

# Child centred approach developed for the promotion of children's well being in Romania

## - The implementation of the law 272/2004 -



**Arundhati Sanyal**  
International Expert/Consultant  
United Kingdom

**Lecturer Ana Radulescu, PH.D**  
Bucharest University  
Faculty of Sociology and Social Work  
Romania

### **Introduction**

In this article we will focus on the subject of the 'United Nations Convention on the Rights of the Child' and the progress Romania has made to fulfil its obligations towards the children in Romania. This would prove to be valuable, since the social workers have a crucial role to play in protecting and promoting the Rights of the children.

The time is particularly right, because the social workers from all over the country, working at the county and local levels are currently working towards making progress in the work of Childs rights. It is hoped that the this article will be of interest and will provide thought for debate and suggest future development in qualification and training of social in this area of work.

We address here to all social work staff involved in working with all aspects of child or children and their families in any setting or environment. It is to serve as a refresher or a reminder of the responsibilities that social workers have towards promoting, maintaining and ensuring every individual child's rights and supporting their parents in order for them to fulfil their obligations to care for their children. Social workers will be able to achieve this objective by assuming the role as advocates for the child and working in close collaboration and partnership with other agencies.

### **What is the Convention on the Rights of the Child?**

The international instruments related to the Rights of the Child<sup>1</sup> have been developed in the wider context of Human Rights.

The main Humane Rights instrument we refer to is the Charter of the United Nations signed on 26 June 1945, in San Francisco. The charter of the United Nations is based on the following principles:

---

<sup>1</sup> Convention on the Rights of the child - Adopted by the General Assembly of the United Nations on 20 November 1989

- The recognition that the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world
- The dignity and worth of human person, and the determination to promote social progress and better standards of life in larger freedom
- An universal declaration and agreement that everyone is entitled to all the rights and freedoms, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- Childhood is entitled to special care and assistance
- The family is the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.
- The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding
- The child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

Given below is a list of the important international declarations focused on the children's rights, developed following the need to extend particular care to the child, which has been stated especially from the early 90's. They are as follows:

- Geneva Declaration of the Rights of the Child of 1924;
- The Declaration of the Rights of the Child adopted by the United Nations on 20 November 1959. The Declaration indicated that, 'the child by reason of his physical and mental immaturity needs special safeguards and care, including appropriate legal protection, before as well as after birth'.
- In the International Covenant on Economic, Social and Cultural Rights of United Nations (adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966.) particularly in article ten and in the status and relevant instruments of specialised agencies and international organisations concerned with the welfare of children
- The United Nations Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with special reference to Foster Placement and Adoption Nationally and Internationally adopted by General Assembly resolution 41/85 of 3 December 1986) It is important to emphasise that the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, brings Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for Administration of Juvenile Justice ('The Beijing Rules'); and the Declaration includes also the items such as, the Protection of Women and Children in Emergency and Armed Conflict.

The UN Convention, adopted by the General Assembly of the United Nations on 20 November 1989 also acknowledges specific needs of the particular country context and therefore, makes the following points:

- Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,
- Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, and
- Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries.

In spite of the above, a recent report by UNICEF, called ‘The State of the World’s children’: “Childhood Under Threat” (2004), shows that more than half the world’s children are suffering extreme deprivations from poverty, war and HIV/AIDS – conditions that effectively deny children a childhood and hinder the development of nations. The following figures indicate this sentiment:

- 640 million children do not have adequate shelter
- 500 million children have no access to sanitation
- 400 million children have no access to safe water
- 300 million children have lack of access to information
- 270 million children have no access to health care services
- 140 million children have never been to school
- 90 million children are severely food deprived

### **Context in Romania**

Given this bleak picture, how is Romania dealing with improving the lives of children in the year 2005?

Romania ratified the UN Convention on the Rights of the Child by Law no. 18/1990 and according to the provisions of Article 44 in the Convention, Romania submitted an initial report on the implementation of the CRC to the UN Committee in 1993. Subsequently, a periodical report was submitted in 1999 and was discussed by the committee in 2003. The next report is in the process of preparation for submission in 2007.

