

# NATIONAL STRATEGY 2014 - 2020 FOR THE PROTECTION AND PROMOTION OF CHILDREN'S RIGHTS IN THE CONTEXT OF EUROPEAN POLICIES

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**Abstract:** *Social inclusion is one of the objectives of the Europe 2020 Strategy for economic growth and it is one of its biggest challenges. The allocation of significant funds for certain programs targeting vulnerable groups may seem a waste of resources if the analysis of long-term impact is not taken into account and the fact that integrated social programs may lead, among other things, as a result of accessing public services, to a better education of the population and so to increase social inclusion likely to translate into reducing the number of people living in poverty. To achieve the Europe 2020 Strategy goals, The European Commission considers a priority social investment and modernizing social protection systems. Therefore in this article we proposed to realize an analysis of the compatibility of national strategy 2014 - 2020 concerning the protection and promotion of child rights and European policies. Also, in this article we describe an innovating programme for intervention to the community level which could be used to the national scale and which could lead to achieving some settled objectives at the European Union level.*

**Key words:** *Strategy, poverty, vulnerability, inclusion, integrated social services.*

**JEL Classification:** I38, K38

## 1. Brief history of policies regarding the child protection in Romania

Romania has ratified since 1990 The United Nations Convention on the Rights of the Child (UNCRC), but the first coherent legislative package was only adopted in 2004.

The creation of the child protection system, since 1997, has produced significant changes in the conditions offered by institutions, the vast majority of placement centres above 150 seats being closed.

Restructuring of the social services system for children in Romania was one of the conditions imposed on our country for accession to the European Union, an extremely important role having non-governmental organizations (NGOs) which contributed to the diversification of social services by transferring competence and knowledge to existing structures or by establishing new structures. Thus, with the support of these organizations were established public institutions specialized in child protection, starting from the implementation of pilot projects through which there were established first specialized public services of child protection.

The period after 2004 was characterized by a fundamental change in social policy, creating the cooperation premises between the various systems that provided services for children in difficulty, aiming at coordinating efforts and limiting wastage of allocated resources.

Through Law no. 272/2004 on the protection and promotion of child rights which was drafted in 2004 and entered into force in 2005, Romania transposed fully into national legislation the principles of the United Nations Convention on the Rights of the Child. In this normative act a particular attention was given to the observance of all children's rights without referring no more only to the services provided for children separated from their families as the previous normative act did, Ordinance no. 26 of 1997. Under this normative act in force at this moment, great importance is given to the family, which must be

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supported in maintaining its unity by the local community to which it belongs and by the Romanian state in subsidiary. New family type services have been developed, professionals were trained in specific child care jobs and in 2004 mandatory minimum standards have been developed for most existing services.

The European Commission reports after 2000 showed that Romania has made significant progress in child protection field "recognized by the Independent Panel of Experts on Family Law of EU Member States in May 2005", the progress being "considered satisfactory compared with best practice in Member States" (COM 2005, p.17), still being necessary to diversify and improve the quality of prevention services and protection services for children separated from their parents.

In 2009 the UN Committee on the Rights of the Child, in its 51<sup>th</sup> session held under Art. 44 of the Convention, welcomes the many legislative and administrative measures taken by Romania to implement the Convention, but makes a number of recommendations (CRC, 2009). In the document adopted by the Committee it is noted that the National Strategy on Child Rights Protection 2008 - 2013 was approved, Committee voicing concern that the strategic plan and strategy " may insufficiently address the most vulnerable groups " (CRC, 2009). In the same document, the Committee recommends the allocation of adequate resources to implement the strategy, paying increased attention to children from vulnerable groups (e.g. children living in poverty) and also the strengthening of the administrative capacity of the National Authority for Child Rights Protection (NACRP).

Despite this recommendation, in 2010 ANCRP was transformed into a general direction for the protection of child rights within the Ministry of Labour, the role and responsibilities of the institution being considerably diminished.

