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Babeș-Bolyai University, Faculty of Sociology  
and Social Work

# CAN surveillance in Romania: current policies and practices

*Country Profile*

June, 2013

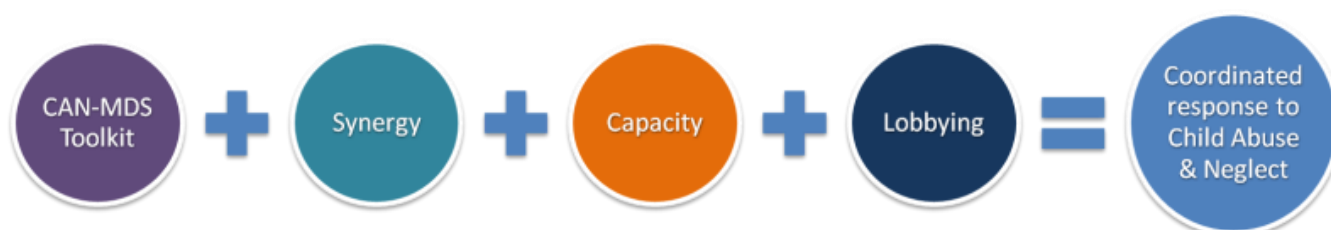


"Coordinated Response to Child Abuse & Neglect via Minimum Data Set" [JUST/2012/DAP/AG/3250]

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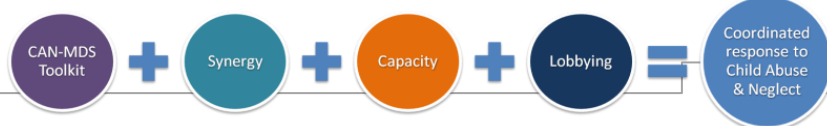
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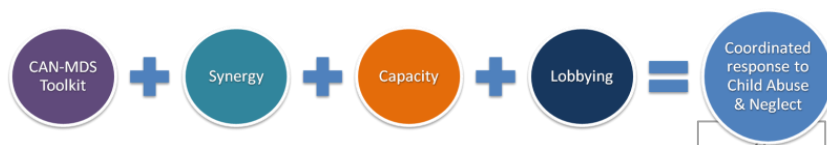
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# Contents

Acknowledgements	3
<b>1 The rationale for a CAN-MDS in Romania</b>	<b>5</b>
1.1 Aims & Objectives of developing a CAN-MDS at national level	5
1.2 Ethical considerations	7
<b>2 Country Profile</b>	<b>8</b>
2.1 How well known is the CAN problem in the country?	8
2.2 Critical review of the available data	14
<b>3 Legal framework</b>	<b>16</b>
3.1 Legislation, policies and mandates for reporting and recording of CAN cases in different professional fields	16
3.2 Legal provisions for administration of sensitive personal data	18
<b>4 Brief overview of child maltreatment prevention &amp; child protection</b>	<b>19</b>
4.1 Roles and responsibilities	19
4.2 Agencies mandated with the recording of child maltreatment	19
4.2.1 Creating synergies: <i>Who could participate in the CAN-MDS?</i> Core and extended national CAN-MDS groups	20
4.3 Available infrastructures and resources	21
<b>5 Advocating towards the adoption of a CAN-MDS</b>	<b>28</b>
5.1 Recent and on-going developments	28
<b>References</b>	<b>29</b>
Annex	30



## 1 – The rationale for a CAN-MDS in Romania

In Romania there is a Child *Monitoring and Tracking Information System (CMTIS)*, a data base centered on the child benefiting from the special protection measures, but it does not contain specific information on abuse and neglect. On the other hand Romania has a national statistics system regarding this which contains information on child abuse and neglect. Unfortunately, the actual national database is not a child-centered system and besides this it lacks important variables recommended by relevant studies in order to get a clearer image of the phenomenon of child abuse and neglect. No analysis is possible, beyond the rough numbers of registered cases, which also does not reveal trends or evolutions and efficiency of the system, only the development of reporting capacity of institutions. Due to the fact that the Romanian system is not child-centered and because important information is missing, the data base does not offer too much information on abuse as a phenomenon in Romania or on the evolution of the protection system.

The case-based surveillance study in Romania implemented by our team in the frame of the BECAN CBSS study showed a large variety in registration of data by the different child protection departments and the absence of standard tools for risk and needs assessment, as well as the absence of clear thresholds or reference points in decision making and intervention planning. Case management often relies on uncompleted assessment, lacking essential information to orient intervention planning. (Tonk et al 2013) The big discrepancy between the identified CAN cases, that show up in the national statistics and the prevalence studies, also pointed out in the BECAN research, clearly underline the necessity of improving the system of detection of CAN cases in close connection to the necessity of developing procedures of registration and evaluation of cases of abuse and neglect, documentation of the intervention that has taken place and has thoroughly followed a well established and clear procedure that ensures monitoring and evaluation of the results of the intervention.

Through this project we hope to improve both the registering and the monitoring systems. Besides the obvious weaknesses, the Romanian data registration and collection system have some clear strengths: there is an institutional and legal framework constituted, and an already existing infrastructure and database. Through this Daphne project we intend to increase the efficiency of the national case-based surveillance system.

### 1.1 - Aims & Objectives of developing a CAN-MDS at national level

The Daphne III programme, part of the General Programme “Fundamental Rights and Justice” aims to contribute to the protection of children, young people and women against all forms of violence and to attain a high level of health protection, well-being and social cohesion.

The Project “*Coordinated Response to Child Abuse and Neglect via Minimum Data Sets*”, co-funded by the EC under the Daphne III Programme, aims to contribute to the protection of maltreated children and children at risk and to improve child protection services by creating the scientific basis, necessary tools and synergies for establishing national child abuse and neglect (CAN) monitoring systems using minimum data sets (MDS). Such systems are expected to provide comprehensive, reliable and comparable case-based information at national level for children who have used child protection services. The data that will comprise the CAN-MDS could be used in multiple ways: for development of annual country profiles indicating current needs for services in the field, exploration of the relationship between specific factors and types of child maltreatment and as a point of reference indicating the priorities arising at local, national and international levels (benchmarking). Moreover, it could support the development of CAN National Surveillance Mechanism. Lastly, CAN-MDS data could be used as a baseline for services and interventions' effectiveness evaluation, identification of good practices and for planning future policies and legislation.

The need for working towards the development of such national systems derives from the current situation in the EU countries where CAN case-based data are derived from a variety of intersectoral sources and follow up of victims at local and national levels are not sufficiently coordinated among the involved services. Specifically, the main barriers for effective CAN monitoring concern a. the lack of common operational definitions, b. the lack of common registering practices and c. the use of a variety of methods and tools for data collection and sharing among stakeholders.

The establishment of a CAN registration mechanism via MDS at national level could be part of the routine administrative process in all child protection services and the MDS could be uploaded in a single database operating via a restricted-access on-line network. National child protection services that would initially join these MDS collection/sharing of information would also be expanded to include more services, with an ultimate aim being to

capture the entire EU area. Insofar efforts for unifying European CAN related information resources have focused mainly on judicial cases or cases involving authorities' involvement; this project targets at providing a common ground for CAN cases that do not involve legal or public order authorities as well and will be handled and managed by services in the health, welfare and educational sectors as evidence suggests that the vast majority of CAN cases fall into this particular category.

To this end, a Toolkit will be developed consisting of the necessary protocols, tools, a short-training module and a Guide for potential operators of a CAN-MDS system, namely professionals who will be in charge of collecting and registering data. Partners serve as national "focal points" who have undertaken the initiative to create and train their national "core" groups of operators (social/health/other professionals working in the field of child protection or with child victims) as well as to promote the Policy Manual for the establishment of national CAN-MDS systems.

Specific objectives of the project are:

- Development of the methodology for defining a minimum data set on child abuse and neglect (CAN-MDS)
- Mapping of national child protection related services, case-based follow up and CAN monitoring mechanisms
- Development of a CAN-MDS Toolkit and evaluation of its quality
- Formation of national core groups of professionals-potential operators of CAN-MDS
- Building the capacity of professionals working in child protection and CAN prevention related services for collecting and sharing CAN-MDS via a short-training course conducted by trained facilitators and Evaluation of the trainings' effectiveness
- Creation of a Policy and Procedures Manual addressing policy makers and other related stakeholders towards the establishment of national CAN-MDS and adaptation of the Manual according to country specifics
- Conduction of a variety of dissemination and lobbying activities for the adoption of CAN-MDS in participating countries

For lobbying towards a uniform systematic registry and monitoring of abused children at local and national levels (also facilitating international comparisons), a *Policy & Procedures Manual* including ready-to-use tools is going to be created addressing policy makers and other related stakeholders.

