

THE STATE OF KNOWLEDGE ABOUT THE CHILD
PROTECTION REFORM IN ROMANIA

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CHAPTER 1: INTRODUCTION

What do we know about the state of the child protection reform in Romania? Since 1997, Romania has embarked on a radical restructuring of the child protection system. The reform has taken place in a short period of time, it has aimed to fundamentally alter the system, numerous international and domestic actors have been involved, and it has been accompanied by intense scrutiny from international organizations and from the media. In this volatile context it should come as no surprise that there have been difficulties to find reliable information at the same time as there has been an urge to assess the development.

This paper is a modest attempt to summarize some key indicators of the development in the field based on available statistics and secondary sources. In March 2005, the study *The Situation of Child Abandonment in Romania* was published by UNICEF Romania in cooperation with the National Authority for the Protection of the Rights of the Child (NAPRC) and the Mother and Child Care Institute (IOMC). This report has received broad coverage in the international and national media and the issue of child abandonment has been identified as a key problem in the current system of public care. For these reasons, this paper contains an in-depth study of this report. While recognizing the contributions the report makes – in furthering the understanding of why young children enter the system of public care and where efforts are needed in the implementation of the new law on the protection of the rights of the child (law no. 272/2004) – some parts of it are, however, fraught with problems. Unfortunately, these conclusions and statistics have been widely referred to. Reporting on children in need in Romania calls for caution because of the great visibility of the issue in the media, the central position it still has on the national political agenda, and the many groups that are ready to react. The paper also puts the situation in Romania in a comparative perspective. This helps to assess developments in the country and is important in order to get a balanced view. By following these issues in the media, one may easily get the impression that institutionalized children is a particular Romanian phenomenon, which is not the case. A general approach in the paper is to try to sort out some potential pitfalls in assessing the situation and comparing, e.g. it engages in a discussion about how the concept of abandonment is used differently in various studies and is thus a potential source of misunderstanding.

The next chapter is an overview of developments in Romania, chapter 3 contains a scrutiny of the report on abandonment, chapter 4 puts Romania in a comparative perspective and the paper is concluded in chapter 5.

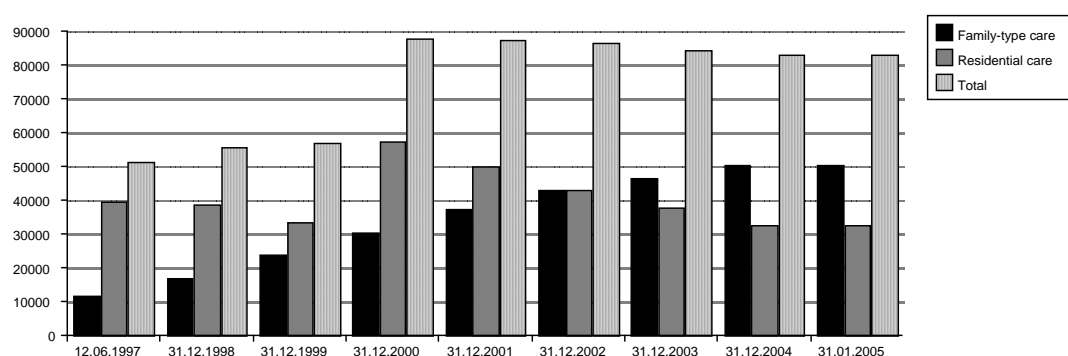
CHAPTER 2: CHILDREN DEPRIVED OF PARENTAL CARE IN ROMANIA

Successive Romanian governments have since the reform of the child protection system started in 1997 managed to develop a modern legislative and regulatory

framework and a new decentralized structure of child protection entities. This is widely recognized as a major achievement¹, considering the well-known inertia of major reforms in general and in a transitional environment such as Romania in particular. The three main aims of the child protection reform have been to reduce the number of children in institutional care, restructure the institutions, and develop alternative services for children in need. The figure below presents the progress in substituting residential with family-type care (i.e. professional maternal assistants, relatives up to the fourth degree, other families, and adoption).

Figure 1. Number of children in public or private residential care and in alternative care.

Source: NAPRC



The increase of children in the statistics for 2000 is due to the fact that children in institutions under the authority of the State Secretariat for Persons with Handicap, the Ministry of Health, and the Ministry of Education were transferred to the system of child protection (approximately 25,000 children).² In January 2005 there were 50,238 children (60.5%) in alternative care and 32,821 (39.5%) in residential care. This is a decrease in the number of children in institutions with 42.8% since 2000. The total number of children in the system of child protection has decreased with 5.3% during the same period. There is a broad consensus that this development is a remarkable achievement considering the speed of the process and the bad starting points: In 1989 there was an extensive and centralized system of institutional care, a high number of children in institutions (approximately 100,000), and a total lack of alternative services. The number of infants in residential care has also decreased as demonstrated in Table 1.

