

P4P COUNTRY INFORMATION ON CHILD PROTECTION SYSTEMS	
COUNTRY	
REPORT AUTHOR	

1. GENERAL DESCRIPTION OF CHILD PROTECTION SYSTEM AND PARTICULAR RISK GROUPS

Note: This section should include a summary of the child protection system, reporting mechanisms, support services and information on the needs of specific groups. (Approx 10 pages)

Child Protection System

After the political shift (1989), the first reform of the child protection system in Romania took place in 1997. But the organization, operation and responsibilities of the child protection institutions as response to violence against children and have been stipulated later, by law no. 272/2004 on *Protection and Promotion of Child Rights*. The law suffered several modifications, but its basis have been maintained till today.

On a central level, the **institution responsible for monitoring the national system and activities of child welfare is the National Authority for Protection of Child Rights (NAPCR)**. Its aim is **to coordinate** and **control** the entire activity concerning the protection and promotion of children on a **national level**, as well as to **monitor** the observance of child rights in Romania. Thus, the National Authority for the Protection of Child Rights elaborates law projects, methodologies, guides and work procedures for child service providers. At the same time, it centralizes data concerning the child protection system and data concerning child rights on a monthly, quarterly or annual basis. Through its representatives, the National Authority for Protection of Child Rights performs controls concerning information they have received or automatic controls, it recommends and, accordingly proposes to

public or private legal persons who are in charge of supplying protection services to apply sanctions. It also elaborates the strategy in the field and programs for the accomplishment of strategic objectives.

On the level of the Romanian territorial administrative units, respectively on the level of counties/districts (41 and, respectively, 6 districts), as well as on the level of towns, cities and communes (totalling to 3038), the public county and local administrative authorities have the obligation to guarantee and promote the observance of child rights, through the insurance of activities and services of risk prevention concerning the violation of child rights (on a local level), as well as to insure special protection for children who are temporarily or permanently lacking parental care (on a county level).

1. Thus, the following institutions operate on the level of the 41 **counties** and on the level of each of the 6 **districts** of Bucharest:

- **Child Protection Commissions (CPC)**, as a specialized deliberative body of the County Council, respectively of the Local District Council of Bucharest, which has the role, among others, of ruling (as an administrative instance) special protection measures, with the parents' agreement.
- **General Directorates for Social Assistance and Child Protection (DGASPC)**, as public institutions with a legal personality, in the suborder of the County Council / the Local District Council of Bucharest, with the role of insuring the application of social assistance policies and strategies concerning the protection of children, family, single persons, elders, persons with disabilities, as well as any persons who are in need, on a county, respectively on a district level.

These general directorates have the **set of residential and family type services (special protection measures outside the child's own family)** in their suborder which are destined **for children** (children who are temporarily separated from their family, with the agreement/on their parents' request – the measure is decided by the CPC – children who are in danger in their family, who do not have their parents' agreement and children who have no parents or whose parents have been fallen from their rights.– the measure is decided by the court, on the request of the General Directorates for Social Assistance and Child Protection);

The General Directorates for Social Assistance and Child Protection also have responsibilities especially in cases of abuse, neglect or exploitation when children need protection outside the family. These responsibilities are complementary with those of the Local Councils (see below). Thus, it is essential that General Directorates for Social Assistance and Child Protection and the Local Councils maintain a close collaboration.

Article 92 of law 272/2004 regulates the obligation of the general directorate for social assistance and child protection to check and solve all the notifications that concern potential situations of abuse or neglect. If the result of the performed verification confirms the respective child abuse or neglect, the general directorate for social assistance and child protection is obligated to insure the performance of specialized services for the respective children. Thus, it must be specified that art. 26 align. (1) of Law no. **217/2003 on prevention and control of violence in the family** stipulates that if there are solid evidence or indications that a family member has caused physical and psychological harm to another member, the legal court can rule that the abuser be banned from the family's residence, on the victim's request or if the legal court agrees to it.

Based on **Art. 92 of law 272/2004** representatives of the general directorate for social assistance and child protection has **the access right** of to the headquarters of legal persons, as well as to the headquarters of natural persons, **in order to verify complaints regarding potential acts of child abuse or neglect.**

In order to perform their dispositions according to this article, representatives of the general directorate for social assistance and child protection benefit from the **mandatory support of the Police.**

If the verifications performed by specialists prove the existence of an imminent danger for the child, the manager of the general directorate for social assistance and child protection can decide that the child **be urgently placed in the care of the state**, if the parents agree to this.