## **2. Child protection policies at this time**

In 2014, through the Emergency Ordinance no. 11 on the adoption of some reorganization measures at the level of central public administration and for the amendment and completion of certain normative acts, which came into force on 21.03.2014, the National Authority for Child Rights Protection and Adoption (NACRPA) was established as a specialized body of the central public administration, with legal personality, subordinated to the Ministry of Labour, Family, Social Protection and Elderly (MLFSPE). According to art.5 paragraph (2) of the Emergency Ordinance no. 11/2014, NACRPA was organized by taking over the activities in the field of child protection from the Ministry of Labour, Family, Social Protection and Elderly and the activities in the field of adoptions from the Romanian Office for Adoptions, which within 30 days after the entry into force of the emergency ordinance ceased functioning.

In this context, in order to substantiate the National Strategy 2014 - 2020 For The Protection And Promotion Of Children's Rights an assessment on how had been achieved the previous strategy objectives in the field was not carried out, but it was conducted an assessment of the system at that time, and the objectives were formulated based on the identified needs and taking into account the guidelines established through the European strategies or other European policy documents.

The analysis of the needs in the field of child rights protection was developed under the guidance of a group coordinated by the Ministry of Labour, Family, Social Protection and Elderly, with technical and financial support from UNICEF Romania. The analysis was done by involving all central institutions with responsibilities in the field of child rights protection, an important part of the Romanian civil society, NGOs with sustained activity in the protection and promotion of child rights and children's associative structures. At the

same time, in setting the objectives, measures and the operational plan there have been taken into account the results of a conclusive report elaborated within the project "Improvement of the organizational effectiveness of the child protection system in Romania" implemented by MLFSPE in partnership with SERA Foundation Romania, which involved the national evaluation of the General Directorates for Social Assistance and Child Protection, Public Services of Social Assistance but also the results of other institutions and organizations involved in the assessment of child protection system, education and health system in Romania.

Thus, in order to complete the objectives of the National Strategy 2014 - 2020 for the Protection and Promotion of Children's Rights there were taken into account both the European Commission Recommendation no. 112/2013 "Investing in children: breaking the vicious cycle of deprivation" and some of the objectives of Europe 2020 Strategy. Another defining factor in setting National Strategy 2014 - 2020 for the Protection and Promotion of Children's Rights was the European Commission's Social Investment Package, through which it can be ensured the attainment of some of the objectives proposed by the strategy.

With a view to establishing the objectives and finalizing the national strategy concerning the protection and promotion of child rights, as it results from the adopted document, it was used as a benchmark the Strategy of the European Council Strategy for the Rights of the Child 2012-2015, which is a useful model in developing national policies in the field.

In this context, the National Strategy 2014 - 2020 For the Protection and Promotion of Children's Rights and the Operational Plan to implement the strategy were approved through the Government Decision no. 1113/2014. Through this strategy, the National Authority for Child Rights Protection and Adoption, which is the initiator of the programmatic document, has tried to change the approach within the child rights protection system meaning that it no longer wished to do only an intervention on children separated from their families as a result of certain vulnerable situations, late identified, but an intervention on causes that can determine such situations. Therefore NACRPA tries through this strategy to change the approach of intervention, from granting some child protection measures to measures on compliance with children's rights in general, as recommended as well by the UN Committee on the Rights of the Child in its 51<sup>st</sup> meeting, reaffirming the importance of parental responsibility. At the same time, the strategy comply with the recommendation made by the Council of Europe to the Member States to modernize social protection systems (EU, 2013).

The adopted national strategy contains 4 general objectives as follows:

- Improving children's access to quality services;
- Respect for the rights and promoting social inclusion of children in vulnerable situations;
- Preventing and combating all forms of violence;
- Encourage children's participation in decisions that affect them.

For each of the general objectives of the strategy specific objectives and measures were set which transpose into national policies both the Europe 2020 Strategy targets regarding the decreasing of number of people who suffer or are likely to suffer from poverty or social exclusion through combating early school abandonment and objectives that respond to the European Commission Recommendation no. 112/2013 "Investing in children: breaking the vicious cycle of deprivation" that each member state to develop multidimensional strategies for combating poverty and social exclusion of children aimed at improving their quality of life (EU, 2013).