## 1.2 – Ethical Considerations

The Constitution of Romania assures the protection of the “intimate, family and private life” of any citizen, including children (art. 26 paragraph 1 states that “the public authorities respect and protect the intimate”). This principle is detailed by the Law 1101/2004, modified in 506/2006 and 13/2012.

Therefore every ethical code of workers in Social and child protection services states that in order to respect confidentiality every person working in social services has to take all measures to ensure confidentiality of data and not allow public access without the consent of that particular person. Only authorized people can have access to information on personal data. Services may allow access to data-bases only after checking that the person has not been convicted for an intentional crime.

Law of Social Assistance 292/2011, article 43 and 106 state that the Ministry of Work, Family and Social Protection is responsible for establishing the aggregated data that need to be collected to serve the Monitoring of Social Services.

*The Child Monitoring and Tracking Information System (CMTIS)* comprises all the identification data of beneficiary children. The database has been installed in accordance with special procedures in every GDSACP (General Directorate of Social Assistance and Child Protection) across the country and authorised professionals have password-protected access to it. Passwords are requested to the General Directorate for Child Protection of the Ministry of Work, Family and Social Protection by GDSACP managers, who are in charge of the adequate use of the database. GDSACP professionals are responsible for introducing new data into CMTIS based on the beneficiary children’s files. There isn’t any unitary procedure on its completion (regarding service in charge of database completion, people in charge, special safety measures) as this is decided at county level. The database use is concordant with relevant legislation on the protection of personal data. <sup>1</sup>

GD 49/2011 defines confidentiality in the following way:

The professional evaluating the child and/or adult victim, as well as the other reference people present to the case manager and to the multidisciplinary team the information that can lead to relevant conclusions and decisions.

- the evaluation results are documented and disclosed to family and to the child according to his level of emotional maturity or to the adult victim according to his/her discernment. Disclosure of such information shall be made after completion of the comprehensive assessment. The case manager and his team determine if the information will be provided by each team member, depending on the type of the evaluation, or by the case manager
- the case manager can reveal to other professionals within the intervention network information regarding the evaluation in case they have to carry out detailed assessment or to provide services for the child and/or the adult victim , for the family and for other reference people . The information to be disclosed will be decided by mutual agreement within the multidisciplinary team
- All information related to the case are confidential to the public, media and other professionals who are not involved in the case, except for control teams/ inspections required by law.

There are data that cannot be disclosed to any multidisciplinary team or other professionals involved in solving the case such as, for example, the name of the person who reported the suspicion or the situation of violence against the child or of family violence. This type of information can be disclosed only at the behest of the judicial court.

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<sup>1</sup> <http://www.serviciisociale.info/js/ckfinder/userfiles/files/Ghidul%20monitorizare%20web.pdf>

## 2 - Country Profile

### 2.1 - How well known is the CAN problem in the country?

#### Prevalence data in Romania

In Romania, relatively few empirical child abuse and neglect studies have been carried out and most of these have been local studies, which only offered a limited view of the prevalence and characteristics of the phenomenon.

The first epidemiological study on child abuse and neglect was a survey sponsored and organized by World Vision International/Romania and a group of researchers from Babes-Bolyai University in 1996 (Rotariu et al., 1996). The sample of 796 schoolchildren, aged 11-16, and the sample of 488 parents were representative of the population of Cluj County, in terms of ethnicity, gender, social class, urban/rural proportions and educational background.

According to the results of this study, the children related a higher percentage of physical punishments (28.4%) and neglect (11.1%) than the parents (25.8%, and 9.4%). The authors of the survey mentioned that 27% of children were exposed to inappropriate treatments by their parents, which included serious forms of neglect as well as severe forms of physical punishments. This research also showed that sexual abuse was a complete taboo subject for the whole sample of parents, with no awareness at all concerning sexual abuse of their children. In contrast, 4.6% of children acknowledged that they had been subject to sexual harassment or sexual abuse (Rotariu et al., 1996). The results of the survey also show a significant relationship between the socioeconomic status of the family and the children's maltreatment. The study also showed a connection between the number of children in a family and the occurrence of child maltreatment.

Another survey was conducted in 1999, in Cluj County, sponsored by the SOROS Foundation, with the participation of the Artemis centre, the Family Planning Centre (SECS) and the Social Work Department of the Babes-Bolyai University (Bodrogi, Diaconescu, David-Kacso, 2000). This was a larger study aiming to gather information on the sexuality of youngsters, including sexual abuse. 1,279 high-school students (851 girls and 416 boys) aged between 14 and 19 completed the questionnaires in 24 schools and 69 classes. The distribution of victims of sexual abuse by gender shows higher rates for girls (18.8%) than for boys (4%). The range of abuse varied from forced touching of intimate body parts to rape.

The first survey representative of Romania regarding the prevalence of child abuse was initiated by the National Agency for the Protection of Children's Rights and Adoption in 2000, financed by the World Bank and done with the support of the WHO. The survey was conducted by Browne, Cârțână, Momeu, Păunescu and Tokay and published in 2001. The sample included 1556 parents and 1295 children aged 13-14 (seventh grade).

According to the results of this study, we can observe significant differences in the prevalence of CAN forms reported by parents and those reported by children. The rate of physical abuse declared by parents was 18.4%, whereas the rate of physical abuse reported by children was 24.4%. 25.6% of parents admitted that they used different forms of psychological abuse against their children, 21.2% of children reported that they suffered psychological abuse. According to children's statements, the rate of sexual abuse was 9.1%, whereas, according to their parents, it was 0.1% (Browne et al, 2001). Physical neglect was the most prevalent form of CAN, according to both children (43.8) and their parents (67.8%). All types of abuse and neglect were more frequent in rural residential areas, except for educational neglect, which was more frequent in urban areas.

In 2000, by creating the first reliable database in residential state institutions, a national study was conducted that aimed to evaluate the *dimensions and forms of abuse on institutionalized children* (CERAB research - Stativa, 2001). It was based on data collected from 3,164 children aged 2 -18 living in institutions, representing 7.8% of all the 37,000 children in residential homes, and 3,455 children in hospital-homes for severely disabled children. Data was collected through interviews with younger children, and questionnaires were applied to children older than 7. The research aimed to evaluate the dimensions and forms of abuse and neglect in residential care institutions (CERAB research - Stativa, 2001). The sample that was used ensured adequate representation of regions, types of institution, children's gender and age groups.

According to the author (Stativa, 2001), 48% of children aged 7-18 years admitted that in their institution children were beaten. 56% of children in traditional residential care, 46% of children in family type institutions were punished by beating. Regarding the types and prevalence of punishment used by staff, mild physical punishment had the highest



prevalence at 77.7%, followed by severe beating at 39.6%. Humiliation (14%), threat (13.4%), isolation (7%), suppression of meals (18.2%), interdiction on recreational activities (21.7%), on leaves (13.5%) and family visits (5.7%) were also included in the range of punishments. The punishments were inflicted mainly by the educational staff (76.7%) and night attendants (8.7%). 8.6% of children didn't reveal the person who had inflicted the punishments. Regarding sexual abuse, data revealed that 36.1% of the sample had previous information about children who had been forced into sexual practices. The percentage of children who admitted that they knew about the existence of such practices in their institution was 19.6%. This smaller rate might be due to the inhibition of children to speak out, as confessions regarding this sensitive issue involve their friends and care-taking staff more directly. The percentage of children who confessed of being victims of sexual abuse was 4.3%. As related to age groups, the rate did not differ much, though, it was the highest in minors aged 15-18.

In a study carried out by Save the Children (Paunescu, Alexandrescu, 2000), on a sample of 223 including 11 to 13-year-old children living in institutions or in foster homes, 12% of the children confessed that they had experienced someone touching their private parts against their will.

The study *Do we know how to raise our children?* („Știm să ne creștem copiii?") conducted by Save the Children in 2003 (Alexandrescu, Munteanu, 2005) aimed to collect data about child abuse from all the people that were directly involved (children, parents, teachers) using social inquiries and interviews. The sample consisted of 607 pupils and 263 parents from one of the sectors in Bucharest. Neglect was the most prevalent form of maltreatment: nearly 40% of children reporting that they had been left alone at home for several days, 10% of them reporting that they had often been left alone.

Mihai Iovu carried out a survey in the Vâlcea County in 2010 with the ICAST-C. The sample consisted of 1,142 students and it is representative of students from urban secondary and post-secondary schools in the Vâlcea County. According to his results, 56.83% of children had experienced physical abuse during their life and 50.2% during the last year, 84.5% experienced psychological abuse during their life and 83% during the last year (Iovu, 2011).

In 2011 two nationally representative surveys were carried out: the BECAN study (BBU University), and the Save the Children Romania.

