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THE EVOLUTION OF CHILD PROTECTION SYSTEM

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Abstract: The social work system of Romania has undergone several changes according to the political regime in power at a certain point but also to the socio-economic context. Currently, the social work of disadvantaged categories is made according to quality standards, but also to European regulations. In this study, I will try to highlight the specific and the evolution of social work from the Communist Regime until nowadays.

Keywords: social work, social services, deinstitutionalization.

Social work – subsidiary system of social work

In 1975, Camplong defined social work as a “subsidiary system of social work”. The social work of individuals who for certain reasons cannot care for themselves is done by means of social insurance system and social work system.

A well-known definition of social work is given by Werner Boehn: „Social work tries to enhance the social functioning of individuals, singularly or in groups by activities focused upon their social relationships, which constitute interactions between man and his

environment. These actions can be grouped into three functions: restoration of impaired capacity, provision of individual and social resources and prevention of social dysfunctions”. Blum (1970) understands social work as an institution, which inserted in the field of social organizations, tries to provide social help to the members of community through the channel of private or public organisms. The aim is satisfy the man`s multiple needs. Social services try to insert the individual, family and groups in the social environment as a whole. By means of therapeutic or preventive action, it fulfils the demands of social insertion, relying on the “social” as support. In other words, it puts at stake and develops the personal energies of the assisted and of social workers, interpersonal relations and the resources of the society.

The notion of “social work” is defined by Zamfir E. (2000, p.234) as having two senses: social work as integrated part of social services aiming at rebuilding and the development of abilities in individuals, families, group, at understanding the nature of problems they are facing, at identifying constructive solutions and developing personal and collective abilities. The author understands social work as specific type of social therapy. If seen from another perspective, social work means the system of non-contributing social benefits given to individuals in need, according to the measure of these needs.

The system of social insurance is the second component of social protection. It involves allotting money to the population placed in difficulty at a certain point of their lives, after they have paid their social contributions while employed.

Thus, social care is the sum of all policies, measures, institutions and organisms that provide a certain level of welfare and social security for the entire population and, especially for certain

social groups and individuals that cannot care for themselves and provide minimum living conditions.

Authors such as Greenwell, K. Fern (2000), Filipescu I. (1998), Roth M.(1999) and Zamfir C. (1995) mean that there can be identified different periods in the evolution of child protection system of our country:

- the period before 1989;
- 1990-1991, called one of „quick restoring measures”;
- 1992-1996, period characterized by the implementation of certain contradictory and unfocused reform measures;
- the period starting with 1997- with real reforms and promotion of alternatives to institutionalizing;

At the moment of communist instauration in Romania, the country was among few world countries with a highly qualified and professional social work system. Since then though, this sector had a lot to suffer. The social attitude towards social work was one of ignoring social problems; the attempts to develop and strengthen the social work system have failed due to stoppage of university training of social workers. Shortly after, *“the profession of social work was erased from the nomenclatorial of professions and the activity of social work that reached a high level of professionalism using top methods, was replaced by a bureaucratic activity of administrative type, whose sole function was the distribution of material help of individuals in desperate situations”* (Zamfir, op.cit., p.243).

It is understandable that social work has been bared, given the fact that specialists have been replaced by clerks and their tasks have been clearly set. The only applicable measure was the distribution of supplied in emergency situations.

Beside this measure, the policy to encourage nativity lead to a higher number of abandoned children. It was not accepted the fact that social workers were needed in a prosperous society where the living conditions were so good and everyone had a work place and could care for himself. Thus, abandoned children had a very tragic destiny: lock out in big institutions, mostly insalubrious, away from “the daylight”, isolated and damn to a certain death, at least a spiritual one. Their number raised before the December 89 Revolution to 90.000- 100.000.

Meanwhile, a lot of specialists in social work were employed on other positions due to lack of positions in their field. Roth-Szamoskozi (1999, pp.217-220) summarized some of the characteristics of care system from that period.

So, until 1989, the usual form of protection was institutionalization and the conditions in the institutions were far away from what orphans` care (as they were called back then) was supposed to mean. The child care institutions had up to 400 places and were located in very hard reachable areas. The policy of encouraging child-parent relationship was completely lacking. The children who lived there can say that they survived inferno because of the problems they had to face: insufficient and unqualified personnel, disinterest for the child`s welfare and progress, inappropriate buildings, lack of drainage and of water, the usage of physical punishment as an educational method. The personnel was not very much interested in the child`s personal record at the moment of his institutionalization; therefore there were no rehabilitation or personal development programmes. Institutionalization did not have a precise target, no reintegration was aimed, and actually the policy was one of isolation of unwanted children.

In the beginning of the 90s, Romania became the central object of negative international attention due to the living conditions of children in centres (www.bbc.co.uk). European countries immediately interfered and distributed material and financial help, but were also interested in training specialists that would learn modern child care models; at the same they put some pressure to implement urgent measures that would change the current situation. Social work in Romania was associated with hungry, uncared, weak and sad children placed in institutions.

An extremely active role in re-launching social work was played by the community of sociologists that signalled the necessity of a functional social work system and collaborated with different international organizations and specialists from Europe and the USA. (Zamfir, op.cit, p. 245).

A study conducted by the UNICEF in 2004 (according to Reform in Child care System, page 21) describes the way child care institutions functioned and the consequences they had on them: *„uniformity and depersonalization of services, families and local communities, keeping the child away from its natural family, full limitation of the private environment the children lived in there, ignore of its development needs.”*

In this period, the protection system functioned according to Law no 3/1970 which regulated not only upon abandoned children, but also upon children with handicap and orphans. The Law referred to family placement, but in reality the measure of institutionalization was promoted as main measure of protection for children in difficulty.