The specific objectives published in the Operational Plan for implementing the Strategy are:

- Increasing the coverage of services at the local level;
- Improvement of services provided to children;
- Increasing the capacity of beneficiaries to access and use public services for children and families;
- Strengthening the capacity to assess and monitor child rights and the social situation;
  - Ensure a minimum of resources for the child within a national poverty reduction program;
  - Reducing the gap between children from rural and urban;
  - Removing barriers of attitude and environment for rehabilitation and social reintegration of children with disabilities;
  - Bridging the gap between the Roma children and non-Roma children
  - Continuation of transition from institutional care to community care of the children;
  - Reduction of the phenomenon of "street children";
  - Encouraging social and family reintegration of children in conflict with the law and prevent relapses;
  - Reducing the influence of risk factors and protective factors growth to the drug abuse and other harmful substances for children correlated with the diversification of integrated social services ;
  - Providing appropriate support to children with parents working abroad and to people who are taking care of them;
  - Promoting a healthy lifestyle among adolescents;
  - Promoting the values of nonviolence and implementing some awareness programs;
  - Reducing violence among children;
  - Develop mechanisms to ensure participation of children.

### **3. Considerations on strategy and current needs**

The national strategy was built, as we have shown, based on a series of reports and analyses made by various stakeholders on social services in Romania, taking into consideration European policies in the field and for the allocation of resources, as well as the recommendations of the UN Committee in 2009.

Studies conducted in Romania have targeted both social, educational and health services within the community and specialized services offered to children separated from their families, but they were not subject to a joint report, the information being found in many materials, which mainly show what the target is, but not how to attain it concretely.

Synthesizing researches from various fields it was outlined the conclusion that there are major imbalances between social services developed in urban areas and those in rural areas, the risk of social exclusion being more pronounced in rural areas. Vulnerabilities (e.g. poverty, abuse, poor education, poor housing conditions etc.) in such cases are multiple and interdependent and the intervention must be interdisciplinary and focused on individual and group needs.

In 2015, after the adoption by Romania of a series of measures with an impact on social services, the European Commission still considered that "reducing poverty and social exclusion remains a major challenge for Romania" (EC, 2015) and in relation to children it considered that special attention should be paid to early care and education. In 2016 the Council of Europe further appreciates that "Romania will not comply with the provisions of the Stability and Growth Pact" (EC, 2016) and considers that further

measures are required to ensure compliance with the Pact for the years 2016 and 2017, recommending, among other things, ensuring access to integrated social services.

According to a recent study elaborated under the auspices of UNICEF and the World Bank (Stănculescu, et al., 2016) only 11% of children from the protective system have received support in the community although the legislation in force establishes that the child's separation from family can take place only after being granted systematically services and benefits, with particular emphasis on appropriate information of parents, their counselling, therapy or mediation. The support given by the communities from which they come has been provided only at a rate of approx. 30% by professionals, which means that effectively the services to prevent the separation required by law were granted even in fewer cases.

In many cases, the causes of child separation from their families are multiple but, based on the analysis of their files, among the most common causes encountered is poverty (Stănculescu, et al., 2016), in 32% of the analysed cases (fig. no. 1), phenomenon which itself should not lead to taking special protection measures.