Save the Children conducted a study on child abuse and neglect (Gradinaru, Stanculeanu, 2013) on a sample of parents from 1.436 households. Sampling was done by probabilistic selection of localities (58 localities) and individuals (statistical-step probabilistic selection and birthday method). The survey among children had the same territorial distribution as that among parents and it involved 1.120 people. The incidence of mild and moderate physical abuse among parents is of 38% and 63%. Moreover, about 20% of parents (as well as other caretakers) considers physical abuse as means of correction. Corrections such as "slaps" / "ear pulling" are not perceived by the majority of parents, and, to some extent, by children, as physical abuse. Regarding children, 63% of them say they are beaten at home by their parents, 18% of children say they have been beaten at home with a stick or rod, 13% with a belt and 8% with a wooden spoon.

BECAN (Balkan Epidemiological Study on Child Abuse and Neglect) (Antal & colab) is an epidemiological study aiming at mapping child abuse and neglect (CAN) in the general population of 11 to 16-year-old children that attend school or have dropped out and at identifying the number of reported/detected cases of CAN being recorded in 8 Balkan countries. The BECAN study is the first survey in Romania that has been conducted on such a large sample of children and parents (almost 5.955 children – representing approximately 1% of the children's population of the studied age-group, and 4.236 parents). Besides delivering prevalence data in Romania, the results of the study are also important for policy-making activities, future research and a better understanding of CAN features. Regarding the results, according to both children and parents, psychological abuse is the most prevalent CAN form (65.8% of children and 62.6% of parents reported it). Physical abuse has a high frequency as well, both according to children (44.8%) and parents (46.8%). Neglect was minimized by parents (6.8%), while according to children, the percentage of neglect was 19.4%, having been reported as being higher in the case of girls (5.7% of parents vs. 20.7% of girls) and in the case of older children. Sexual abuse was minimized as well (5.1% of children vs. 2.7% of parents), especially in the case of boys (5.5% of boys vs. 2.1% of parents).

### **Research data regarding the CAN registering and monitoring system**

There are no national studies developed by the national authorities on the reporting or monitoring of violence against children in general or in particular settings (the family and home environment; educational settings; institutional care and juvenile justice institutions; workplaces, and the community).

Statistics on violence against children are published quarterly by the Ministry of Labour, Family and Social Protection on its website, after processing quarterly monitoring charts.

The qualitative study conducted in 2008 by Babes-Bolyai University as part of the Project for the Analysis of National and Local Policies for the Prevention of Violence against Children and commissioned by the National Authority for Child Rights Protection and UNICEF aimed at analyzing a sample of 96 files – CAN cases recorded by the GDSACP – and at holding focus groups with experts from CAN services in order to identify case management issues in the field of child protection in Romania (unpublished study). Research findings highlighted inconsistencies between GDSACP regarding the procedures used in different counties by child protection practitioners and the need to improve the procedural framework for CAN evaluation and intervention. The results of this research informed GD No 49/2011.

The Balkan Epidemiological Study on Child Abuse and Neglect Case-Based Surveillance Study (BECAN CBSS) (Tonk et al., 2012) analyzed a sample of abused child *case management files* available in the Child Protection units of the Romanian General Directorates for Social Assistance and Child Protection (GDSACP). The data from the files show how documented the case management is, highlight how detailed the recorded assessment is, and what kind of information justifies legal actions and decisions regarding the child and family, as well as the type of services provided. A sample of 288 files of abused/neglected children was analysed in Centres for Preventing Child Abuse from 13 selected counties. The main selection criterion was the birth year of the children reported as victims of abuse and neglect: 1993, 1995 and 2000 (in line with the goals of the BECAN project, which investigates a national sample of children aged 11, 13 and 16 years). All substantiated, unsubstantiated and under investigation files were taken into consideration.

The data in the files are filtered through an exhaustive set of variables, developed by the BECAN Project (<http://www.becan.eu>). In order to see how case management and monitoring are processed and recorded in the files, the study analyses the quality of the information in those files, organized by categories: in relation to the children, the incident, the perpetrator, the caregiver, the family and the household, and previous abuse. The data from the files show large variations in the recorded information, how documented case management is, highlight how detailed the recorded assessment is, and on what kind of information the decisions regarding the child and family are based (legal action for protecting the child and family members, type of services provided). The assessed files were opened in the 12 months prior to this recording.

The conclusions of the study show the following:

- Specific data regarding the characteristics of the abusive incidence (for example the time of incident and its duration, specific forms of abuse, the severity of abuse-caused injuries, the nature of the injury suffered by the child) are greatly missing.
- The lack of a common battery of assessment tools and of a common assessment system, which enable professionals to make better decisions are still missing in Romania.
- Children's behavioral and educational problems, their potential involvement in child labor are also recorded to a small extent; child health conditions are recorded in 70% of cases.
- Both BECAN data and official statistics indicate that approximately two third of child victims benefit from some kind of services, most frequently psychological counseling. Psychotherapy is available in a very limited extent.
- The greatest discrepancy met between BECAN and official data is recorded regarding the percentage of legal counseling and medical services, especially psychiatric services. The file analysis evidence that a great number of children psychiatric services are provided. On the other hand, providing psychiatric services to maltreated children could be related to the persistency of the medical model applied by professionals from child protection system in the detriment of the ecological model. In the same time this could mean also a shortage of available specialized mental hygiene services, which, in some cases, are replaced by psychiatric services. In any of these situations the risk that maltreated children being labeled as "trouble children" is high and secondary trauma could occur in these cases.

- The systematic recording of data at national level and their systematic publication of the charts and of the reports on the website of the National Agency for Child Protection, and later the General Directorate of Child Protection: [www.copii.ro](http://www.copii.ro) (statistics)<sup>2</sup> started in 2007. The monitoring tool currently used is a quarterly monitoring chart, applicable since January 2007. Data are collected on child abuse, neglect and exploitation concerning children who get in contact with child protection services, who need protection measures as they are at risk of being/are or have been abused/neglected and whose parents can't offer them appropriate protection and care, as well as those who benefit from measures meant to prevent child separation from family (thoroughly explained in Recommendation 11). The data reflect the caseload of child services attached to GDSACP in the counties and Bucharest districts. The reports highlight annual and quarter case incidences and permit to identify the number of cases brought to the attention of GDSACP, as well as the structure and the number of services under county directorates. As demographic data are not collected on victims and perpetrators other than age and sex, the data don't allow for more refined and targeted analyses. The data collected based on the mentioned charts and published on the website above come from county and Bucharest GDSACP, at which level they are usually not published.
- The National Agency against Trafficking in Persons publishes **half-year and annual reports on human trafficking**<sup>3</sup>. As, during case management, cases involving child victims are also reported to general directorates for social assistance and child protection, the data on child victims are also included in MLFSP statistics.

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<sup>2</sup> The official website of the General Directorate for Child Protection under the Ministry of Labour, Family and Social Protection

<sup>3</sup> <http://anito.mai.gov.ro/ro/index.php?pagina=studii>

show large variations in the recorded information, how documented case management is, highlight how detailed the recorded assessment is, and on what kind of information the decisions regarding the child and family are based (legal action for protecting the child and family members, type of services provided). The assessed files were opened 12 months prior to this recording.

The conclusions of the study show the following:

- Specific data regarding the characteristics of the abusive incidence (for example the time of incident and its duration, specific forms of abuse, the severity of abuse-caused injuries, the nature of the injury suffered by the child) are greatly missing.
- The lack of a common battery of assessment tools and of a common assessment system, which enable professionals to make better decisions are still missing in Romania.
- Children’s behavioural and educational problems, their potential involvement in child labour are also recorded to a small extent; child health conditions are recorded in 70% of cases.
- Both BECAN data and official statistics indicate that approximately two third of child victims benefit from some kind of services, most frequently psychological counselling. Psychotherapy is available in a very limited extent.
- The greatest discrepancy met between BECAN and official data is recorded regarding the percentage of legal counselling and medical services, especially psychiatric services. The file analysis highlights that a great number of children psychiatric services are provided. On the other hand, providing psychiatric services to maltreated children could be related to the persistency of the medical model applied by professionals from child protection system in the detriment of the ecological model. In the same time this could mean also a shortage of available specialized mental hygiene services, which, in some cases, are replaced by psychiatric services. In any of these situations the risk that maltreated children being labeled as “trouble children” is high and secondary trauma could occur in these cases.
- The systematic recording of data at national level and their systematic publication of the charts and of the reports on the website of the National Agency for Child Protection, and later the General Directorate of Child Protection ([www.copii.ro](http://www.copii.ro); statistics)<sup>4</sup> started in 2007. The monitoring tool currently used is a quarterly monitoring chart, applicable since January 2007. Data are collected on child abuse, neglect and exploitation concerning children who get in contact with child protection services, who need protection measures as they are at risk of being/are or have been abused/neglected and whose parents can’t offer them appropriate protection and care, as well as those who benefit from measures meant to prevent child separation from family (thoroughly explained in Recommendation 11). The data reflect the caseload of child services attached to GDSACP in the counties and Bucharest districts. The reports highlight annual and quarter case incidences and permit to identify the number of cases brought to the attention of GDSACP, as well as the structure and the number of services under county directorates. As demographic data are not collected on victims and perpetrators other than age and sex, the data don’t allow for more refined and targeted analyses. The data collected based on the mentioned charts and published on the website above come from county and Bucharest GDSACP, at which level they are usually not published.
- The National Agency against Trafficking in Persons publishes half-year and annual reports on human trafficking. As, during case management, cases involving child victims are also reported to general directorates for social assistance and child protection, the data on child victims are also included in MLFSP statistics.