As a candidate country for accession to the European Union, European Commission is closely monitoring the respect of Childs rights in Romania. The European Union acknowledged that significant reforms had taken place since 2000 on Human Rights and the Rights of the child but also urged continued progress on child protection. In a recent press release from the Delegation of the European Commission in Romania, it states that “the European Commission would like to reiterate that, as mentioned in its Monitoring Report on Romania published in October, 2005, is fully in line with the UN Convention on the Rights of the Child and the European Convention on Human Rights and completes the reform of child protection<sup>2</sup>”

The National Authority for the Protection of Childs Rights (NAPCR) is currently engaged in implementing the New Legislation (Law no.272/2004), regarding the protection and promotion of the rights of the child. In this respect, NAPCR is carrying on the Educational Campaign on Child’s Rights, component of the 2002 PHARE programme, currently focusing on training the social workers who are in post at the present moment and other professionals involved, in order to develop their knowledge and skills required for the new law to be applied.

---

<sup>2</sup> Press Release, Delegation of the European Commission in Romania, Bucharest, November 2005

## **Contribution of the International Community**

However, before discussing the specific law it is important to outline the benefits that Romania has received from the consistent support granted by the International Community.

- The European Union has been involved in the field by means of the PHARE assistance programmes since the early '90s, both by providing a significant cumulated volume of grants, as well as by means of multiple and sustained technical expertise
- The United Nations Children Fund (UNICEF) has also had an active presence in the country since 1990, developing multiple projects whose purpose has been to improve the situation of children in Romania, from a social, medical and educational perspective.
- The World Bank and the Bank for Development of the Council of Europe are partners of the Romanian Government in an important reform programme of the system for the protection of the child
- The Governments of the US, the UK, France, Spain, Sweden and Switzerland support the Romanian system of child protection, either on a bilateral basis, or in the framework of more international programmes.

## **Law 272/2004 on the protection and promotion of the rights of the child**

The Law is based on the UN Convention of the Rights and the European Convention on Human Rights. The convention guarantees all children: the right to education; medical care; privacy; freedom of opinion; social care and protection from abuse and exploitation. These are also based on the following fundamental principles mentioned in Article 6 of Law 272/2004:

- a) Observing and primarily promoting the best interests of the child*
- b) Equal opportunities and non-discrimination*
- c) Raising the awareness of the parents on the exercise of their rights and on the fulfilment of parental duties*
- d) The primordial responsibility of the parents to observe and guarantee the rights of the child*
- e) The decentralisation of the child protection services, the multi-sectorial intervention and the partnership between the public institutions and the authorized private institutions*
- f) Providing individualized and personalised care for each child*
- g) Observing the dignity of the child*
- h) Listening to the child's opinion and giving it due weight, in accordance with the age and maturity of the child*
- i) Providing stability and continuity in caring, raising and educating the child, taking into account the child's ethnic, religious, cultural and linguistic background, in cases where protection measures are to be undertaken*
- j) Providing protection for children being abused and neglected*
- k) Celerity in making all decisions concerning the child*
- l) Interpreting each legal act concerning the rights of the child in correlation with the entire collection of regulations in this field*

## **The main features of the law 272/2004**

The Law 272/2004 on the protection and promotion of the rights of the child is very comprehensive and child centred but also complex. The following are the key elements in the law:

1. **All children should be protected** - According to the law, every child has the right to receive protection and support without any discrimination or of any distinction related to the gender, language, social origin, type of disability, etc.
2. **The importance of parental responsibilities** - The law states that parents should be responsible for child care and the protection of their rights. Also, those parents should provide appropriate opportunities and proper conditions so that they can develop to their full potential.
3. **Support of the community** - The parents have the right and duty to care for the children in the spirit of the law, as stated in the above point but the law emphasises the need for providing a positive and responsive support from the community members and services to enhance the competency and ability of the parents to take proper care of their children.
4. **State involvement** - The State will only intervene to support families in order to fulfil their responsibilities and to ensure the protection of the children whenever the parents failed or are not able to fulfil the parental duties.
5. **Prevention** - The emphasis is to prevent children being separated from their parents and wider family. In instances, where this is not possible, the child /children should be placed with substitute families.
6. **Inter-institutional cooperation** – the law also stipulates clearly that all agencies should co-operate in protecting and promoting the well being of the child/children. It is in fact the responsibility of everyone concerned. Such as the community and all other agencies involved in child care activities at the community level. The local administration authority has the duty to develop and provide diversified, accessible and high quality services that responds to children’s needs.
7. **Social workers responsibilities** - receive referrals and depending on the nature of the concern and subsequent home visits they take action. They have to produce service plans (in the Social Assistance Public Service) and individual protection plans (in the General Direction for Social Assistance and Child Protection), based on their assessment of the situation and professional judgement. Above all, the action and measures taken should be weighted against the best interests of the child