Table 1. Number of children in public placement centers per age groups. Source: NAPRC

	2000	2001	2002	2003	2004	Jan. 2005
0-2 years	3,682	2,880	2,346	1,381	907	886

¹ Cf. *Romania and the UN Convention on the Rights of the Child: Second Period Report*, 2003:ii; *Child Care System Reform in Romania*, 2004:5; Petit, 2005

² Coman, 2003

3-6 years	3,642	2,811	2,164	1,691	1,514	1,534
7-13 years	21,370	17,001	12,985	10,166	8,538	8,560
>14	22,953	22,730	20,286	18,703	16,260	16,343

Substantial progress is also recorded in the restructuring of the childcare institutions. In January 2005, of the 988 public placement centers, 349 were apartments, 279 family-type homes, 127 modular/restructured institutions, and 233 classical institutions. Large-scale institutions with more than 100 children still remain, but the number dropped from 205 at the beginning of 2001 to 85 in December 2003.³

There are concerns about the quality of the deinstitutionalization process and that children sent back to their families are not monitored properly and supported by public services. Moreover, alternative services are sometimes said to be of deficient quality. The implementation of new regulations and the success in transforming the system also varies considerably between counties.⁴ A remaining key problem is that the number of children in public care has only slightly decreased and the services and practices to prevent new children entering the system are not developed enough. Focus during the first years of reform was on children deprived of family care rather than on measures for children at risk. This priority must be seen in perspective of the extensive system of institutional care and the precarious situation of these children, the absence of alternative services in the beginning of the 1990s, and the pressure from EU and other external actors to urgently address the situation. Problems in the system of social protection identified in various studies are related to the speed by which the new framework has been imposed, e.g. a lack of social workers, deficient cooperation and coordination between the multiple actors involved at the local level and of clear divisions of responsibilities, and a lack of systematic information gathering and sharing.⁵

Since 2001, increasing efforts of successive governments have been directed towards the prevention side. The table below shows the development of alternative services (created by the child protection departments, DGASPCs) to prevent the separation of children from their family and to support reintegration in the family (e.g. day care centers, mother and child centers, counseling and support centers, etc.).

Table 2. Number of alternative services for prevention and family reintegration. Source: NAPRC

	2000	2001	2002	2003	2004
No. of services	131	226	394	537	593

³ NAPCR; Preda, 2004

⁴ See e.g. *Child Care System Reform in Romania*, 2004

⁵ Save the Children Romania, 2003; *Romania and the UN Convention on the Rights of the Child: Second Period Report*, 2003; *Child Care System Reform in Romania*, 2004; Preda, 2004; Petit, 2005; UNICEF, 2004b:22

According to research in the field it is particularly damaging for infants to be deprived of parental care, which may leave long-term effects on the development of the child.⁶ The NAPRC has since 2003 gathered information on children left by their parents in hospitals (maternity or pediatric units) on a national level. These children are at the risk of being more permanently separated from their parents and hence to enter the system of public care on a long-term basis. Moreover, children should not be in a hospital environment while the authorities sort out proper protection measure. Children are counted in the statistics independent of the number of days they have been separated from their parents and whether they are healthy or ill. The information has been gathered by the NAPRC from local departments of child protection and of health (DGASPCs and DSPs). The statistics has been collected in paper format (in many cases followed up by phone calls) and there is not yet any computer system to gather information. It is of course difficult for an observer to estimate the accuracy of this data (e.g. if counties use the same selection criteria) and the information from 2005 is still being processed. The data for 2003, 2004 and the first five months of 2005 are presented in the table below.

Table 3. Number of children deserted by their parents in hospitals. Source: NAPRC

	2003	2004	27.05.2005
Total number	5,130	4,614	869
Maternity unit	2,971	2,804	
Pediatric unit	2,109	1,810	
Measures taken:			
Reintegrated biological family	2,512	2,389	
Family-type care (e.g. extended family, professional maternity assistant, placed for adoption)	1,220	947	
Placement center	1,197	768	
Others (e.g. moved to other county, treated in hospital for illness, protection measure under investigation)	201	505	

It can be noted that half of the children are reintegrated with their family during the same year (49% in 2003 and 52% 2004). In 2003 23.3% went to placement centers and in 2004 16.6%. There is a slight decrease in the number of children in 2004 and if the trend in 2005 continues (which is of course a crude extrapolation), the decrease will be more substantial this year. In 2005 additional information has been gathered, which for example reveals that some children were not recorded with the child protection department at the time of reporting. The measures taken for the children is to try to find the parents and complete identity documents (if this does not exist) through the competent public services and to assess the proper protection measure – a

⁶ See e.g. Browne *et al.*, 2005

process that takes some time in order to be properly managed. Children that had been deserted for more than one year were generally in need of permanent medical assistance and some children are believed to be counted in the statistics more than one year. There is a great variation between counties, where one records 101 children and others have none in the first five months of 2005.