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<sup>4</sup> The official website of the General Directorate for Child Protection under the Ministry of Labor, Family and Social Protection

### **Other studies concerning CAN**

Child Trafficking in Romania – Study on the Recruiting Process, conducted by the National Agency against Trafficking in Persons (Gavril, Tamas, 2009), aimed at deepening the understanding of child trafficking and at improving child trafficking prevention measures. With respect to the impact of legal measures meant to address violence against children, the conclusions mention a few aspects related to the reduced capacity of local social services which play a role in preventing the risks of child exposure to any form of violence.

The Analysis of the Romanian Juvenile Justice System (2010), *Alternative Sociale* <sup>5</sup>

The study is intended as a qualitative research of the juvenile justice system. For this purpose, an analysis has been run on the legislation regarding the organisation of courts and prosecutor's offices investigating civil and criminal juvenile cases. With respect to the impact of legal measures to address violence against children, it should be said that although the legal framework of the justice system provides children's rights protection, some issues continue to prolong the child's exposure to judicial proceedings, such as: the overloading of judges with enormous workload leaving considerably less time for documentation; unreasonable workload and casework time established as optimal for a judge; undersized organisational chart, paired with massive staff turnover; insufficient and improper working spaces which fail to ensure the best infrastructure needed for judicial work when applying special procedures to minor children; etc.

The research report "Governance Fit for Children", conducted by Save the Children (2011) <sup>6</sup>. With respect to the impact of legal measures to address violence against children, it should be said that this research recommends to give priority to the legislation regarding children whose parents work abroad, children with mental health disorders (especially with the aim of developing a unified working methodology) and children in conflict with the law (creating a juvenile justice system compliant with international regulations and instruments, ensuring a system of aftercare for child offenders and especially for children who have served a custodial sentence or measure), guardianship (regulations concerning the child's assets), reinforced application of the principles of the child's best interest and child participation, and revision of penalties applied in case of failure to comply with the obligations assigned to the institutions and persons responsible for fulfilling the rights of the child.

Research carried out by the National Agency against Trafficking in Persons in the project REACT – Raising Awareness and Empowerment Against Child Trafficking (Munteanu, 2010). The research goal is to collect as much information about the links between Internet and mobile phone usage and human trafficking. Two reports were drawn up based on the research.

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<sup>5</sup> [www.alternativesociale.ro](http://www.alternativesociale.ro)

<sup>6</sup> <http://salvaticopiii.ro/?id2=0001000100090000>

## 2.2 – Critical review of the available data

Table no.1. The strengths and the weaknesses of the Romanian surveillance system of collecting and monitoring the dates concerning CAN

The objectives helped by the data base	Romanian central data system	
	Strenghts	Weaknesses
Monitoring the phenomenon	<ul style="list-style-type: none"> <li>- the existence of legislative regulations and the institutional infrastructure for monitoring</li> <li>- by monitoring we understand monitoring the recording and reporting available data in the counties</li> </ul>	<ul style="list-style-type: none"> <li>- the variables included in the monitoring instrument are not the most relevant for capturing some tendencies regarding the phenomenon of abuse</li> </ul>
Collecting information in order to evaluate interventions and policies		<ul style="list-style-type: none"> <li>- the variables included in the monitoring instrument are not the most relevant for capturing the tendencies in the development of the protection system</li> <li>- unreliability in confirming the reported dates at the county level</li> </ul>
Managerial and planning control regarding the staff, instruments and financing	<ul style="list-style-type: none"> <li>- the existence of CMTIS as IT support represents an opportunity for the future</li> </ul>	<ul style="list-style-type: none"> <li>- not filling in the fields <i>staff</i> and <i>finances</i> makes the managerial control and planning the budget difficult</li> </ul>

Table no.2. The strong and the weak points of the Romanian system of collecting and monitoring data about CAN – Characteristics of the system

Characteristics of collecting and monitoring data	Strong points	Weak points
Definitions and clear procedures	<ul style="list-style-type: none"> <li>- proper framing of abuse and neglect in law 272/2004</li> <li>- the existence of guidelines for filling in the monitoring sheet</li> <li>-the existence of some general procedures on identifying, evaluating and recording the abuse, according to the secondary legislation</li> </ul>	<ul style="list-style-type: none"> <li>- lack of legislative tool to correlate the severity of abuse (significant harm) and the security of the child (likelihood of abuse) to the measures to be taken by specialists, what evaluating and recording suspicions of abuse mean</li> </ul>
Locating the central, regional and local responsible institutions	<ul style="list-style-type: none"> <li>- law 272/2004 designates the institutions responsible for identification, record and treatment of abuse cases</li> </ul>	<ul style="list-style-type: none"> <li>- ambiguity on the legislative level regarding SPAS position in evaluating, recording and reporting abuse cases</li> </ul>
Clear methodologies for specialists on the local level	<ul style="list-style-type: none"> <li>Proper legal framing (order no. and order no. Case standard management)</li> </ul>	<ul style="list-style-type: none"> <li>- lack of synchronization in secondary legislation</li> </ul>
Set of descriptive variables about situation, measurements and background	<ul style="list-style-type: none"> <li>- at the central level detailed data regarding the measurements taken in case of abuse are recorded</li> </ul>	<ul style="list-style-type: none"> <li>- periodical monitoring sheet does not include relevant demographic information about the abuse incident</li> <li>- lack of information about the aggressor</li> </ul>
Involvement of specialists in the process of data analyses and of analyzing the results	<ul style="list-style-type: none"> <li>- specialists from the counties are involved in developing monitoring tools and in the testing process</li> </ul>	<ul style="list-style-type: none"> <li>- specialists from the counties are not involved in data analyses and analyzing the results</li> </ul>
Collecting data and regular reporting in order to familiarize the specialists to consider their work in terms of reported data	<ul style="list-style-type: none"> <li>The reporting is done on regular, periodical basis</li> </ul>	<ul style="list-style-type: none"> <li>- self evaluation and self monitoring are not compulsory</li> <li>- constant feedback regarding the dates and the development of dates at the county level is not required</li> </ul>

Table no.3. The strengths and the weaknesses of the Romanian system of collecting and monitoring data about CAN – Resource availability

<b>Resource availability</b>	<b>Strong points</b>	<b>Weak points</b>
Protocols to coordinate different data generating sectors	- a protocol with the Ministry of Internal Affairs is being elaborated	- there aren't any protocols between different sectors concerning data integration and collection mainly because of the differences between the various definitions of abuse
Standard forms for reporting and recording	- there are two recording instruments in Order no. and Order no. where other relevant questions for reporting cases of abuse and initial evaluation can be added - existence of some resources in the country (Neamt county, for example)	- lack of national standard consistent working tools to facilitate screening and assessing cases of abuse
Guidebooks and implementing definitions and methodologies	- in 50% of the counties there is a guidebook/manual to describe the mechanism and the procedure of recording the cases	- at the national level there aren't any consistent guidebooks in implementing definitions and methodologies
User friendly data base and storing soft	- all counties have computerized data base, and 27th counties have CAN computerized database	- the data base for the monitoring and specialized department are not integrated except the case of one county (Bihor)
Training to promote the implementation of the system and its usage	- there were training sessions for monitoring department staff all over the country when introducing the monitoring periodical sheet	- there was not a continuous instructional improvement to take into consideration staff turnover
Mandatory reporting and penalties in case of infringement	- law 272/2002 stipulates the mandatory reporting for specialized staff	- there are not legal measures/penalties in case of non-reporting
Financial resources for updating and development of the system	- monitoring services are financed from the state budget both on central and county level	- there aren't any other special funds for consistent developing, evaluating and updating the monitoring system

## 3 – Legal Framework

### 3.1 - Legislation, policies and mandates for reporting and recording of CAN cases in different professional fields

**The national law on the protection and promotion of children’s rights** (Law No 272/2004) sets forth clear provisions related to child protection from all forms of violence and prescribes the obligation for any individual or legal entity to notify relevant authorities when such cases are identified so that effective protection is provided to the child.

#### *Article 85*

*(1) The child holds the right to protection from all forms of violence, abuse, maltreatment or neglect.*

The law number 272/2004 stipulates the organization, functioning and responsibilities of the institutions specialized in the domain of the child protection both at the local and central level.