### **Implementation of the Law & social work practice**

Some of the immediate measures that are being undertaken have already been mentioned in the above sections. A working methodology for the social workers at the county and local level ’ has also been produced by the PHARE project 2002. In addition to the training, it is noted that pockets of good social work practice already exist in some areas as was demonstrated in the discussions during the training sessions. However, in order for social workers to comply with the legislation and work according to the spirit of the law, there has to be a radical change in the hearts and minds of people. In other words, the attitude has to change. The approach to working with children and their families requires new skills in: engagement; negotiation; communication, both with children and adults; acquiring information; assessment; making sound professional judgements without delay; writing service plans; individual protection plans and the skill to work in partnership with other professionals.

## **Where are we at present?**

In order to examine where we are at present with regard to the implementation of the new law, it is appropriate to review the strengths which already exist in the system.

## **What do we have at present?**

- An important progress was made in the development of child protection services and there is at present, a General Direction of Social Assistance and Child Protection in each county;
- Another very important development is that social workers are involved in the delivery of child protection services;
- There is a legal framework in place, which explains the scope and also gives the opportunity to bring about uniformity, standardization and also, evaluation of the outcomes.
- Also, there are now a number of courses with specifically designed curricula in child and family issues in the university education in social work.

Having examined the positive factors that are in place, we need to build on these strengths and endeavour to develop further, the necessary and prerequisite conditions required for improvement in the area of child care.

### **Responsibilities of social workers working in the field of child care**

Due to the de-centralisation in the child protection services, some of the responsibilities which were previously at the county level are now transferred to the community level. Therefore, the responsibilities for prevention of child abandonment, assessment of the risk situation and intervention are now the responsibility of the community.

Social workers in the Social Assistance Public Service (community administration) have the responsibility in assessing the needs of the children and the family, identify risk situation and developing the service plan for the family.

However, in reality gaps exist with the changes that have been brought about and therefore, need to be addressed. These include:

- Inadequate numbers or lack of trained social workers and community workers on local level especially in rural areas. This is a very urgent and crucial issue, since, social workers play a key role at the local level in prevention and intervention.
- The public and the decision makers from the social services are aware about a limited range and functions of the social work profession but the public image of social workers is not an accurate one. This point needs urgent consideration particularly, since they are instrumental in influencing the lives of children and families and making real changes.

In an attempt to fill in these gaps, , the Educational Campaign on Child Rights within the 2002 PHARE project, focused mainly on two directions towards the implementation of the new law:

1. Developing the awareness of social workers from the Public Social Assistance Service of their responsibilities and providing them with the skills and the knowledge base required in the preparation of the service plan for the family, in order to respond to the immediate needs in the community.

2. Developing inter disciplinary teams. This involved, bringing together social workers and the representatives of local services involved in the field: municipality policy office; health; justice; education and the church.

### **Responsibility of other agencies**

Here we have the responsibilities for all the community members and specialists in the community's services which should be involved according to the law, in the identification of all the risk factors, where there is a danger of failing to comply with the convention of the child's rights. The specialist in the community services are: social workers; the teachers; the priests; the family doctors and community police officers.

The responsibility of implementing the measures for family support is also now directed to the local level. In addition, all the resources should be developed in the community and all its members should take the responsibility for the children's well-being.

As mentioned above, the specialists in the services in the community should inform the social workers in the Public Social Assistance Service whenever they identify that child's rights are being violated and also they have to support the actions set by the social workers in the service plans.

Like in the above case, there are gaps at the present moment. To mention one of them, is that:

- The community members and specialist in the community services are not ready at the moment to work together because, the skills required to work together, need to be further developed. In addition, it is a real shift in culture and attitude and therefore, needs constant encouragement, citing examples of the benefits derived from it.

Similarly, in order to begin to minimise the difficulties, the Educational Campaign on Child Rights attempted to put together representatives from services responsible, according to the law, in order to understand the implication, expectations and roles of other services as well the obstacle that affect the fulfilment of child's rights.

