NAPFCR in November 2009)
NAPFCR	National Authority for the Protection of Family and Child Rights (closed down in June 2010)
NAPD	National Authority for People with Disabilities (closed down in June 2010)
CRC (or the Convention)	UN Convention on the Rights of the Child
GC no. 5	General Comment no. 5 of the UN Committee on the “General measures of implementation”
UN Committee	United Nations Committee on the Rights of the Child
MFA	Ministry of Foreign Affairs
MERYS	Ministry of Education, Research, Youth and Sports
MLFSP	Ministry of Labour, Family and Social Protection
DGSWCP	Directorate General for Social Work and Child Protection (subordinated to county councils)
DGCP	Directorate General Child Protection (within MLFSP)
CCS	Community Consultative Structure
PSWS	Public Social Work Service
NGO	Non-governmental organisation

Other reports in this series:

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in Italy?

Politiche per l'infanzia, a che punto siamo? Le misure generali di attuazione della Convenzione Onu sui diritti dell'infanzia e dell'adolescenza in Italia

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in Lithuania?

Valdymas, atitinkantis vaiko poreikius. Vaiko teisių konvencijos bendrujų priemonių įgyvendinimas Lietuvoje nacionaliniu ir vietos lygiu

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in Romania?

Administrație publică în beneficiul copiilor. Măsurile generale de implementare a Convenției privind

Drepturile Copilului la nivel central și local în ROMÂNIA

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in Sweden?

Bra beslut för barn. Samhällsstyrning för barns rättigheter.

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in the UK?

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in the EU Institutions?

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in five European Countries?

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in five European Countries? Executive summary of a comparative study.*

* *The executive summary is also available in Italian, Lithuanian, Romanian and Swedish.*

The Project Governance fit for Children

This report is part of an overarching project across five European countries and the EU institutions. Save the Children has received financial support from the European Commission's Fundamental Rights and Citizenship Programme to carry out the project Governance fit for Children to assess how far the general measures of implementation of the UN Convention on the Rights of the Child (UNCRC) have been realised at European, national and community level.



The general measures of implementation in the Convention on the Rights of the Child (articles 4, 42 and 44.6) concern the structures and mechanisms which need to be in place if the whole of the UNCRC is to be implemented holistically .

The project focuses on the EU institutions and five European countries: Italy, Lithuania, Romania, Sweden and the United Kingdom.