CHAPTER 3: “THE SITUATION OF CHILD ABANDONMENT IN ROMANIA”

The study *The Situation of Child Abandonment in Romania* should be seen in a context of a perceived need to know more about the extent and causes of the problem that young children enter the system of public care. It is an investigation of children aged 0-5 left by their parents in hospital institutions or emergency placement centers in 14 counties and 2 sectors of Bucharest. In these institutions (70 maternity wards, 89 pediatric and recovery wards, and 25 emergency placement centers), the authors

classify a child as *abandoned* independent of the duration of the separation and where the child is going afterwards (e.g. reunited with biological family or to placement center). This implies that the children selected in the study is a heterogeneous group, e.g. it includes both children whose parents intend to give up their parental rights and children who are left for a week in a maternity ward and then brought home to the family. The study was performed in the second half of 2004 and concerns the first three months in 2003 and 2004. Apart from investigating the situation of the children, it includes a chapter on the characteristics of the mothers. The analysis is based on the records of children in medical institutions and social protection services, interviews with mothers, professionals, and decision-makers, and case studies of children.

The study demonstrates that in the selected counties a number of children are deserted according to these criteria (in maternity units 322 in 2003 and 295 in 2004 and in pediatric units 508 in 2003 and 478 in 2004) – sometimes for a short period (e.g. in order for the mother to take care of children at home) and sometimes with the intent of abandoning the child. It is of course harmful for the child to be separated from the parents in this environment and it is likely to increase the risk that children are permanently deserted. The study furthers the understanding of why children are put at risk and of problems in the system of social protection. This paper will not highlight all the findings in the report. It suggests that further efforts are needed to develop community services for the prevention of abandonment and that there are flaws in the cooperation between child protection services and health care services at the local level. Particularly worrisome is that many of the children in the study lack identity papers, which is a hindrance in the search for swift and appropriate protection measures. Moreover, it is suggested that many hospitals still function in line with old regulations, e.g. parents are not allowed to visit their children or mothers do not share room with the newborns, which inhibits an early bond between the parents and the child. There are cases when women in precarious social and economic situations are advised to leave their child – the very group in need of extra support! The study of the mothers gives further evidence that poverty, social marginalization and the factors associated with this are major risk factors. The interviews with the mothers reveal that some leave their child since they lack the means to make an independent decision (e.g. lack of own income and home).

A SCRUTINY OF THE REPORT

The report thus draws our attention to some very serious problems that ought to be investigated on a national level. Notwithstanding, there are some flaws in the study, which must be addressed. This concerns in particular the statistical parts of the report, which have been widely cited in the media. This also calls for criticism regarding the conclusions of the study. First, however, follows a discussion about the concept of an abandoned child.

CHILD ABANDONMENT

There is no international norm or standard on how to define *an abandoned child* (the concept is for example not used in the UN Convention on the Rights of the Child) and

in Western countries the concept is generally not used in the legislation. In research it is generally emphasized that only a small part of the children in residential care are actually abandoned and the majority are institutionalized because of other reasons, such as social problems in the family, poverty, neglect and abuse, or because the child is disabled or in need of permanent medical care. An abandoned child in this understanding is a child that has been left by its parents who have no intention of returning. This can be exemplified by the study *The Causes of Child Institutionalization in Romania* from 1996 where it is established that only 10% of the children are institutionalized because of abandonment.⁷ More recently, the Special Rapporteur to the UN Commission on Human Rights states that in Romania: “Most children in public care are not abandoned. They have links with their families, but are deprived of parental care”.⁸ The same usage of the concept is seen in the first major research project regarding children under three deprived of their family across Europe, i.e. the EU Daphne Programme led by Kevin Browne from Birmingham University. In this research it is concluded that in 2003 in the EU accession countries 32% of the children were placed in institutions due to abandonment and the remainder of reasons such as social problems in the family (25%), disability (23%) or abuse and neglect (14%).⁹ In a comparative study performed by EveryChild (UK) of five countries in East Central Europe and the former Soviet republics it is concluded that 10% are placed in childcare institutions because of abandonment.¹⁰

This usage of the concept is in stark contrast to the one in *The Situation of Child Abandonment in Romania*. In this study, all children separated from their mothers are classified as abandoned independent of the duration and causes of this separation. It focuses on medical institutions and presents a number of selection criteria. Some, but not all, of these criteria include that there should be no evident medical reason recorded for the stay in the hospital. The selection includes for example children in maternity units who have been classified as “social cases”.¹¹ In the analysis it is made clear that 39% of the children in 2003 and 46% in 2004 went home to the family after being discharged from maternity units and for pediatric units the numbers were 49.7% and 49.2% respectively.¹² Moreover, the study shows that 89% of the children in pediatric units had a medical diagnosis at the time of hospitalization. Henceforth, it seems like few actually had “no justifiable medical diagnosis” as stated in two of the three selection criteria for children in pediatric units. It should also be noted that in many cases the hospital does not allow the parents to visit the children (in 37.1% of the cases).¹³