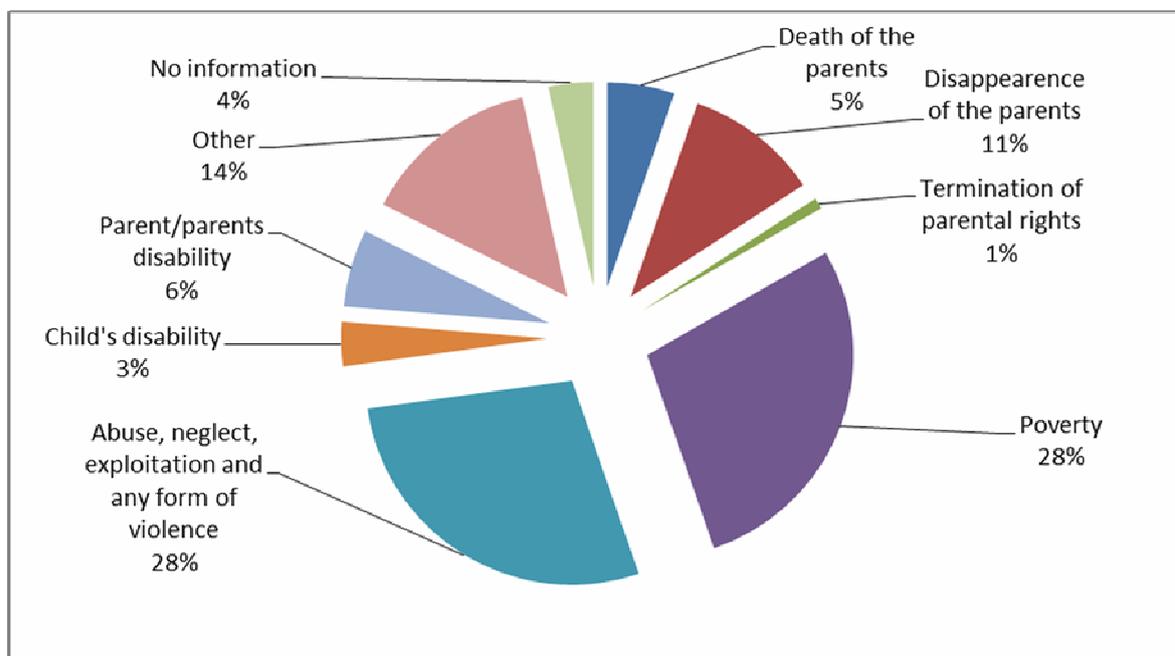


Fig. no. 1 - Causes of children separation from their natural families (Stănculescu, et al., 2016).

Poverty is in fact a phenomenon that includes multiple sizes and which refers both at the lack of resources of an individual or group, and the lack of their access to various services, which is why we believe that treating poverty as a cause itself for separating the child from the family is a wrong approach.

As a matter of fact, in the category of children who are in the special protection system due to neglect, except abandoned children in maternity wards, are found situations where unmet needs are also related to poverty (fig. no. 2).