Law 272/2004 as well as secondary legislation designates the institutional professional responsible and stipulates the development of an institutional infrastructure, of the procedures and internal mechanism that would allow the correct and valid registration of the cases of child abuse and neglect.

Art. 91(2) stipulates the establishment of the specialized departments of “The Child Help Line” (CHP) a telephone number known to public which will record notifications of the cases of abuse.

*“Article 91 (2) For reporting child abuse and neglect, in each general directorate for social assistance and child protection a child helpline shall be created and the number made public. “*

The law 272/2004 refers to the duties of the public service of social work, of general directorate of social work and child protection regarding initial assessment. These duties involve among others to identify risk situations, evaluation, reporting the case, providing services and monitoring cases of abuse and neglect. Article 34(1) stipulates: “The public social work service will take all necessary measures for early detection of risk situations that may cause separation of the child from his family. Regarding the mandatory reporting of suspected abuse by professionals working directly with a child, the law states that they must notify the SPAS or DGASPC in the jurisdiction the case has been identified. Meanwhile, according to art. 92 DGASPC is required: "a) verify and settle all complaints on cases of abuse and neglect, including those coming from foster parents; b) to provide services stipulated in art. 107 specialized for the needs of children victims of abuse or neglect and their families. Article 92 stipulates that all notifications must be verified by DGASPC.

**Governmental Decision no. 177/2003 about the approval of Obligatory Minimal Standards for the child’s phone**, the obligatory minimal standards regarding the Counseling Centers for the abused, neglected, or exploited child as well as the obligatory minimum standards regarding the center of communitarian resources to prevent abuse, neglect and exploitation stipulates the making at the level of every DGASPC of a emergency intervention department altogether with the Child Help Line and a mobile team. This service must operate 24/7 with a short, free of charge phone number. The duty of the service is to evaluate immediate risks of the child involved and to intervene in case of emergency. The standards stipulates that the counselors within Child Helpline department use evaluation instruments to estimate the immediate needs of the caller, the risk and the importance of the situation. The same standards stipulate a compulsory reporting sheet and the initial evaluation performed by the specialist taking over the case.

**Government Decision No 860/2008 approving the National Strategy for Child Rights Protection and Promotion 2008 - 2013 and the Operational Plan for the Implementation of the National Strategy for Child Rights Protection and Promotion 2008 – 2013**

One strategic objective has been to create and develop a unified, coherent and comprehensive system for preventing, notifying/reporting and intervening in child abuse, neglect and exploitation cases.

In the Operational Plan for Strategy Implementation, are specified the following directions for intervention :



- Prevent and report cases of violence – referring to all instances of abuse (physical, emotional, sexual abuse), neglect, exploitation (such as commercial sexual exploitation of children, child labour, but also exploitation of children by the media or in scientific experiments, children forced to develop their talents to the detriment of their physical or mental development, etc.), high-risk child migration, domestic violence, abduction or illicit transfer of children, child trafficking and child trafficking-related exploitation, and other forms of violence against children;
- Improve, develop and diversify interventions and the specialised service network dealing with child victim rehabilitation and social reintegration;
- Provide a unified legal and institutional framework for preventing and combating violence against children.

**The Emergency Ordinance no. 68 /2010 from 30 June 2010** regulates the dissolution of the ANPDC and its reorganization within the Ministry of Education, Family and Social Protection (MFSP) as a specialized organization. The General Directorate of Child Protection in the frame of the MSSP was created in order to take over the roles and responsibilities of the ANPDC.

**Law No 252/2010 ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**, adopted at Lanzarote on 25 October 2007 and signed by Romania at Lanzarote on 25 October 2007

**GD No 49/2011 approving the framework methodology for the prevention of and intervention in instances of violence against children and domestic violence through a multidisciplinary team and network and the methodology for the multidisciplinary and interagency intervention in cases of exploited children and children at risk of child labor, child victims of human trafficking, as well as Romanian migrant children identified as victims of other forms of violence in other states**

The main issues regulated in the aforementioned act are the following:

- it offers a common framework for the identification/notification and investigation of domestic violence cases or of those concerning victims of child labour or child trafficking;
- it offers the framework needed to provide essential data on major forms of violence against children and domestic violence;
- it supplies working tools to all professionals involved in the prevention of and intervention in cases of child and domestic violence;
- it provides the framework needed to collect reliable and accurate data on the scale of domestic violence or child trafficking and different forms of exploitation at national level, which may later be used to develop national strategies in these areas;
- it provides the working tools to be applied for cooperating with foreign authorities when Romanian children are identified as victims of abuse or exploitation in other states.

Consequently, the above-mentioned legislative act is intended to ensure legal coherence and to set unified working procedures dedicated to practitioners from several institutions who are involved in investigating cases of domestic violence, abuse, trafficking or exploitation.

#### **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 rights<sup>7</sup> 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.

### 3.2 – Legal provisions for administration of sensitive personal data

The main legal provisions for administration of sensitive personal data are the following

- **Law No. 677/2001 on the Protection of Individuals with Regard to the Processing of Personal Data and the Free Movement of Such Data, amended and completed** guarantee and protect the individual's fundamental rights and freedoms, especially the right to personal, family and private life, with regard to the processing of personal data.
- **Law no. 682/2001 on the ratification of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data** , adopted in Strasbourg on 28 January 1981
- **Order No. 52/2002** on Minimum Security regarding the processing of personal data
- **Order No. 75/2002** establishing measures and procedures to ensure an adequate level of protection of the rights of persons whose personal data are subject to processing
- **Law no. 102/2005** on the establishment, organization and functioning of the National Supervisory Authority for Personal Data Processing.
- **Rules of Organization and Operation of the DPA** in 2005 , with subsequent amendments

The security measures are related to the rules for the persons who will access, to the using and placing of the computers, accessing the data-base, etc.

A few examples for the security measures there are the following:

- The operator is obliged to register automatically (through a login system) in a computer file or manually in a register every access of the database.
- The computers should be kept in a safe place.
- The copies of the data-based should be closed.

Regarding the collection and the administration of data concerning CAN, Law nr, 272/2004 on the protection and promotion of the right of the child describes the responsibilities of child protection and other services.

The law foresees in article 106 (1) the responsibilities of the public social security services organized at the levels of cities and towns, as well as the persons who are involved in providing social security services within the communal local councils regarding data processing in the field of child protection as follows:

“monitor and analyze the situation of the children located in their administrative -territorial range, as well as the enforcement of the rights of these children, by providing the centralization and synthesis of the relevant data and information”

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<sup>7</sup> The manual for implementing Law no. 272/2004 regarding the protection and promoting of children rights, UNICEF Romania and ANPDC, Ed. Vanemonde, 2006

## 4 - Brief overview of child maltreatment prevention and child protection

### 4.1 – Roles and responsibilities

- Professionals working in child protection services: mainly social workers, but psychologists and lawyers as well
- Professionals working at public social services: social workers or other professionals with social work attributions

According to HG 49/2011 the following professional categories can be members of the multidisciplinary team:

- Teachers; Therapist;
- Probation officer;
- Lawyers;
- Judges;
- Priests;
- Caretakers;
- Reference person of the child.

When necessary, the child's teacher and /or school counselor can be invited to join the multidisciplinary team (mandatory for cases of child labor, child trafficking and migrant repatriation of Romanian victims of other forms of violence in other states).

Beside the minimum number of the members constituting a team, other professionals can be involved to bring, by training or vocation, more quality to the services offered by the multidisciplinary team. Thus, these professionals become members of the intervention network and can be:

It is the case manager who coordinates the multidisciplinary team and checks the provided services by other professionals within the intervention network and he is informed about every stage including the trial of the case. During case management, weekly meetings of the multidisciplinary team are recommended, organizing these meetings being the duty of the case manager. At these meetings, where appropriate, other professionals from the intervention network can be invited.

### 4.2- Agencies mandated with the recording of child abuse and neglect cases

Monitoring children victim of violence/adults and/or children victim of domestic violence involves a flow of information from the local level (the community) to the national level, and the other way around, from the national level to the county and local level.

**a) Locally**, SPAS/people responsible for social assistance shall:

- fill in and submit the appropriate signal forms (eg. the form for reporting cases of abuse and/or neglect of the child, the form for reporting cases of child labor) to DGASPC based on alerts/notifications from professionals within the community or from self reporting.
- when performing the initial evaluation required by DGASPC fill in initial assessment sheet situations of abuse and/or neglect of the child, afterward sent to DGASPC;
- to identify children at risk of child labor, sexual exploitation and trafficking risk fill in matrix chart and submit quarterly summary sheet corresponding DGASPC.