⁷ UNICEF, 1996

⁸ Petit, 2005:9

⁹ Browne *et al.*, 2004a: 4

¹⁰ Carter, 2004

¹¹ pp. 19

¹² pp. 31; 49

¹³ pp. 43; 50

There is nothing wrong with this type of very broad definition in itself and the authors of the study elaborate in some length on the selection criteria. The children constitute an important risk group for a definite separation of the child.¹⁴ The problem emerges if the information concerning the broad selection criteria is not included when the study is summarized and when it is presented to external parties. In addition, the statistics cannot be compared with that of other studies (of Romania or other countries) without a very thorough examination of variances in this regard.

This type of clarification is especially significant since in Romania and other transition countries the status of an abandoned child has been closely associated with being eligible for adoption. In Romania this has its history in the abandonment law of 1993 (law no. 47/1993), which was in effect until June 2004. The abolishment of the law was in line with the recommendations of the Independent Panel of EU Experts on Family Law. According to this law the authorities could declare a child abandoned and eligible for adoption if the parents had shown evident lack of interests in the child for six months. This in practice worked against the international norm that all efforts should be made to reintegrate the child with the biological family. There was also a risk that parental rights were terminated because the visits by the parents had not been properly recorded.¹⁵ Decisions on a child should be individual and parental rights should only be terminated in extreme cases when it has been thoroughly established that this is in the best interests of the child.¹⁶

¹⁴ As stated in an UNICEF Innocenti research report: “Some children are placed in institutions precisely because their primary caregivers – in most cases parents – have died, have relinquished or abandoned them, or have had their responsibility for them withdrawn. Most are there, however, for other reasons, such as the need for special care, the temporary inability of parents to cope, instances of domestic violence or neglect, or loss of contact with parents and family in armed conflict or other emergency situations. *Ironically, it is often simply through the very fact of their placement that the role of and presence of these children’s ‘primary caregivers’ may be jeopardized or, at worst, definitively terminated*” (UNICEF, 2003b:v).

¹⁵ Cf. Bainham, 2003:226

¹⁶ The Romanian experience can be illuminated by a comparison with the development in Spain as elaborated in a UNICEF research report from 2003. In this country, the concept of abandonment was replaced in the law in 1987 by that of “lack of protection” (a state that was defined in the law). This marked a change in the way in which the authorities worked, away from a single focus on “irregular situations caused by abandonment” towards prevention and a more comprehensive perspective on the protection of all children. The conceptual change was also motivated by that previously the declaration of abandonment had been linked to adoption procedures, just like in Romania (2003b:38; 45). These changes, which made Spain one of the most advanced countries in this regard, are in line with the spirit of the new Romanian law on the rights of the child. Here, emphasis is put on the right of children to protection within the family or, if this is not possible, with their extended families and temporary or permanent separation of children from this environment is seen as a measure of last resort.

Returning to the study on abandonment in Romania, it can be concluded that it is absolutely essential to have in mind the very broad application of the concept when interpreting the results and when making comparisons over time or space.

THE GENERALIZATION FALLACY

A problem in this report is the way the authors generalize the result from 14 counties (out of 41) and 2 sectors of Bucharest (out of 6) to the national level. It is calculated that in the selected areas the rate of child abandonment in maternity wards is 1.8% in 2003 and 2004 and in pediatric wards the rate is 1.5% in 2003 and 1.4% in 2004. These percentage figures are then extrapolated to the national level and the authors conclude that:

As concerns the scope of this phenomenon during 2003 and 2004 references years of the study, it was noted that some 4,000 newborns were abandoned (in each of these years) in maternity wards. To this should be added the over 5,000 children abandoned (annually) in pediatric hospitals/wards.¹⁷

In the conclusions it is not stated that these numbers are based on a generalization from some parts of the country to the national level. Why then is this inference problematic? Firstly, as suggested in the previous chapter, there are substantial variations between counties (e.g. one has a record of 101 children deserted in hospitals while others have none in the first five months of 2005). Henceforth, any inference of this kind is fraught with problems. Apart from the obvious factors that may cause variations – like the number of poor and marginalized families or the state of implementation of new regulations – there may be more subtle ones. For example, some counties or sectors of Bucharest have more maternity wards with better resources than others and hence mothers may travel between counties when giving birth. A survey presented in *Child Care System Reform in Romania* shows that there are considerable variations between counties in the number of requests for prevention services. For example Arad had over 50 requests every month while Bihor had fewer than five.¹⁸ Secondly, when making this type of generalization the selection of the sample has to be systematic and transparent so that one can estimate whether the sample is representative for the whole population. The counties have been “selected at random” (how do you select counties at random?) and it is not presented which these counties are.¹⁹ This all implies that it is essential that any presentation of these figures is accompanied by information concerning the generalization procedure.²⁰