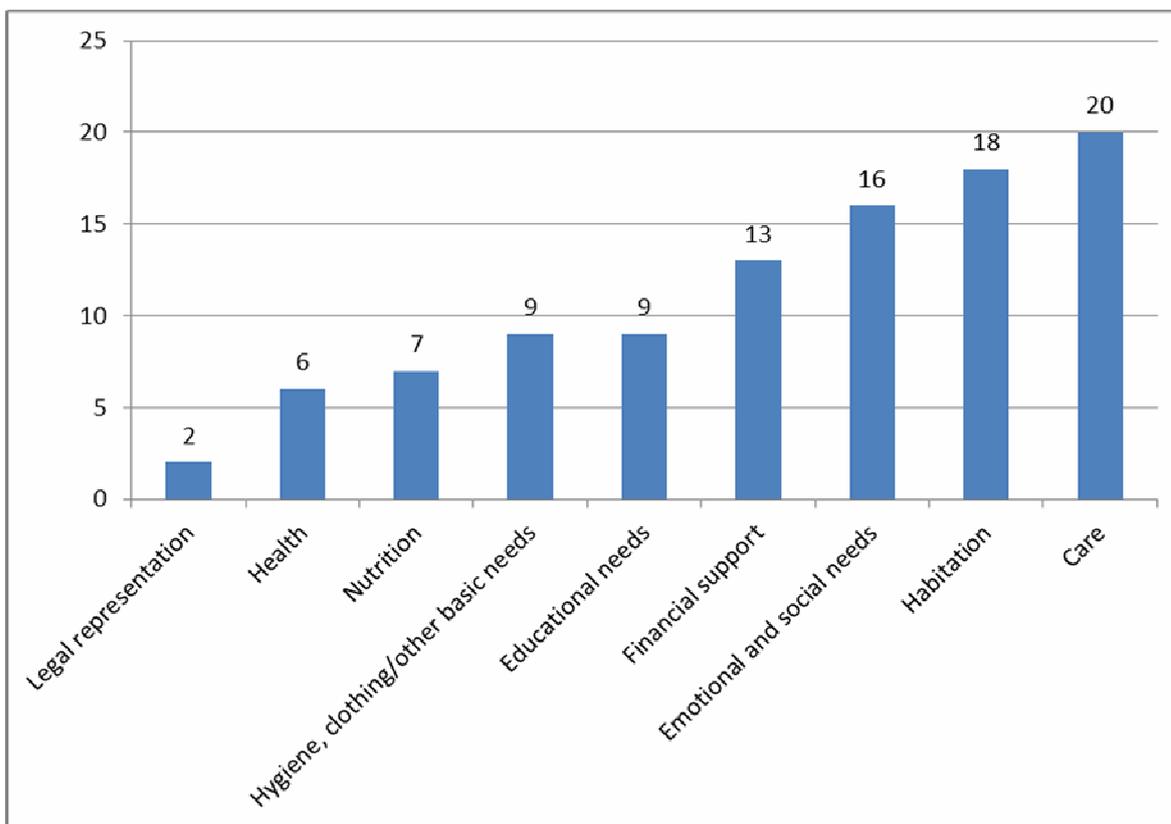


Fig. no. 2 - The needs of children who have been neglected in origin families (Stănculescu, et al., 2016).

After the child's separation from his/her biological family, reintegration of the child in the family occurs, on average, at a period of about 7 years, average costs in the special child protection system, according to the legislation in force until 2016, being 20934.2 lei / child / year. Based on our own case studies conducted in 2014, we can say that one reason for which the average duration of providing specialized services tends to be prolonged, is the fact that are not established correctly the causes that led to the separation of child from the family and therefore no targeted intervention can be done. So, after the child enters into the care system, since it is not correctly identified the separation cause, intervention plan is made unrealistically, the activities described in the personalized plans developed for each child couldn't lead to the removal of the cause that determined the child's separation from family and implicitly to reintegration. Most interventions for children separated from their biological families are made only in interaction with the child, which is seen in many cases, separated from his family of origin.

Another important conclusion drawn from the analysis of reports, but also based on case studies, is the fact that the services provided to prevent separation of children from their parents are insufficient, the primary services consisting largely in granting social benefits that do not lead in all cases to removal of causes which could determine the separation.

Correlating the above-mentioned information, we can say that the lack of services in the community limits the identification of children and their families in situations of vulnerability and where such situations are identified the intervention is realised belated, many of the children reaching to be separated from their families. Given the average length of staying of a child into the protection system and the average cost for a child in this system, the lack of intervention on the causes of separation and the related traumas of the child due to the separation from the parents we can conclude that the intervention in supporting families to remove the causes (vulnerabilities) that can lead to separation would be much more efficient in terms of cost-benefit.

#### **4. Possible model of good practice in providing integrated social services**

Further, our study will focus on measures from the operational plan to implement the strategy aimed at providing children's services in integrated system and which, also can lead to compliance to the recommendations made by the European Commission and by the UN Committee in 2009 on diversification of services for groups of children in vulnerable situations and their upgrading.

The proposal made in the strategy and that aims analysing the possibility of granting a minimum package of social services for children, seems largely to answer some of the most important needs from Romanian social system as they were described above.

Another argument which can be judged that the measure is appropriate it is given by the European Commission proposal from Recommendation no. 112/2013 "Investing in children: breaking the vicious cycle of deprivation" on tackling poverty and social exclusion of children through the integrated strategies, showing that early intervention through the integrated prevention services can have lower costs than those required for the implementation of assistance to remedy the consequences. Addressing the situation of the child through integrated social services is reflected as principle also in the Europe 2020 strategy which aims at promoting long-term social inclusion with benefits for children and society as a whole.