**b) At the county level** professionals involved in case management and monitoring of cases of violence against children and domestic violence shall:

- Child Helpline counselors within GDSACP fill in initial evaluation sheet of abuse and neglect of children, part of the child's file;
- the case manager appointed by DGASPC prepare detailed evaluation report which includes the plan of the activity of the multidisciplinary team;
- monitoring department employees within DGASPC fill in appropriate summary files (eg. statement summary regarding cases of child abuse and neglect, summary record regarding cases of child labor and children at risk of child labor, sexual exploitation, children trafficking, summary statement regarding cases of national and cross-border child

trafficking) and send them to MMFPS-DGPC; based on centralized records, conduct statistical data on cases of children victims of violence against children and family violence; EIL coordinated by DGASPC prepare annual reports on violence against children and domestic violence, with specific annexes regarding child labor, child trafficking and migrant Romanian children victims of other forms of violence in other states (see Chapter IV EIL responsibilities).

**c) At the central level, DGPC-MMFPS shall:**

- centralize data from DGASPC regarding the broader issue of violence against children based on the summary sheets mentioned above;
- prepares annual reports on violence against children and domestic violence, based on EIL reporting and on monitoring departments from DGASPC;
- take part in preparing national reports on the various forms of violence against children and domestic violence;
- make proposals to amend legislation and policies regarding child and domestic abuse.

### **4.2.1 - Creating synergies: *Who could participate in the CAN-MDS? Core and extended national CAN-MDS groups***

According to the results of BECAN CBSS Study, the main sources of CAN referral are the social services and the police. Although the health care system is in frequent contact with target group (CAN cases and their families), their contribution to identifying CAN is insignificant. The project should target the health care system also, due to the great potential of identification of cases. The same problem is occurring in relation with the educational system. Due to the lack of knowledge regarding recognition of CAN and legal duties of referral, as well as the lack of capacities and lack of trust regarding efficiency of interventions made by the social services, neither the educational nor the health care system is involved enough in CAN identification and referral.

The explicit duty of data collection and monitoring of children's rights is owned by the Ministry of Labor through the decentralized social service system. The Child Monitoring and Tracking Information System is a nation-wide, child centered monitoring system, and the Ministry of Labor has tried to improve it, but in spite this it is not functioning at its full potential. However, the CAN-MDS should firstly relay on the existing efforts of improvement of the national and local data systems. The child protection department from the Ministry of Labor is in charge for policy development and ensuring of policy implementation including the monitoring of children's rights, thus the main stakeholder of CAN MDS is the General Directorate for child Protection from the Ministry of Labor.

Beside the national department, the county and local level social services are the main actors in the development of CAN MDS and improvement of the actual data monitoring system.

Due to the fact that, as stated above, the Police is the institution which is the most frequently involved in CAN cases (especially the severe ones) and such as, consist an important source of data for CAN cases, it should also be considered as part of the core group of operators.

The educational and health care systems should be targeted as potential extended group of operators of CAN MDS.

The judicial data regarding CAN is also monitored by the CSM and National Prosecutor's Office through indicators which differs consistently from those used by the social services. Therefore adjustments between different existing data collection sources (courts, prosecutor's office, police, and social services) would be needed.

The institutions which come into contact with CAN and collect data regarding CAN, are involved in training of professionals or have a role in policy development and implementation, and such, should potentially represent the needed professional fields for development of CAN MDS, are as follows:

**A. Social services**

1. Ministry of Labor – central government
2. General Directorates for Social Assistance and Child Protection (47 in the country)
3. Social Service Departments (approx. 1000 including all cities and municipalities)
4. Main private social service providers

5. Federations of service providers
6. Universities of social work and psychology
7. Professional body of social workers in Romania

**B. Health care system**

1. Ministry of Public Health
2. Directorates of Public Health (42 institutions subordinated to the Ministry of Health)
3. Pediatric Hospitals
4. Pediatric Emergency Rooms
5. Obstetrics Hospitals
6. Universities of Medicine
7. Nurse schools
8. Professional Associations of Family Doctors

**C. Educational System**

1. Ministry of Education
2. County School Inspectorates (47)
3. Pedagogical Methodological Centers (47)
4. Universities of Pedagogy

**D. Law enforcement**

1. Ministry of Interior
2. Police Directorates

**E. Justice system**

1. Ministry of Justice
2. Public Ministry
3. Superior Council of Magistrates
4. Courts

## 4.3 – Available infrastructures and resources

### ***Data collected by the Ministry of Labor, Family and Social Protection on CAN***

Romania has a national statistics system regarding the respect for Children’s Rights, including the right to protection since 2007. Since 2007 there hasn’t been an evaluation of the monitoring system and of the data that has been collected. The instrument used in the monitoring is the monthly monitoring sheet which has its actual form since 2007. The systematic registration of the information at the national level started in 2004.

The *monthly monitoring sheet* is built on the UN Convention on the Rights of the Child and includes the following chapters:

- Overall implementation measures – this section comprises data on human resources with child protection responsibilities employed by local authorities;
- Civil rights and freedoms – this section comprises data on child birth registration and abandonment;
- Family environment and alternative care – this section comprises data on children whose parents work abroad, day-care services, residential care services, data on children separated from their family who benefit from special protection measures, data on abuse and neglect, and on street children;
- Health and well-being – this section comprises data on children with disabilities and children with HIV/AIDS, children at risk (risks that could lead to the child’s separation from his/her parents);
- Spare time and cultural activities – this section comprises data on play spaces;
- Special protection measures – this section comprises data on children who have committed a criminal offence and lack criminal responsibility; Romanian children located in other states in relation to whom Romanian authorities have been notified; children located in other states identified as victims of exploitation and trafficking abroad; repatriated children, child victims and/or perpetrators of crimes; repatriated unaccompanied children and children sent back together with their family; internal child trafficking – reports submitted to GDSACP.

The data collection regarding abuse, neglect and child exploitation refer to children who come into contact with the child protection service, that need protection because they are at risk of being or have already been abused/neglected and whose parents do not have the capacity of offering them protection and the proper care as well as the ones that benefit from prevention measurements regarding family separation. The variables used for the collection of data regarding CAN are the following:

- The source of the notification (the child, the professionals, any individual, self denunciation) and the ways of notification (child support line, phone call to the usual telephone number of the organization)
- The children that have stayed with their families that benefit from child support
- Total number of children for which the DGASPC manager decide in favor of emergency foster care (and PIP services)
- The number of children for which the legal authority decided upon emergency foster care, using the presidential order while DGASPC is offering PIP services.
- The number of cases for which a criminal prosecution has been started
- The number of cases still in progress
- The number of closed cases
- The area where the abuse has taken place (family, AMP, Residential Services, Educational Units, the names of other units must be specified, other locations – have to be named)
- The distribution according to sex
- The distribution on age groups
- The services the child benefits from
  - Rehabilitation services ( psychological counseling, psychotherapy, other types of therapy)
  - Medical services (other than rehabilitation services)
  - Educational services (school reintegration, guidance and preparation for a certain profession)
  - Juridical counseling / assistance

All these variables are divided in different types of abuse (physical abuse, emotional abuse, sexual abuse, neglect, exploitation through work, sexual exploitation, exploitation in the direction of committing delinquent acts.) The sheet also contains information regarding homeless children.

Professionals from monitoring services in each county responsible for data monitoring have benefited from training sessions for the adequate use of the database. The chart is filled out quarterly by the general directorates for social assistance and child protection (GDSACP) from the 41 counties and 6 Bucharest districts and sent to the Ministry of Labour, Family and Social Protection. The data are requested quarterly, starting with January for the last quarter of the previous year.

The statistics are quarterly posted on the MLFSP website. According to the findings of the research conducted in 2011 by the Babes-Bolyai University as part of the BECAN project<sup>8</sup> on the system of reporting and recording cases of abuse and neglect, the current version of the national database contains a lot of information about protection actions taken (separation or keeping the child in the family) and services involved (counseling, therapy, medical, educational, legal services, etc.). However, important items are missing regarding the state's response to this phenomenon, items that are necessary in order to get the big picture over the social factors of child maltreatment and case features, as well as to develop policies and measures to be implemented in the child protection system. Thus,

- There are few data regarding the socio-demographic features of the child victim (only the age, sex, type of housing in terms of urban/rural are requested);

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<sup>8</sup> The BECAN (Balkan Epidemiological Study on Child Abuse and Neglect) Project was initiated by the Institute of Child Health, the Department of Mental Health and Social Welfare, the Centre for the Study and Prevention of Child Abuse and Neglect-Greece and run under the auspices of the European Commission and co-funded by DG Research in the context of FP7-Cooperation, coordinator: George Nikolaidis. The participating countries are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Romania, Serbia and Turkey and altogether around 30.000 children and parents were surveyed. In Romania, the study is carried out by Babes-Bolyai University, Faculty of Sociology and Social Work. Coordinators: Maria Roth and Imola Antal. [www.becan.eu](http://www.becan.eu)

- The perpetrator's socio-demographic features are lacking. As to the features of the perpetrated abuse, the data are restricted only to type of abuse and place of abuse;
- Data on victim's ethnicity are missing which means that we can't document the need for specialised programmes in Roma communities;
- We don't have information about services delivered to other family members, about intervention length, outcomes or costs involved.