In a term of 48 hours after taking this measure, the general directorate for social assistance and child protection will notify the court, which is the only competent institution that can influence the opportunity of maintaining the urgent placement of the child, about the necessity to replace the child's placement and the execution of the parents' rights.

If the natural or legal persons that insure the child's care and protection oppose to the verification of notifications of abuse or neglect and there are solid reasons that prove that the child is abused or neglected, the representatives of the general directorate for social assistance and child protection will notify the court, requesting the establishment of the

child's urgent placement in the care of the state through a **presidential ordinance**; thus, the court will receive information concerning the possible harming of the child and the seriousness of this act, the existence of the child's prior injuring, the child's current state and his/her statement.

It is also important to specify that it has been ruled that **causes that involve children will be urgently solved**, court terms for the establishment of a protection measure will not exceed 10 days and, on the basis of a presidential ordinance issued by the competent court, the general directorate for social assistance and child protection can insure the child's urgent protection in cases where he/she is the victim of abuse, neglect, exploitation or child traffic (art. 124-131, art. 64-67, art. 94 – Law 272/2004);

2. In the case of towns and cities, on a **local** level, the law stipulates the mandatory foundation of the Social Assistance Public Service (SPAS), in the suborder of the Local Council and on a commune level, the structure of the local communal council stipulates the minimum existence of people who have social work attributions.

The role of SPAS is to monitor the observance of child rights in the administrative-territorial unit, to inform families with children about the parents' rights and obligations, about the child's rights, as well as about the identification and assessment services of risk situations which are available on a local level, and granting **services and benefits** for the child and the family. These services (SPAS), as well as the local communal councils have support services for the child and the family in their suborder and they have to maintain, rebuild and develop the child's and the family's capacity of overcoming situations of crisis and maintaining the family unity.

Reporting obligations

Regarding the existence of a child abuse reporting system, it should be said that Law No 272/2004 on the protection and promotion of children's rights sets forth clear provisions on child abuse reporting obligations for practitioners, individuals or authorities with relevant competencies.

“Article 91 (1) Any person who, by the nature of their profession or occupation, works directly with a child and has suspicions about child abuse and neglect must notify the public social assistance service or the general directorate for social assistance and child protection in whose area the case has been identified.”

The guideline for the implementation of the Law no. 272/2004 regarding the protection and the promoting of children rights¹ gives details and examples the professional categories to which the law refers to: social workers working in the maternities, pediatrics sections, SPAS representatives, medical staff that monitors pregnant women, teachers, maternal assistance, the staff from the residential institutions for the child's protection, police workers, DGASPC representatives and private authorized institutions (ONG'S) . There are no clear sanctions regarding the lack of notification. Except some professional categories: if the abuse or neglect has been committed by people who, based on legal employment relations or another kind of relationship, have been providing protection, upbringing, care or education to the child, the employers must immediately notify prosecuting agencies and separate the person in question from the children in their care.

At the same time, public or private institutions and public or private residential care services providing child protection, upbringing, care or education are not allowed to hire a person who has received a final conviction for an intentional crime.

Regarding the reporting of CAN **Art. 91 of law 272/2004** regulates the responsibility of each person (medical personnel, educational staff, care taker, family worker etc.), who is in a position that allows him/her to observe the child for a sufficient time period, to notify the responsible authorities of possible acts of abuse or neglect in order to assess and intervene to remove the danger under which the child is placed. According to this article, it is not necessary for the person who files the complaint to have material evidence, the existence of elements that generate suspicion concerning a potential abuse being sufficient.

In order to facilitate the submission of complaints concerning these aspects and in order to establish an operative intervention, law 272/2004 regulates the general social assistance directorates' obligation to create **the children's hotline and to promote this telephone number.**

The children's hotline is a service that aims to receive reports of child abuse, neglect or exploitation, to obtain a series of preliminary information that allows intervention, to insure a primary telephone counselling and to immediately intervene through a mobile team. These aspects are regulated through Order no. 177/2003 of the State Secretary of the National Authority for Child Protection and Adoption.

Child Protective Services

¹ The manual for implementing Law no. 272/2004 regarding the protection and promoting of children rights, UNICEF Romania and ANPDC, Ed. Vanemonde, 2006

Law no. 272/2004 sets out services aimed at preventing the separation of the child from his/her parents, and the special protection services for the child who was temporarily or permanently separated from his/her parents.

The following types of services have been established: day care, family-type services and residential-type services.