The minimum package of social services proposed by the measure involves the granting of integrated health, social protection and education services at the community level and aims the most vulnerable families.

In fact, at this time, it is performed in Bacau county a pilot program with financial support through Norway Grants and UNICEF, and represents is a development of previous programs initiated since 2011 by UNICEF<sup>1</sup>. The program, which was developed and subsequently readjusted, according to the presentation material UNICEF aims: improving access to services for children and families; child's growth in an environment free of violence; increasing children's access to education and improving resources locally. The minimum package of services implies the realization of the activities in the community being implemented at least the following activities: identifying vulnerable families, their evaluation, information, counselling, family support, referral and monitoring.

The program has an active component of prevention by identifying vulnerabilities to all families in a community by a team of three specialists: social worker, community nurse and school counsellor.

The team identifies the vulnerable families by establishing their needs and providing them with necessary services or give them help to access the services they need from other providers, updating in real time a database through the IT application called Aurora. Through Aurora IT application, data are collected on the situation of vulnerable children and their families using a common methodology and the same grid of indicators that have been inspired by the EU-SILC indicators and other indicators on multiple deprivations. The application allows diagnosing and implementing a coherent plan of intervention, the indicators being grouped to permit analysis of six dimensions: poverty, health, education, risk behaviours (especially adolescents), housing and social conditions of the family.

In support of the team are found at the county level, specialists in different areas of expertise: social welfare, healthcare and education. Basically, through the approach of the problems of families in a given community in this way, on the one part addresses the early identification of vulnerable families and ensures intervention multidisciplinary and, on the

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<sup>1</sup> (Supporting invisible children).

other hand, provide an unitary and coherent approach of the cases, IT application provide, based on algorithms, a list of services that are needed in a particular case. Another possible benefit of the program is the possibility of using the data in the IT application to identify areas where new services should be developed and their type. The measure provided in the operational plan of the national strategy means actually to extend the program piloted in Bacau county, nationwide, in stages, stage out in connection with the analysis of the financial impact generated by extending this model to the whole country and the possibility to attract external funding for initial investments. Broadly extending the program involves ensuring funding for the salaries of three specialists at the local level and those from the county level, their training, necessary equipment and the amounts necessary for functioning.

## **5. Conclusions**

As it appears from the entire document, we consider that the National Strategy 2014 - 2020 For the Protection and Promotion of Children's Rights contains measures consistent with the European policies in the field, with social policy guidelines included in the Social Investment Package and aims the objectives from the Europe 2020 Strategy on the economic growth of the European Union.

National Strategy 2014 - 2020 For the Protection and Promotion of Children's Rights has been built on various studies and researches conducted nationally by various stakeholders, which highlights, on the one hand the concern to meet concretely the current specific needs, and on the other hand, the lack of an effective mechanism to monitor the implementation of the previous strategy in the field.

Unlike previous strategy in the field, the current strategy tackles more significantly the child as a member of the community which he/she belongs to focusing on identifying the best solutions for the granting of integrated services for children from vulnerable families.

In Romania there are still major imbalances between social services developed in urban areas and those in rural areas, the risk of social exclusion being more pronounced in rural areas. Intervention in situations of vulnerability must be multidisciplinary and must be planned according to the causes that triggered the problems.

The solution identified and which is currently in the pilot phase refers to the minimum package of social services for children, which is in fact an innovative program that involves a multidisciplinary intervention and that uses modern technology. Its scaling up at national level can create the premises for early identification and intervention in vulnerable families and implicitly may diminish the number of socially excluded people.

In implementing measures regarding the extension of the minimum package of services for children at the national level, the main threats are the lack of financial resources that can be reduced by allocating sufficient funds and accessing European funding programs.

In our opinion, the program scaling up should take place at national level, and if this is not possible, the program should be extended gradually, starting with the areas of extreme poverty in Romania.

Also it must be considered that in parallel with the scaling up of this program at national level is necessary to implement the other measures provided in the strategy and that aims to develop social services in the community, given that in their absence, the intervention under the program, in some cases, it may not be fully carried out.

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