The synthesis of the collected data is quarterly analysed by the General Directorate for Child Protection at the Ministry of Labour, Family and Social Protection and uploaded to the website [www.copii.ro](http://www.copii.ro). The data for 2010-2011 are enclosed to this report.

The National Institute of Statistics (NIS)<sup>9</sup> doesn't collect other data than those provided by the Ministry of Labour, Family and Social Protection.

But because this is not a child centered system and also because the information related to the socio-demographical data is missing, the data regarding the abuse incident and the aggressor (see criteria ChildOnEurope), the data base does not offer too much information on abuse as a phenomenon in Romania or over the evolution of the protection system (Tonk et al., 2012).

The Ministry of Labor, Family and Social Protection is currently running an analysis and revision of the monitoring chart. Under partnership agreements, MLFSP was able to consult the reports of the BECAN CBSS research and will be involved in this project as well.

Romania has a national statistics system regarding the respect for Children's Rights, including the right to protection since 2007. Since 2007 there hasn't been an evaluation of the monitoring system and of the data that has been collected. The instrument used in the monitoring is the monthly monitoring sheet which has its actual form since 2007. The systematic registration of the information at the national level started in 2004.

The *monthly monitoring sheet* is built on the UN Convention on the Rights of the Child and includes the following chapters:

- Overall implementation measures – this section comprises data on human resources with child protection responsibilities employed by local authorities;
- Civil rights and freedoms – this section comprises data on child birth registration and abandonment;
- Family environment and alternative care – this section comprises data on children whose parents work abroad, day-care services, residential care services, data on children separated from their family who benefit from special protection measures, data on abuse and neglect, and on street children;
- Health and well-being – this section comprises data on children with disabilities and children with HIV/AIDS, children at risk (risks that could lead to the child's separation from his/her parents);
- Spare time and cultural activities – this section comprises data on play spaces;
- Special protection measures – this section comprises data on children who have committed a criminal offence and lack criminal responsibility; Romanian children located in other states in relation to whom Romanian authorities have been notified; children located in other states identified as victims of exploitation and trafficking abroad;
- repatriated children, child victims and/or perpetrators of crimes; repatriated unaccompanied children and children sent back together with their family; internal child trafficking – reports submitted to GDSACP.

The data collection regarding abuse, neglect and child exploitation refer to children who come into contact with the child protection service, that need protection because they are at risk of being or have already been abused/neglected and whose parents do not have the capacity of offering them protection and the proper care as well as the ones that benefit from prevention measurements regarding family separation. The variables used for the collection of data regarding CAN are the following:

- The source of the notification (the child, the professionals, any individual, self denunciation) and the ways of notification (child support line, phone call to the usual telephone number of the organization)
- The children that have stayed with their families that benefit from child support
- Total number of children for which the GDSACP manager decide in favor of emergency foster care (and PIP

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<sup>9</sup> Source: Geréd Beatrix, NIS Vice President, verbal communication, September 1<sup>st</sup>, 2010

services)

- The number of children for which the legal authority decided upon emergency foster care, using the presidential order while GDSACP is offering PIP services.
- The number of cases for which a criminal prosecution has been started
- The number of cases still in progress
- The number of closed cases
- The area where the abuse has taken place (family, AMP, Residential Services, Educational Units, the names of other units must be specified, other locations – have to be named)
- The distribution according to sex
- The distribution on age groups
- The services the child benefits from:
  - Rehabilitation services ( psychological counseling, psychotherapy, other types of therapy)
  - Medical services (other than rehabilitation services)
  - Educational services (school reintegration, guidance and preparation for a certain profession)
  - Juridical counseling / assistance

All these variables are divided in different types of abuse (physical abuse, emotional abuse, sexual abuse, neglect, exploitation through work, sexual exploitation, exploitation in the direction of committing delinquent acts.) The sheet also contains information regarding homeless children.

Professionals from monitoring services in each county responsible for data monitoring have benefited from training sessions for the adequate use of the database. The chart is filled out quarterly by the general directorates for social assistance and child protection (GDSACP) from the 41 counties and 6 Bucharest districts and sent to the Ministry of Labour, Family and Social Protection. The data are requested quarterly, starting with January for the last quarter of the previous year.

The statistics are quarterly posted on the MLFSP website. According to the findings of the research conducted in 2011 by the Babes-Bolyai University as part of the BECAN project on the system of reporting and recording cases of abuse and neglect, the current version of the national database contains a lot of information about protection actions taken (separation or keeping the child in the family) and services involved (counselling, therapy, medical, educational, legal services, etc.). However, important items are missing regarding the state's response to this phenomenon, items that are necessary in order to get the big picture over the social factors of child maltreatment and case features, as well as to develop policies and measures to be implemented in the child protection system. Thus,

- There are few data regarding the socio-demographic features of the child victim (only the age, sex, type of housing in terms of urban/rural are requested);
- The perpetrator's socio-demographic features are lacking. As to the features of the perpetrated abuse, the data are restricted only to type of abuse and place of abuse;
- Data on victim's ethnicity are missing which means that we can't document the need for specialised programmes in Roma communities;
- We don't have information about services delivered to other family members, about intervention length, outcomes or costs involved.

The synthesis of the collected data is quarterly analysed by the General Directorate for Child Protection at the Ministry of Labor, Family and Social Protection and uploaded to the website [www.copii.ro](http://www.copii.ro). The data for 2010-2011 are enclosed to this report.

The National Institute of Statistics (NIS) doesn't collect other data than those provided by the Ministry of Labour, Family and Social Protection.

But because this is not a child centered system and also because the information related to the socio-demographical data is missing, as well as the data regarding the abuse incident and the perpetrator, the data base does not offer too much information on abuse as a phenomenon in Romania or on the evolution of the child protection system (Tonk et al., 2012).



The Ministry of Labour, Family and Social Protection is currently running an analysis and revision of the monitoring chart. Under partnership agreements, MLFSP was able to consult the reports of the BECAN CBSS research and will be involved in this project as well.

#### ***The Child Monitoring and Tracking Information System***

Another monitoring instrument, besides the Monitor Sheet is a *Child Monitoring and Tracking Information System (CMTIS)*, a data base centered on the child benefiting from the special protection measures, but it does not contain specific information on abuse and neglect. CMTIS has been built in 2006 within the frames of the partnership with the USA government, with the purpose of monitoring the evolution and the reform of the child protection system from Romania. It has three sections: children, staff and finance. The children section has the purpose of monitoring the evolution of the children who benefit from special protection measures (separated from their families). The database permits to track each separate case, any changes in the child's placement, duration of the protection measure or end of the intervention. CMTIS comprises all the identification data of beneficiary children. The database has been installed in accordance with special procedures in every GDSACP across the country and authorised professionals have password-protected access to it. Passwords are requested to the General Directorate of Child Protection –Ministry of Labor, Family and Social Protection by GDSACP managers, who are in charge of the adequate use of the database.

GDSACP professionals are responsible for introducing new data into CMTIS based on the beneficiary children' files. There isn't any unified procedure on its completion (regarding service in charge of database completion, persons in charge, special safety measures) as this is decided at county level. The database use is concordant with relevant legislation on the protection of personal data.

According to the Country Report for the UN Commission on Child Abuse and Neglect (2011) the percentage of the filling of the data base is approximately 80-90%.

#### ***Nationwide data collected by the High Council of Magistrates***

Apart from the Ministry of Labor, Family and Social Protection, the High Council of Magistrates (HCM) also owns a system of data on children who were victims of crime.

While MLFSP collects data under Law No 272/2004 on the protection and promotion of children's rights, the data collected by HCM are based on the Criminal Code, Law No 217/2003 on the prevention and fight against domestic violence and Law No 678/2001 on the prevention and fight against human trafficking. The two statistics operate with different concepts and definitions.

HCM collects data from courts and prosecutor's offices by type of crimes as laid down in the Criminal Code and other special laws, as follows: offences against the person, among which assault or battery and rape; offences prejudicial to communal relationships, such as family desertion and procurement; other offences under the Criminal Code and special laws: offences under Law No 678/2001 and Law No 252/2002. This database doesn't contain information about the child victim (ex gender or age), the person of the perpetrator and his/her relationship to the victim.