DAY CARE

These are the services which ensure maintenance, recovery and development of the abilities of the child and his/her parents, in order to overcome the situations which might trigger the separation of the child from his family. They include:

- a. day care centers;
- b. counseling and support centers for parents;
- c. assistance and support centers for children with mental health and social problems;
- d. follow-up, assistance and support centers for pregnant women prone to abandon their child.

FAMILY-TYPE SERVICES

The family-type services are those services which provide, at the domicile of an individual or family, upbringing and caring for the child who is temporarily and permanently separated from his/her parents, as a result of establishing the placement measure. The services include foster care and support services for placement families.

RESIDENTIAL-TYPE SERVICES

The role of the residential-type services is to ensure protection, upbringing and caring for the child who is temporarily or permanently separated from his/her parents, as a result of establishing the placement measure.

These services include:

- a. placement centers (family-type care homes)
- b. emergency child reception centers
- c. maternal centers.

2. ANALYSIS OF CHILD PROTECTION SYSTEM ACCORDING TO THE 10 PRINCIPLES OF INTEGRATED CHILD PROTECTION SYSTEMS

1. Every child is recognized, respected and protected as a rights holder, with non-negotiable rights to protection.
2. No child is discriminated against.
3. Child protection systems include prevention measures.
4. Families are supported in their role as primary caregiver.
5. Societies are aware and supportive of the child's right to freedom from all forms of violence.
6. Child protection systems ensure adequate care
7. Child protection systems have transnational and cross-border mechanisms in place.
8. The child has support and protection
9. Training on identification of risks
10. There are safe, well-publicized, confidential and accessible reporting mechanisms in place

Note: Refer to the reflection paper from the 9th European Forum on the Rights of the Child for an elaboration of these principles (available in Dropbox WP2). Your review can be based on monitoring reports, ombudsman and inspection reports and reports to the UN Committee on the Rights of the Child and the Committee's observations). Some of the principles will feature more prominently than others in the analysis. Key questions to consider are:

- Is the existing model rights-based?
- Are children enabled to participate?
- To what extent has feedback from children been collated as part of any monitoring systems?
- To what extent is data on violence against children available and is it disaggregated and are children's opinions documented?
- Are there gaps and weaknesses in the system?
- Are there particular groups that are not adequately provided for?

According to FRA (2015):

“In integrated child protection systems, the emphasis should be on primary prevention and the development of generic services for children and families. However, the identification, reporting and referral procedures of children in need of protection are also of paramount importance. Procedures and methods of assessment by competent authorities of the reporting of cases should reflect the principle of the

best interests of the child and seek to take into consideration children's views"².

Prevention of violence against children

The analysis of FRA (2015) follows the basic framework drawn by recommendations of the UN Report (2012:5) that there is a need to establish "safe, well-publicized, confidential and accessible" reporting mechanisms for children victims of violence. The implementation of child-friendly reporting mechanisms including help-lines through which children can speak with a trained counselor, was among the recommendations of the United Nations study (2007) on violence against children as well. Children need to be aware of these mechanisms, so the same study recommended that "in every locality and every setting there should be well publicized easily accessible services to investigate reports of violence against children." (UN, 2012:5).

With respect to accessibility, there are public social services at local and regional (county) level where professionals, adults and children can report situations of violence against children. Beside this, 38 Social Assistance and Child Protection General Directorates have founded a „children hotline" service. 35 General Directorates for Social Assistance and Child Protection have a short telephone number especially meant to be used for the notification of cases of abuse, neglect, exploitation. Aside from these 38 lines, there is also an operating Green Hotline for Child Protection - 0800-8-200-200 – which was created in 2001 and supported by the the National Authority for Protection of Child Rights through Phare programmes, for 4 years and is currently working as a Nongovernmental Organization. The Green Hotline for Child Protection is a free information and counseling telephone service concerning the problems of child and family protection. Recently, it also received the unique telephone number, 116111, that is used on an European level for notifications regarding violence against children which will become operational from October 1st 2008. The phone calls from potential beneficiaries are operated by the Green Hotline's qualified personnel, consisting of therapists, social workers and legal professionals and they are directed to specialized services.

² <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection>, accessed 18.06.2015

HOT LINE DATA

The UN study [9] recommends the creation of ways to report violence through new technologies, in Romania it is possible to report online.

This respects the recommendation of the Council of Europe [13] that children should be actively engaged and *“the state and other appropriate actors should listen carefully to children’s views in the light of the contribution that the child’s perspective can bring to the quality of solutions under examination”* [13] (p. 10).

Unfortunately, due to financial difficulties, help-lines are functional only during a select number of hours, so there is a need to make help-lines functional non-stop.