### **Emphasis on working together**

The law requires that all the community services should work together. Without which the children will not be protected and their welfare will not be sustained. Good cooperation between services is an absolute/essential ingredient for the promotion and protection of the rights of the child

In this case, as the others mentioned above, there is also some ground to cover before it can become fully functional. For instance, the interdisciplinary team work is not yet functioning because, among other reasons for this failure, is the fact that it is a new concept and thus, will take some time to develop. The progress will be faster or more rapid progress will be made if some support is provided, including the skills in communication

To fill in this gap, the Educational Campaign on Child Rights did the following:

- Encouraged the development of the roles for each individual services through the training courses

- Focused also on the development of the ability of working together
- Disseminated information and promoted good practice

Given the above gaps mentioned there are other particular issues from the social work perspective which need to be tackled. They include:

### **Key messages for social workers and social work services in Romania:**

Through the process of the identification of the gaps; firstly, we saw that many more social workers are required in the services area to ensure that effective measures are been under taken to promote the welfare of the children. In addition, we also conclude that strategies in social work at the community level should be developed in order to assess the needs of the community and to match the services to be provided.

### **Where do we go from here and where do we want to go?**

In addition to the continuation of the methods applied so far (education, training and raising further awareness, dissemination of updated information-articles by social work professionals, sharing of experiences), further initiatives need to be taken on board.

#### Suggested future initiatives

- So far with the help of the project, the main emphasis has only included the specialists directly involved at the intervention level. We suggest that in the future awareness raising should also involve and include the decision makers at both the county and the local level
- Developing the role of each of the services and the protocol between services including a clear role on the field of child protection
- The approach should be more proactive; they need to be encouraged in taking a innovative stance instead of waiting for things to happen. .
- Improved effectiveness of team working
- Developing some instruments for measurements of the outcomes of the intervention, and more importantly,
- **Increasing the number of social workers is an issue which was mentioned before, but more so, is allowing social workers to devote more time to children cases in order to provide quality services**

With regard to the question as to where we would ideally want to go, we would want to make the following suggestions, which we consider to be realistic and achievable and follows on from where we are at the moment.

To make some progress in the very near future, we will need to increase the number of social workers in place and have developed more appropriate services provision according to the needs of the community. Added to this we will like to see an atmosphere where the whole community is actively engaged and involved to raise the quality of care for all children. These would require an environment of innovation and commitment. Further, it would be beneficial if the local administration could create a method to monitor and evaluate the progress that is being made.

## **Summary and conclusions**

The article has attempted to convey the high level of interest that exists at the International level in promoting and protecting Childs rights and that Romania through the PHARE projects has had support from the international community towards the development of its own approach in Childs Rights in accordance with the principle of the convention.

It is also perfectly fair to say that Romania has made good progress in the field. However, it has to be acknowledged that it is only the beginning and that more work needs to be done in changing peoples' attitude and work culture. Further, capacity building activities need to continue in the area of development of skills and bringing about a common approach for all professionals and services involved in working with children and families. Also, it cannot be emphasised enough that the public image of social work needs to be considered. Accurately. This work also needs further development.

In addition to the above, The Public Social Work Service who are now expected to take on a major role in prevention and intervention and support to the families, which is, undoubtedly an enormous responsibility and a vast area of work. Thus, an important focus should be increasing the number of the social workers in the Public Social Work Service. They should be recruited with the certain job specifications in mind or competencies, besides social work skills. These should include: their ability to make appropriate interventions; their capacity to work together in a team with other professionals; their ability to initiate and activate resources. Without more social workers who fit the particular needs of the job in place, it will be increasingly difficult to sustain the momentum of the work.

In Conclusion the following issues should be given due consideration:

Also, in order for social workers to pursue quality work, support should be provided in terms of realistic case loads, allocation of work, supervision and support from other community services playing a role in the field

The local administration should recognise the potential of social workers and therefore, there is need for recruitment of more social workers with the appropriate and suitable skills mentioned above.

For all the decision makers of social services provision, the professional status of social workers involved in services provision should be perceived correctly according to their role

It is good practice for all key players to work in partnership with social workers. This is of utmost importance and is fundamental to the promotion of the welfare of children. The involvement of community members and services in working and supporting vulnerable children and their families is a key message in the new Law and therefore, should be observed at all times.

The improvement of the inter-institutional and intra-institutional communication is vital because it will help the efficiency and effectiveness of the work.