¹⁷ pp. 105

¹⁸ 2004:60-61

¹⁹ pp. 19

²⁰ In this context it should be noted how the percentage figures are calculated for the children abandoned in pediatric/recover wards (i.e. 1.5% abandoned in 2003 and 1.4% in 2004). The study identifies 508 abandoned children in 2003 and 478 in 2004. The percentage figures (that are subsequently generalized to the national level) are obtained by dividing this with “the total number of children entries in the hospital”. Again, the important thing is to keep

PROGRESS OR REGRESS?

There are some flaws in the quantitative parts of the analysis that affect the conclusions and the overall picture the study gives of the reform process in the country and hence need to be addressed. One of these concerns the vital section on where the selected children go after being discharged from maternity wards.²¹ 2003 and 2004 are studied in separate and in Figure 8 in the report it is shown that there has been an improvement in 2004. The results are presented below.

Table 4. Where the abandoned children go after being discharged from maternity wards.

Destination of the child	2003	2004
Biological parents	39%	46%
Maternal center	3%	4%
Foster parents	7%	6%
Placement for adoption	2%	4%
Placement center	16%	13%
Recovery/Pediatric ward	33%	27%
Total	100%	100%

In 2004 the percentage of children that goes home has increased with 7% and 9% less children are transferred to the two options that are not alternative care, that is, to recovery/pediatric wards and placement centers. However, in the text in the study the figures are mixed up. It is correctly stated that 7% more are integrated with their families, but erroneously stated that: “It was noted that in 2003, the percentage of abandoned children who were transferred from Maternity Wards to pediatric/recovery wards was 27.5% and 33.5% in 2004, up by 6%”. And then further on the text: “The percentage of children who are discharged from Maternity Wards directly into Placement Centers is still quite high, namely 13% in 2003 and 16% in 2004”.²² This faulty statistics is then used to draw conclusions about “a step backwards” and that pediatric wards have become intermediate stops since placement centers for children under three have been closed down, which “explains the increase of transfers to pediatric or recovery wards in 2004”. Although it is of course very serious that children are deserted in hospitals, it has to be recognized that there has been an improvement in 2004, quite opposite to what is said in the text.

Overall, the conclusions do not include the positive trends that are illuminated by the analysis. In addition to the above, in 2004 children spend considerably less time in pediatric/recovery wards than in 2003 (in 2003 38.9% spend more than one month

these methodological issues in mind when using the data and not to conclude that in 2004 1.4% of all children aged 0-5 in the two counties are abandoned in hospitals, but rather that 1.4% of the children that enters the hospital are abandoned (pp. 42).

²¹ pp. 31-33 (Section 2.6)

²² pp. 33

and in 2004 28.8%; in 2003 32.2% spend 4-10 days and in 2004 43.2% etc.).²³ A similar positive development is seen for the children in maternity wards (in 2003 27.9% spend more than one month and in 2004 24.8%; in 2003 14% spend 4-5 days and in 2004 18.6% etc.).²⁴ It is unfortunate that the study fails to recognize this positive development since these are key areas of criticism in the report and it could be valuable information for policy-makers.

“THE CHILD’S ROUTE”

An important part of the conclusions of the study is based on chapter 5 “The child’s route”. Here, the important issue of the path the children pass through in the system of social protection is investigated. The quotations below are from the conclusions of the study and are findings extracted from this chapter:

The analysis of the routes of children shows that a mere 6.5% of those abandoned in maternity wards and taken straight to their parents ended, in fact, at home.²⁵

Two thirds of the children abandoned in maternity wards pass through pediatric/recovery wards at least once before some form of protection measure is taken.²⁶

A mere third of all children in 2003 and the first three months of 2004 were benefiting by the end of August 2004 from a final protection measure (with their biological or foster family).²⁷

After a scrutiny of the text it is clear that these conclusions do not hold. What is omitted in the conclusion is that the study of the routes only includes 694 out of the total of 1,935 children in the study. This is mentioned in the analysis, but there is no discussion at all regarding likely biases introduced in the material, that is, some groups of children might be systematically excluded in this part of the study. There are strong indicators that many of the children reported previously to go home after the maternity ward (39% in 2003 and 46% in 2004) or from the pediatric ward to the family (49%) are not included in this part of the study. Why? Firstly, because the information for this part was attained from the records of the county child protection