#### ***County data collected by county general directorates for social assistance and child protection***

The analysis of GDSACP reports regarding child maltreatment databases (child abuse and neglect – CAN) point to the following (the aforementioned BECAN research, 2011):

- 43 GDSACP declare that they have a CAN database;
- The format of the county database is not unified (both on paper and electronic); there are also differences regarding the service that manages the database;
- It has been noticed that most counties hold data on child victims, such as name, age, date of birth, sex, educational attainment, domicile, national identification number, name of parents;
- As for the incident of abuse, the most common information is: type of abuse, the person who reported the abuse, the measure taken to help the child and the services delivered to the child victim. The information about the incidents of abuse and their effects are less rarely incorporated;
- Information about the family (data on the socioeconomic situation, occurrence of domestic violence and abuse on another child than the subject of the intervention) is found at almost half of GDSACP. Nevertheless, such data go

only into the case files as questionnaire respondents have pointed out;

- Regarding the perpetrator, in general, few data are included (only socio-demographic data on sex and age, and the measures taken against him/her), except for the decision to stop any contact with the child – where applicable.

County level data are usually not published, but they are communicated to the media sporadically or on the occasion of special events.

The informations are segregated by

- Sex, age of the child victim
- Geographical location of the incident
- Reporting source
- Children who continue to stay with their family while receiving services
- Number of children for whom the GDSACP manager has ordered the emergency placement
- Number of children for whom the court has ruled the emergency placement under presidential order
- Number of cases in which the perpetrator has been criminally prosecuted
- Number of cases in progress
- Number of closed cases
- Place of abuse
- Services benefiting the child
- Geographical location of incidents of violence
- Context of the incident
- Relationship between the victim and perpetrator

No information is available regarding the ethnicity, nature of injury or death, cause of injury or death, time of the violence, etc.

All these variables are broken down by type of abuse (physical abuse, emotional abuse, sexual abuse, neglect, child labour, sexual exploitation, exploitation for criminal purposes).

The chart also contains information about street children.

### ***Other registries and systems***

Besides the above mentioned data-bases the country maintains the following registries and systems :

- registries for birth, death and marriage
- systems to capture data on children without parental care

Please indicate any measures taken since 2009 or envisaged to implement the use of indicators based on internationally agreed standards on violence against children, and the responsible agency.

### **Tools and methodologies**

**A unified set of tools and methodologies** for recording and monitoring all forms of violence was approved by an order of the Minister of Labour, under GD No 49/2011 (the concrete instruments are not yet developed)

Through Appendix A of the methodology (HG 49/2011) recommends to the professionals an instrument of work for the initial evaluation that is in fact a model of social investigation and offers explanations and guides the filling in of the sheet. In this respect, the Methodology stipulates: "... the evaluation has to comprise the following key elements:

- a. If the basic needs of the child are being satisfied. For example: nutrition, home, health, education, care, emotional development, social abilities, safety and security etc.
- b. If the specific needs of a child are being met. For example the ones due to a temporary or permanent disability, chronic disease, family trauma etc.
- c. The ability and potential of the parents of taking care of their child and satisfy its needs;
- d. If the child is in a risk situation – especially if the child is being abused physically, sexually, emotionally or is being neglected
- e. If there are supportive networks within the extended family, community etc.

The evaluation has to cover all the aspects of the child's life: social, psychological, medical, educational, juridical".

Collecting information about child's development and other relevant events;

- To determine if the mother is protecting the child;
- To eliminate the suspicion of the abused child being manipulated by the mother, because often when the child is abused by the father or by the partner of the mother, her common reaction is to deny the abuse
- To understand the dynamics of the events in the child's life.

Factors to be evaluated in order to see if the mother acts in the best interest of the child are:

- The quality of the relationship between mother and child;
- To what extent the mother is depending on the alleged perpetrator/aggressor especially when he is the husband or the partner;
- Mother's willingness and capacity to protect the child

*Types of detailed assessment:*

A. Medical;

B. Psychological;

C. Social;

D. Legal;

E. Risk Assessment

As an example we present the psychosocial assessment of the family.

Family's evaluation is system-based, centered on family dynamics and aiming at:

- Behaviors that lead to a risk of abuse in the family;
- Family resources to perform basic tasks necessary for everyday life, tasks for guaranteeing child's development as well as protection tasks;
- Communication within the family;
- Roles and responsibilities of family members;
- Relations between family members;
- Emotional expression and involvement;
- Relationship with relatives;
- Situations when family members have benefited from the support of social services and the way these has been used;
- Behavior's control.

Nevertheless, Appendix A of the methodology (HG 49/2011) does not offer too many references for the evaluation of the key elements mentioned above, especially regarding the existence of a presupposed abuse, of the risk level. Among the few explanatory identification data as the socio-demographical and socio-economical information regarding the family, the model comprises special sections for information regarding the child's education, living conditions and medical needs. Information regarding abuse/ neglect can come out in the narrative description regarding : "relevant family history" , " the description of the child's/family problem", "the presentation of the situation/events", "the identification of the needs", but the sheet does not include filter questions.

There is also no special section the references regarding the evaluation of the parental abilities. There are however sections that offer information regarding family climate and social resources (connections with the community). This information is of course important in order to identify resources but is far from being sufficient for a complete and valid evaluation, that has to serve the purpose of establishing if the quality of the child's care meets the "sufficient care" criteria (L. Waterhouse, J. Carnie, 1992) and to identify the situation of abuse and evaluate if the child is in a real danger. Going further, this social investigation is meant to represent a recommendation with regard to keeping the child in the family or separating it from it.

## 5 - Advocating towards the adoption of a CAN-MDS

The core body of operators who will contribute to the development of CAN MDS should be formed by representatives of the social sector and police which are the most involved agencies in dealing with CAN cases. However the circle of operators must be extended in a future stage to embrace the health, educational and judicial sector also.

The first step is informing the Ministry of Labor – General Directorate for Child Protection, responsible for policy development in the field - and proposing a partnership protocol. The role of GDCP is to involve the Ministry of Interior in the first phase and the Ministry of Education, Ministry of Health, Superior Council of Magistrates in the second phase to negotiate a common/compatible set of indicators to be used in data collection – Horizontal negotiations.

The GDCP's other role is to consult the county and local child protection departments in regard of their material, financial and human development needs and actual capacities.

The role of the BBU is to prepare, based on the proposal of the project leader, a development package to GDCP. For preparing the recommendations, the BBU will select a core group of stakeholders from the above mentioned list of institutions to consult on the draft recommendations and to adjust it to the Romanian system. While selecting the institutions the following criteria will be taken in consideration: represent the central and local governments, to represent both policy development and policy implementation, to represent in first round the social and public order sectors and in the second round the educational, health care and justice sectors.

The feed-back will be collected through stakeholder meetings, which serve as advocacy forums also, and focus groups with professionals.

Recommendations should address the following areas:

- Set of indicators regarding child, incidence, family and services provided which should be introduced to the CMTIS
- Operator's manual
- Proposals regarding the implementation of a pilot project in 4 counties in order to test the new data set
  - Proposal regarding the human resource administration to increase effectiveness of data collecting and monitoring
  - Proposals regarding human capacity development (training for professionals who are in charge with monitoring)
- Proposal regarding the arguments useful in negotiations with the line ministries

### 5.1 - Recent and on-going developments

In 2013 the child protection law modifications were prepared. The modifications were accepted in the Parliament in September 18, 2013. The most important change refers to the reporting obligations of the public, professionals and institutions, which, if it is not happening, according to the newly modified law, will be penalized.

The web-page of National Direction of Child Protection from the Ministry of Work, Family and Social Protection doesn't mention of any information regarding the changes in the legal bases of child protection in the last two years ([www.copii.ro](http://www.copii.ro)). UNICEF Romania does not mention any new laws or improvement or any changes in the legal bases of handling situations of violence against children in the last two years (<http://www.unicef.org/romania/index.html>).

The new reporting, evaluation monitoring tools, which were mentioned in the GD nr 49/2011 that will be specified in a new GD of the Ministry of Labor, Family, Social Protection and Elderly, were not yet elaborated. In this respect it would be a chance for us to advocate for the MDS elaborated in the frame of this project to be implemented by the Ministry in the child protection system.

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## **Annex**

### **DIRECTIA PROTECTIA COPILULUI , IMINISTERULUI MUNCII, FAMILIEI SI PROTECTIEI SOCIALE**

#### ***Other National agencies involved***

Inspectia Muncii  
Avocatul Poporului  
Consiliul National al Magistraturii  
Consiliul National pentru combaterea discriminarii  
Consiliul National al Audiovizualului

#### ***NGOs***

Asociația Linia Verde pentru Protecția Copilului  
Asociația Alternative Sociale  
Child Rights Information Network  
Fundatia Copiii Nostrii  
Fundatia Copii Romaniei  
Fundatia Hope and Homes for Children Romania  
Fundatia Internationala pentru Copil si Familie  
Fundația Inocenti  
Federatia Organizatiilor neguvernamentale active in Protectia Copilului  
Organizatia Salvati Copiii  
World Vision Romania  
Children's High Level Group  
SENECAN  
BECAN-Ro network  
ARTEMIS