On-going promotion, awareness campaigns, or other initiatives to promote help-lines are rarely organized. Further efforts are needed to invest in awareness raising campaigns to promote non-violent behavior, hot-lines and services.

The existence of standardised procedures, guidelines and tools make reporting more accessible for professionals and the public. In Romania there are no standardised procedures, guidelines or tools and there are no nationally and regionally used assessment questionnaires

This suggests the need for further research to validate and implement standardised procedures, guidelines and tools. During their implementation high quality training and supervisory support should be organized.

In Romania there is mandatory reporting for professionals for all forms of violence against children. According to the FRA study (2015) there is select mandatory reporting, which covers professional groups, but not the civilians.

Evaluation of the system and the services provided for children is, according to FRA (2009), one of the output indicators of an integrated child protection system. There haven’t been previous evaluations of the child protection system in Romania.

Children are not involved in the development and evaluation of the reporting system FRA (2014) children should have the right to participate in the planning, but also in the evaluation of these services as well, further investments should be needed to involve children in the evaluation of the child protection system and services..

Suspected cases of violence against children are necessarily investigated, and risk assessment is performed even if there are no nationally applicable child protection assessment tools.

Discrimination of Roma and disabled children

Although the child protection system has been working since 1997, in some regards it is at the beginning of the professionalization: there are no evidence based intervention methods for children and families. There are legal standards based on the EC and UN requirements, there has been little or no investment in capacity building for specialists and no evaluation of services. One result of this can be that the whole system is highly bureaucratic and defensive.

The importance of investment in capacity building and training is also highlighted in several international documents. For example, the recommendations of the UN for reducing violence against children state that, "capacity building and training initiatives should be developed to ensure that those working with and for children have the necessary knowledge and skills." (UN, 2012:24). The *Mapping study* conducted by [FRA \(2014\)](#) identified that under-reporting is due to the failure of professionals to recognise abuse and fulfill their professional responsibilities to protect children.

There is still a great need for comprehensive training of professionals working with children in protective and other institutions in how to listen to children and identify victimization. There is a gap in the training of the professionals who are in contact with children (educators, teachers, health professionals, etc) who are expected to report violence against children, but also in the training of specialists who deal with the reports, who perform the investigation and follow-up. It should be much more invested in continued education and training of professionals who are in contact with children with the aim of increasing the reporting of violence against children as well as continuing education and training of staff of CP/social/family/residential services, in order to increase their capacity and skills to safeguard children and offer to use evidence based instruments and offer quality services.

According to FRA (2015) to ensure effective integrated child protection systems attention should be paid on cross-sectorial coordination. In decentralised systems

the need for cooperation and coordination is even more vital (FRA, 2014).

Although DGASPC should coordinate, roles are not clear

CONCLUSIONS

Romania created a large range of services to respond to violence against children: there are accessible specialized reporting services, free helplines for children, children have the legal right to counselling and support, there is some degree of coordination to respond to situations of violence against children. Services were created which aim the prevention of separation of children from their families. Professionals are obliged to report by mandatory reporting law, but there are no consequences for not reporting. Reporting procedures are not clear and there are no guidelines and forms which help professionals and civilians to report violence against children. The lack of clear reporting procedures, forms and guidelines can create delays or leads to the underreporting of cases (FRA, 2015).

There is a need to validate and implement different standardised assessment tools (including risk assessment, strengths and difficulties of families and children, parenting abilities, etc). There is limited evidence about the effectiveness of the available tools in the field of child protection, and further piloting of these instruments and research is now needed.

Regarding the provision of services, there are more and more day-care services and a very small range of therapeutic services. psychiatric medical services BECAN statistici copii.ro The involvement of other services, the development of strong inter-agency collaboration protocols, an opening towards a more therapeutic approach developed in the frame of the Family Service Model might create new possibilities.

Services for families

Discrimination of Roma children and children with disabilities.

Residential care

Prevention activities

Public services are oriented to offer benefits

Other areas where there is a need for improvement include: high quality, comprehensive training of the professionals who are in contact with children (educators, teachers, health professionals, etc) who are expected to report

violence against children, but also in the training of specialists who deal with the reports, who perform the investigation and follow-up; improving services for follow-up and monitoring of reported cases of child abuse and neglect. Evaluations of the quality and impact of existing policies and the efficiency of the services. More attention should be paid on child-participation, children are not involved in the development and evaluation of the services.

Romania have been developing policies adhering to higher requirements and adopted strong legal stands, such as a mandatory reporting system, but, unfortunately, adopting laws in itself does not make the system successful . Existing standards are not applied because there is little or no training for specialists and a lack of human resources and a heavy workload of professionals FRA (2014).