Central institutions with attributes in the field of child protection were according to Article 20 of Law 3/1970, Central Commission for Minors` Protection that functioned within the Ministry

of Defence. The duties of this commission were the coordination of minor`s protection, approval of commissions for minors` protection at city halls and issuing guidelines for child protection commissions.

Petre Nina (2002, p.392) noted that up to 1997, residential institutions were administrated and organized by different ministries which brought about specific characteristics of the Romanian child care system. These characteristics referred to:

- Continuous increase in the number of cared children in residential institutions until 1997, followed by their gradual decrease;
- The child is fostered for a long period of time and the relationship with the family is limited or insufficiently encouraged;
- Child`s insufficient preparation for real life; they were still under institutionalized protection at the age of 18;
- Residential institution of child protection were used as boarding schools without explaining the parents the severe consequences of institutionalization on a child`s development.

The child protection service functioned according to this Law until 1997 when it was abrogated by GEO 26/1997.

Changed in the legal framework were made immediately after 1989, by applying internal regulations and adherence to certain international documents. A significant moment in the evolution of protection system is Law 18/1990 (by which Romania ratified the UNO Convention on Children`s Rights) and Law 11/1990 which introduced new regulations in the adoption code. The law would encourage international adoptions and its effect was explosive; the number of adoptions increased so that new regulations that would stop the situation were required. So, Law no 48/1991 came into usage.

The next four years (1992-1996) were pretty confusing in what concerns the functioning of child protection system. On the one hand, the number of international adoptions was limited by law (Law 48/1991), and on the other hand the mechanisms that operated these adoptions permitted them to go on (Law 47/1993 and Law 84/1994).

Romania adhered to a series of international acts that cleared the legal framework and improved the child protection service: Law 100/1992 of the Hague Convention on civil aspects of international child kidnapping, Law 15/1993 of European Convention on the Adoption of Children (Strasbourg) and Law 84/1994 on the ratification of Convention on Cooperation in the field of Inter-Country Adoption (Hague).

After the report on the implementation of Convention by our country, which Romania presented in 1993 to the UNO Committee in Geneva, critical observations were made on the severe minuses of the child protection system.

The report highlighted the following:

- legal lack in child rights and respect for the child`s superior interest;
- the need to assist families on family planning, namely taking parents` responsibility on child growth and development;
- the need for policies on abuse or neglecting in the family;
- the need for professional employers in protection institutions, professional social work, etc.

The criticism mobilized the decision factors and in 1995 they elaborated The National Action Plan for Children, adapted by GO 972/1995. The value of this plan was given by the fact that it highlighted that institutionalization should be the ultimate measure of child

protection. This is the most valuable principle of a system that guarantees success in intervention activities.

In spite of these efforts, the situation of institutionalized children remained unchanged and their tragedy drew the attention of international organisms. They immediately sent humanitarian help to Romania.

In this period of time, NGOs start to function. They will have a significant role in supporting services for children in difficulty. The National Committee for Child Protection was changed into the Department for Child Protection in January 1997. In January 2000, it was replaced by the National Agency for Child Protection (GO 96/2000). In the following year, the NACP is changed into the national Authority for Child Protection and Adoption. It still functions under this name.

The real reforms that have restructured the system of child protection start in 1997. The modernization started along with the implementation of GEO 26/1997. The Government begins the decentralization of state governed services for child protection. The first important changes regarding the restructuring of the system begin in 1997. We can list some important moments regarding these changes:

- The foundation of the Department for Child Protection in January 1997;
- The transfer of certain responsibilities on child protection to local authorities was a step made towards modernization;
- The foundation of an organization on central level with responsibilities on development and implementation of national strategy on child protection;
- Direction for Child Protection;

- The alternatives to institutionalization experience a fast development; adoption, family placement, placement with maternal assistants, material help for poor families with many children;
- Emphasis is laid on training of personnel involved in child protection.

Changes occur gradually also in the means of intervention within institutions: intervention is granted individually, correlation is made with the intervention requirements and the existing possibilities and resources, the basic principles granted by laws and documents are respected.

The principle of decentralization involved transfer of responsibilities in child protection from the national level to County Counsels and territorial organizations (directorate for child protection, directorate for community work or public services of social work).

The process of restructuring the child protection system was made along with the administrative decentralization process by applying the Law of Local Public Administration 24/1996 and the Law of Local Public Finances 189/1998 (according to UNICEF project 2004, p. 25).

The same source grasps certain significant moments in the process of restructuring the child protection system:

- Local authorities are made accountable on new responsibilities and obligations, but this process is very difficult; financial responsibilities are divided between central and local authorities, which brought about confusion and poor performance of duties;
- The process of decentralization was not carried out uniformly; certain more prosperous regions started functioning well and covered assistance expenses, while poorer regions suffered as a result of fiscal decentralization process.

- The proper functioning of the protection system was also compromised by the lack of continuity and delays in law implementing rules. Laws occurred but no methodological norms were established. The different opinions of the governments are responsible for this situation.

It became clear for Romania that the whole child protection system had to be restructured once the country became member of the European Union. The reformation of child protection system became a political criterion for integration. Moreover, the European Commission underlined that no compromise would be made when it comes to child protection and child rights, which are obviously a part of the human rights policy.

All European Union countries and not only have to find temporary or long term solutions for children that cannot live with their parents and are in the situation of creating models of “substitution care”.

The identification of alternate solutions and their implementation efforts are shown by the Romanian Government`s Strategy on Child Protection established in 2001-2004. The strategy encourages the implementation of programmes like the minimum income guaranteed or the development of a broader framework for social work as well as initiatives for developing alternatives to institutionalization.

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