²³ pp. 47

²⁴ pp. 30

²⁵ pp. 106

²⁶ pp. 108

²⁷ pp. 10 (i.e. the conclusion in the Executive Summary)

services and it has been stated previously in the study that most of the children who are sent home after the hospital visit are not reported to the child protection services.²⁸ Secondly, this is confirmed in the analysis of the routes where a list is presented of the various routes.²⁹ In this list, only 9.3% of the children have routes that start with maternity ward – family (and what ever follows after), whereas, as noticed before, in the whole sample between 39% and 46% took this path. Henceforth, it is unfortunate that the authors do not elaborate on these methodological issues and that the information about the small sample is omitted in the conclusions, giving the impression that this result is valid for the whole sample. There are strong indicators that the group studied in this chapter is exactly the worst off children in the study. Moreover, the last quotation does not find support in the analysis, even for this smaller group. In the section “Where is the child at present?” it is shown that out of the 694 children who were included, 28.1% were with the biological family, 8.9% national adoption, 1.9% fourth degree relatives, 37.8% foster parents, 19.6% placement center, and 3.5% were in medical institution. An interesting result from this chapter – considering the ongoing discussion about inter-country adoption – is that 9.5% of the children were eligible for adoption, that is, there was parental consent, and out of these almost all (8.9%) were placed for national adoption already at the time of the study.³⁰

WHAT THE REPORT CANNOT BE USED FOR

The Situation of Child Abandonment in Romania is an important study of the situation of children at risk in 14 counties and 2 sectors of Bucharest. For policy-makers it ought to provide interesting insights into where particular efforts are needed in the implementation of the new child rights law. (For example, at the point of writing a new National Interest Programme is under way where one part focuses on developing 1200 new professional maternity assistants for children under two deserted in hospitals.) The report supports the widespread view that too little has been done on the prevention side.

It is unfortunate that the statistical parts of the study have a prominent place in the conclusions. Because of the factors discussed above it cannot be concluded that 9000 children are abandoned in 2003 and 2004. These figures – widely quoted in the national and international media – ought to be withdrawn or accompanied by better explanations concerning the very broad selection criteria for an abandoned child (at odds with the way the concept is often used in research) and the fact that the result is inferred from a study of parts of the country not systematically chosen to be representative. (Moreover, there are reasons to suspect that a number of children are counted more than once in the statistics, i.e. both in maternity and pediatric wards: Around 30% of the children from the maternity wards are transferred to pediatric

²⁸ pp. 32; 48

²⁹ pp. 56-58 (Table 51)

³⁰ pp. 58

wards during the time of the study. It is unfortunate that this type of methodological issues is not elaborated in the study.)

Moreover, there is no similar statistics available in other countries by which the situation in Romania according to the study can be compared. The same problem of course emerges when comparing the development over time. This is also recognized in the conclusion: “Concerning the evolution in time of this phenomenon, direct and precise comparison cannot be made because cases of abandonment were not previously recorded”. Still, the authors after this engage in a lengthy and incomprehensible elaboration based on the official statistics from 1989 on children under three (and not under five) in institutions where it is concluded that it “reconfirms the growth of the phenomenon”.³¹ The report says little about the development in Romania over a longer period of time and cannot be used to support arguments that the situation for vulnerable children is deteriorating.

There is an unfortunate lack of transparency in the report – most obviously in a sense that it is not made public which the selected counties are. This of course hinders a broader cooperation around these issues and other studies to build on this investigation. It would of course also be desirable that the sources, procedures and findings of this study are systematically compared with that of the NAPRC for the benefit of the development of the policy area.

This all implies, for example, that the study cannot be used to support arguments that there is a need – from the perspective of the children in Romania – to change the laws on inter-country adoption in a more liberal direction.³² As discussed above most of the children in the study still have links with their parents and the report gives good insights into changes needed to prevent the dissolution of families.³³ (If anything, the report indicates that children who are eligible for adoption are already placed for national adoptions.)

³¹ pp. 105-106

³² See e.g. International Herald Tribune 21.06.2005

³³ This reasoning is guided by the international norms in the field. As put by the Special Rapporteur to the UN Commission on Human Rights: “Following the spirit of the Convention of the Rights of the Child that considers intercountry adoption as an alternative means of childcare, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be care for in the child’s country of origin, the Special Rapporteur welcomes the new legislation on intercountry adoption as a firm reaction to past irregularities and distortions and as a conducive measure to develop intracountry alternatives in the best interest of the child” (Petit, 2005:8).