We consider that the Recommendations of the Council of Europe (2013) are far from being fully implemented in Romania, in spite of progress being made. Practical implementation often lags behind the laws, principles and policies.

RECOMMENDATIONS

- Professionalization of services should continue in the direction of developing standardised procedures, guidelines and forms for reporting and risk-assessment.
- There is a need to invest in the validation and implementation of different standardised assessment tools, especially those which are supported by evidence.
- In reporting, intervention, service provision and follow-up should emphasize more on collaborative interagency protocols
- Family-based services should be developed as alternatives to more or less bureaucratic legally based child protection services.
- **Prevention**
- **Emphasis on Roma children – community services**
- **Residential care**
- Existing laws should be enforced by awareness raising, trainings and support for specialists.

- There is a need to invest in capacity building and increased support for specialists with respect to reporting (mandatory or voluntary).
- It should be much more invested in continued education and training of professionals who are in contact with children with the aim of increasing the reporting of violence against children as well as in continuing education and training of staff of CP/social/family/residential services, in order to increase their capacity and skills to safeguard children and offer to use evidence based services.
- There is a need to increase the participation of children in the development and assessment of services.

3. GOOD PRACTICE EXAMPLES

Note: Provide any examples of good practice models. The focus of our analysis of good practice is on 'participation'. The Lundy model of participation can be used to assess good practice (available in Dropbox WP2). If possible provide examples of good practice with particular vulnerable groups. Remember that these examples will be used to inform the development of training resources.
(Parts 2 and 3 should be approximately 10 pages)

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Publisher:

SOS Children's Villages Romania

This project Association of SOS Children's Villages Romania seeks to promote a model of integrated services for young people from disadvantaged groups. The project addresses the rural youth and the child protection system in the counties of Sibiu, Bacau, Bucharest-Ilfov and of integrated services and involves giving work to a total of 245 young people, on the basis of individualized plans and local plans. The project focuses on partnering at local and county levels, on resource mobilization at the level of authorities, communities and young people and on meeting the needs identified locally. The project was implemented by the Association of SOS Children's Villages Romania in partnership with the Federation of NGOs for Children. The project promoter has an experience of over 15 years in providing young people separated from their parents and more than 6 years in providing services to young people in rural areas.

PROJECT OBJECTIVES

- Improving life skills and labor market integration opportunities for 245 young beneficiaries of the project
- Increasing the capacity of actors to provide support to young people locally and at county levels
- Creation of local- and county networks to better meet the needs of young people using methodologies developed in the project

Read more information:

<https://www.sos-satelecopiilor.ro/pe-cine-ajutam/proiecte/servicii-integrate-ofe...>

Topic(s):

[Community programmes](#)

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[integration](#)

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Country(s) this content is relevant to:

Romania

<https://www.sos-satelecopiilor.ro/wp-content/uploads/2016/08/concluzii-studiu-tineri.pdf>

<https://www.sos-satelecopiilor.ro/pe-cine-ajutam/proiecte/servicii-integrate-oferite-tinerilor/>

BASELINE STUDY TO MAP CHILD PROTECTION PRACTICES AND RELATED WORKFORCE NEEDS- COUNTRY REPORT ROMANIA

<https://childhub.org/en/child-protection-multimedia-resources/leap-publication-impact-and-results-document>

The E-Magazine introduces the results of the EU-funded project *LEAP: Life Skills, Leadership and Limitless Potential, Participatory Methods for Working with Children and Young People Affected by Sexual Violence*.

Partners in the project have strengthened capacities of more than 500 professionals to work with young people affected by sexual violence in a more participatory way. Young people became youth facilitators to deliver a 12-session peer-program during which young people could decide on creative projects to work on and complete. ChildHub participated by organising a series of webinars, putting together newsletters and producing an **e-learning course** that is based on the training delivered to professionals in four countries (Bulgaria, the Netherlands, Romania, UK).

Barry Percy-Smith, Cath Larkins and Ábel Bereményi: Supporting the Participation and Empowerment of Young Roma (Guide for professionals)

http://www.peeryouth.eu/ctrl/Home/PEER_guide_Professionals%20Dec%20%2015_for%20%20publication.pdf

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PEER Action Guide - By Young Roma for Young Roma and ALL children

<http://peeraction.eu/en/>

Ghid de acțiune PEER - De tineri Romi pentru tineri Romi și toți copii

<http://peeraction.eu/ro/>

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