

Appendix 2: Recommendations complementary to the Alternative Report

1. GENERAL IMPLEMENTATION MEASURES

- Ordinance no. 34/2009, art 22, limits the number of staff employed in the public sector, which is affecting the services provided for children. The protection of children in state institutions should not be included in this dangerous generalisation, which was implemented as a systemic, general measure, taken in times of economic crisis.
- The solution of multi-annual budgeting is preferable to annual budgeting, as it ensures the sustainability of social services.
- Training professionals is very important, and it should be a priority reflected both at local-level and national-level strategies, including the budget allocation.
- Establishing the Children's Ombudsman or the Commissioner for Children's Rights is a necessity. The functions, characteristics, selection process and funding should be provided by the law. This institution should coordinate the monitoring, promoting, and the protection of children's rights. It should work together with the other institutions that already have tasks of monitoring, promoting and protecting children's rights, namely the Ministry of Labour, Family and Social Protection, Ministry of Health, Ministry of Education, Family and Social Protection, Ministry of Justice, Secretariat-General of the Government, Parliamentary Committees, as far as local authorities.
- Each relevant strategy should include the promotion of children's rights. The Deputy People's Ombudsman with tasks covering children's rights should primarily focus on disseminating the Convention. International organisations, European, Norwegian and Swiss funds, as well as other donors should include as mandatory condition for financing programmes the compliance with the Convention.
- Organising training courses for the staff that uses CMTIS, should be mandatory for DCPDCPP¹, GDSACP² and PSAS³. It is very important that those who enter data in the CMTIS be trained and followed the same instructions on how to use data and how to generate reports; without these explanations, data could be distorted.

6. FAMILY AND ALTERNATIVE CARE (art. 5, 9-11, 18, 20, 21, 25, 27(4))

- Allocating designated budgets/creating specific budget lines for interventions of preventing the separation of children from families; There should be available standardized methodologies based on principles, criteria and action indicators, as well as implementing a modus operandi for preventing the separation of the child from the family. This approach would bring coherence to a system where the majority of the GDSACP directors believe that preventing the separation of the child from the family is currently the most useful service.
- Establishing a minimum package of mandatory services, guaranteed by the state, to ensure the safeguarding of basic rights of children, such as the right to optimal education, to optimal health, to a life that ensures physical, mental, moral and social development, the right to social assistance, leisure and holidays. Such package should include all components health, education, economic and social. This should provide equal rights and opportunities for all children and it will reduce child poverty.
- The child protection system hasn't yet developed methodology for identifying and monitoring the needs of the beneficiaries (children and their families) and to what extent

¹ Child Protection Directorate (*Direcția Protecția Copilului* in Romanian) – translator's note

² General Directorate for Social Assistance and Child Protection (*Direcția Generală Asistență Socială și Protecția Copilului* in Romanian) - translator's note

³Public Social Assistance Services (*Servicii Publice de Asistență Socială* in Romanian) - translator's note

they are covered by the services provided. It is thus necessary to elaborate the methodology that correlates based on the type of risk, the benefits and services provided to each person. This would require:

- setting up a methodology for identifying vulnerable families (families with very low income that receive social benefits, families where one or both parents are unemployed, families which may have children abandoned in medical units, or children in the protection systems, single parent families, families with children from different marriages, families where one or both parents are illiterate, use of alcohol, drugs, etc.);
- elaborate forms for risks assessment that should be used by physician, social workers teaching staff and other specialists that are in contact with the beneficiaries;
- developing a risk assessment grids for assessing the type and cost of the intervention per risk.

Consequently, this will lead toward a more effective interventions and better and efficient use of existing resources.

- Elaborating family policies integrated into the social policies, harmonised with related policies from education and employment sector. As well as considering the ensemble of services and benefits for children and family as a fundamental right of the child, rather than an answer to identified needs.
- There is a significant group of children who are vulnerable and relatively easy to identify – children coming from poor families, having only one source of income, often child benefit or social income - and who are facing multiple vulnerabilities. These children should be the beneficiaries of immediate cross-sector interventions aimed at improving their nutrition and access to health services, to education and to community care and family protection services. In this regard, it is imperative to invest in monitoring these children's rights and in developing preventive social services; this would reduce vulnerable families' dependence on social benefits and would help focus basic services on vulnerable children.
- Parents' education can be one of the most important and effective directions in developing prevention programs, one that would require lower costs and resources compared with those involving protection or specialized intervention measures.
- Central and local authorities should undertake the funding of preventive services, including concrete parent education programs (and not just declarations of intent). Parent education is seen as key strategy to prevent unwanted phenomena such as child abuse, juvenile delinquency, school failure and dropout. It can be an effective measure when it changes parental behaviours, focusing on the development needs of children.
- Promoting adoption can help reduce the negative perception of families who want to adopt. Increase awareness by using positive examples can be a successful strategy in promoting adoption, through media coverage, and also through participation to the support groups for prospective adoptive parents organized by GDSACPs. Church's involvement in promoting adoption is low, even though some research showed that the priest/confessor have an important role in the decision to adopt a child for some families.
- The main principle in any action that concerns children should be the best interests of the child. Therefore, we believe it is crucial that the Romanian state undertake responsibility for safeguarding the best interests of the children in all matters related to adoptions, including international adoptions, and steps to be taken in order to safeguard children's right to have a loving family.

8. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (art. 28, 29, 30, 31)

- Ensure continuity in educational policies is important. This can be achieved not only by agreement between the different political forces that are taking turn in power, but through better communication, involvement and formal partnership agreements between public institutions and civil society, especially non-governmental organizations that have a

proven track record on this regard (such as those who successfully implemented relevant projects).

- Strengthening the capacity, at central level, to develop and implement public policies in education, and in particular, the capacity to monitor and conduct various types of assessment (ex-ante, ongoing, ex-post; results - product and effects - and impact).
- Setting up a cooperation framework between state institutions, especially between social services and education, so that the infringement of the right to education be considered a serious violation of the Convention on the Rights of the Child, as stipulated by the Law no 272/2004 with amendments.
- Establishing, regulating and funding "alliances for inclusion", "platforms for education" based on existing models of best practices at national and European level. In this regard, we recommend that, based on impact assessments, interventions funded from European funds or other sources that have proven successful to be included in general policies ("mainstreaming"), irrespective of whether those projects have been carried out by public institutions or NGOs.

9. SPECIAL PROTECTION MEASURES (art. 22, 30, 32, 33, 35, 36, 38-40, 37(a)b) d))

Recommendations

- Information concerning the health services package (provided as part of the insurance or for emergency cases) should be provided in several world languages.
- Statistical data should be collected by the Ministry of Health and the National Health Insurance House concerning the number of foreigners enrolled in the public health insurance system, the number of foreigners registered with a family doctors etc. Furthermore, the website of National Health Insurance House should be updated as well by providing information in foreign languages, at least in English.
- Data about foreign children enrolled in educational system (pre-school, school or university) should be collected by the Ministry of Education, in order to have an accurate image of the situation. For refugees who wish to enrol in public universities, the obligation of the baccalaureate exam in Romanian, following the Romanian curriculum, should be eliminated, and automatic recognition of their diplomas should be enforced, as used for other foreign citizens.
- A coordination mechanism is required for collecting real data about homeless children (number, age groups, gender, geographical origin, rural/urban areas, the type of family or institutions they come from, education level, type of services they need, etc.).
- Adapting existing services to the profile and needs of the beneficiaries is required, as well as highly motivated and trained professionals, so that the quality of public services should not be challenged.
- Encouraging and supporting a proactive policy of funding and outsourcing social services provided by NGOs, leading to high quality services, complementary with public services. At this time, the state is funding public services, regardless of their quality.
- Social counsellors can sometimes have an active role in providing basic legal advice to victims of trafficking. Psychologists, social workers acting as tutors of the victim, who are in charge with coordinating the participation of the victim as witness in criminal proceedings (first instance, appeal, re-appeal) need specific training in this area.
- A multidisciplinary and inter-sectoral approach of cases is also required. It requires establishing a clear working methodology between professionals and between the institutions. Cooperation should be ensured among National Agency against Trafficking in Persons, the Directorate for Investigating Organized Crime and Terrorism, the General Inspectorate of the Romanian Police, the General Inspectorate of the Romanian Gendarmerie, the National Authority for Child Protection, the Ministry of Labour, the Ministry of Justice, the Ministry of Health and other institutions that should act for preventing and combating human trafficking;

- Training for professionals involved in the legal hearing process. Training should include the enforcement of all the provisions of law concerning child victims, aspects of child psychology, and stages of psychological development.
- Identifying and implementing the best practices for the child's hearing.
- The child should be accompanied by family member or legal representative and by an experienced, well trained professional working in this field (crime, abuse, etc.). The professional should be the connection between the various categories of professionals involved in the child's hearing.
- Police officers should ensure that children whose parents are arrested are not present when the parent is detained/arrested and that they remain in the care of a responsible adult or, whenever needed, taken over by social services.
- The Ministry of the National Education and Research should communicate to the teachers whose pupils have parents in prison that these children should be directed to school counsellor and / or other support services available at the community level.
- Monitoring violence in places of detention and enacting zero tolerance policy to prevent acts of violence against children during arrest, criminal proceedings and detention.
- Establishing and implementing measures aimed at preventing and discouraging acts of violence among children during the time when they stay in centres of detention, pre-trial arrest, rehabilitation and detention centres.
- Supporting children in order to remain in touch with their family and implementing measures to ensure access to specialized services of internal or external counselling, to address psychological trauma, and / or social and professional needs for children deprived of freedom.
- In order to facilitate social inclusion of children and youth released from detention, transit centres should be developed, providing hosting for a limited period (3-6 months) in order to complete the level of education or vocational trainings commenced during detention, as well as those who have no home and no family support.
- Investments should be made in systematically collecting data, disaggregated by ethnicity to ensure full access of Roma to their cultural identity, especially in rural areas and also for implementing cultural project;
- Reducing bureaucracy for registering persons without birth certificate and/or identity documents.
- A more robust legislative framework is required in order to ban segregation, and more severe sanctions should be provided for those who fail to enforce legislation.
- It is imperative that the Ministry of Education start collecting data disaggregated by ethnicity at schools, county and national level and publish such data. Such data and reports will help toward designing projects and progress in implementing desegregation efforts can be measured.
- In order to eliminate the phenomenon of early marriage in Roma communities and beyond, marital counselling should be introduced in schools with a high percentage of Roma pupils, as well as psychological counselling and education, in order to address negative effects of early marriage.
- Increasing awareness of the phenomenon of missing children and place it high on the public agenda, in view of setting up at national level a mechanism of inter-sectoral cooperation in the field of intervention and prevention.