CHAPTER 4: AN INTERNATIONAL COMPARISON

There is a lack of reliable comparative data on the number and situation of children in public care. There are a few international studies as well as national statistics on children in institutions and in alternative care. Both of these sources of information are, however, fraught with problems. As put in a UN Background Paper from 2005 on the situation in the postcommunist countries:

As far as can be determined, there is currently no compilation of data at the regional level giving an authoritative picture of the incidence of residential placements for children, nor is comparative data available at the national levels that would enable a credible estimate to be reached. Different conceptions from one country to another of what qualifies as a 'residential placement' (both the kind of facility and the length of stay), disparities in age groups used, diverse responsibilities among ministries and significant under-monitored provision by the private sector in many countries are among the obstacles to securing a clear picture.³⁴

Estimates of the total number of children in residential care in East Central Europe and the former Soviet republics range in 2002 from 605,000 (and 515,800 in alternative care) to 1 million.³⁵ With this important reservation in mind we will, however, in this section briefly present some attempts of international comparison that can shed some light on the development in Romania.

³⁴ Cantwell, 2005:4

³⁵ TransMONEE database, UNICEF Innocenti Research Centre, Florence; Cantwell, 2005:5; Carter, 2004

THE POSTCOMMUNIST COUNTRIES

In recent studies it is often emphasized that although international media and attention (e.g. programmes of assistance, research programmes, and demand for inter-country adoption) have been focused on Romania, the problem is far from confined to this country.³⁶ As put in a UNICEF Innocenti Working Paper:

While the conditions in Romanian orphanages may be of particular concern, excessive institutionalization and the factors associated with it are a region-wide problem in the CEE countries. Bulgaria, rather than Romania, had the highest rate of infants aged 0-3 in institutions in 1997 (over one percent) and the growth of institutionalization among young children has been the largest in Estonia, with a rise of 75% over 1989-1997, followed by Latvia with a rise of two thirds.³⁷

The TransMONEE database of the UNICEF Innocenti Research Centre is generally considered as the most reliable sources of comparative data for the postcommunist region. However, it should be kept in mind that this data is based on national statistics and there are variations in the way the countries report. Extracts from this database as presented in the 2004 Social Monitor is presented below.

Table 5. Rate of children in residential care (per 10,000 population aged 0-17). Source: UNICEF Innocenti Social Monitor 2004. (The six countries with highest rates in 2002 presented.)

	1997	2002	Number in 2002
Czech Republic	83.4	95.9	19,000
Lithuania	77.3	91.0	7,300
Romania ³⁸	95.9	90.9	43,000
Bulgaria ³⁹	141.0	83.1	12,100
Latvia	58.4	71.9	3,500
Poland	75.1	68.7	59,500

Table 6. Rate of children in care of foster parents or guardians (per 10,000 population aged 0-17). Source: UNICEF Innocenti Social Monitor 2004. (The six countries with the highest rates in 2002 presented.)

³⁶ See e.g. Carter, 2004

³⁷ Micklewright & Stewart, 2000:3

³⁸ In Romania since 2000 children in institutions previously subordinated to the State Secretariat for Persons with Handicap, the Ministry of Health, and the Ministry of Education are included in the statistics, which implied that the rate in 2000 increased to 108.9 from 69.6 in 1999.

³⁹ In Bulgaria in 2002 a new legal definition was applied, which implied that the reported rate of children in residential care decreased from 146.7 in 2001 to 83.1 in 2002.

	1998 ⁴⁰	2002	Number in 2002
Latvia	138.2	197.8	9,600
Estonia	112.6	171.1	4,900
Poland	156.0	167.3	144,900
Lithuania	79.4	95.1	7,600
Slovenia	80.6	85.5	3,200
Romania	31.6	64.9	30,900

Two things can be noticed. Firstly, the rate of children in institutional care in Romania is similar to some of the other countries in the region. Adding the rate of children in residential and in alternative care also reveals that a number of countries have a higher rate in public care in 2002 than Romania (e.g. Latvia 269.7 per 10,000, Poland 236.0, Lithuania 186.0, and Romania 155.9). Secondly, the progress in Romania since 1997 is extraordinary compared to the rest of the countries. In this comparison one has to take into consideration that the figure in Romania for 1997 does not include the approximately 25,000 children who were in institutions under the authority of the State Secretariat for Persons with Handicap, the Ministry of Health, and the Ministry of Education, which are included in the figure for 2002.⁴¹ Moreover, in Bulgaria a new legal definition in 2002 resulted in a decrease from 146.7 to 83.1 in one year and it is thus difficult to include the country in a comparison. If we include the 25,000 children also in the 1997 figure for Romania (the calculation is of course less than exact), the progress is striking – a decrease with 43.8%. In the other countries in East Central Europe the rate of children in residential care has continued to rise except in Poland, where the rate has fallen with 8.5% between 1997 and 2002.⁴² Moreover, in Romania the number of children in alternative care (foster care and guardianship) has increased with 86.1% (or from 16,600 to 30,900 children) between 1998 and 2002, which is a remarkable achievement compared to any other country. The closest country in this regard is Estonia where the number of children in alternative care was enhanced with 36.1% (or from 3,600 to 4,900).⁴³

Unfortunately, the statistics in the TransMONEE database for children in infant homes (aged 0-3) is incomplete and there is for example no data for Romania after 1997. In the UNICEF report *A Decade of Transition* it is argued that the increase of children in infant homes in the region “is one of the most worrying developments of the decade” and the trend “is particularly clear in South-Eastern Europe, parts of the

⁴⁰ 1998 is chosen as a reference point since in 1997 there was no figure recorded for Romania.

⁴¹ Coman, 2003

⁴² Bulgaria is excluded from the comparison. Between 1997 and 2001 the country had a stable rate at around 140.0.

⁴³ UNICEF 2004a:Annex, section 8

Baltic states and the CIS”.⁴⁴ The increase of children in public care in the 1990s must be seen in perspective of enhanced numbers of families living in poverty and an increase of fragile families where children are put at risk.⁴⁵ According to the 2003 Social Monitor, in the beginning of the 1990s there was an increase in most countries and in 2001 the highest rates are recorded in Bulgaria, Latvia, Romania, and the Czech Republic (in that order). In this comparison, the figure for Romania is from 2000 and is based on the results from the MONEE project country report of Romania. The exact number is not stated unfortunately, but according to the chart in the Social Monitor, Romania had just above 50.0 per 10,000 aged 0-3 in infant homes. The exact figures are available for the other countries, i.e. 123.8 in Bulgaria, 87.6 in Latvia, and 46.0 in the Czech Republic.⁴⁶ In the late 1990s a positive trend is witnessed in Romania, which is not manifested in the other countries:

The decrease in institutionalization rates in Romania during the late 1990s is also promising. In 1996, there were still almost 9,000 infants in public care institutions in Romania. By 2000, the total appears to have fallen substantially.⁴⁷

In another study (see below) it is noted that the number of children aged 0-3 in institutions has increased with 31% in Czech Republic between 2001 and 2003 (from 1,244 to 1,630).⁴⁸

A EUROPEAN PERSPECTIVE

During recent years it has been recognized that some of the old EU member states have similar numbers of children in public care as the former communist countries. This has for example been demonstrated in the EU Daphne project about children aged 0-3 in institutions in 32 European countries. It is concluded that in 2003 in these countries 23,000 children under three are in institutional care for more than three months. 12 countries including Belgium, Finland and Spain is said to have more than 20 children in every 10,000 under three in institutions.⁴⁹ Interestingly enough, it is established that although there was a great variation between countries: “[t]here was no overall significant difference between the responding EU and other countries for the proportion of children under 3 in institutions”.⁵⁰ The statistics on the nine worst off countries are presented in Table 7. It is important to note that this statistics is

⁴⁴ UNICEF, 2001:108

⁴⁵ UNICEF, 2001

⁴⁶ UNICEF, 2002:16; UNICEF, 2003a:25 (Figure 4.4)

⁴⁷ UNICEF, 2002:16

⁴⁸ Browne *et al.*, 2004b

⁴⁹ Browne *et al.*, 2005

⁵⁰ Browne *et al.*, 2004a:4

regarded as “provisional” and in need of formal confirmation and the data for the various countries have been calculated in different ways.

Table 7. Proportion of children under 3 in institutions for more than 3 months in 2003. Source: Browne et al. (2004b)

	Proportion per 10,000	No. in institutions
Czech Republic	60	1,630
Belgium	56	2,164
Bulgaria	50	1,238
Lithuania	46	458
Latvia	42	395
Romania	33	2,915
Slovakia	31	502
Finland	28	466
France	27	6,143

There was a significant variation between EU countries (EU-15) and accession countries in the causes of institutionalization. In the EU countries 69% were placed in institutions due to abuse and neglect (4% due to abandonment, 4% disability, 23% social reasons), whereas in the accession countries the main reason is still poverty (see chapter 3 for detailed figures). Although residential care should be avoided when ever possible it is obvious that there will always be a number of children who for a period of time need to be separated from their parents. A conclusion from the study is that in the postcommunist countries in the survey more children are deprived of parental care because of the “wrong reasons”, i.e. had families received the necessary support, the children’s right to a safe environment could have been fulfilled in the family.⁵¹ In the same project, research on children under five leaving residential care in eight European countries (Denmark, France, Greece, Hungary, Poland, Romania, and Slovakia) shows that the average child spends just over two years in institutions.⁵²

Many of the postcommunist countries, including Romania, are advanced when it comes to the number of alternative services. For example, according to the above

⁵¹ Browne *et al.* 2004a:4

⁵² Browne *et al.*, 2005

research project, in France the number of children in public care has remained constant since 1989 at approximately 135,000. A lack of foster placements is noted and the environment of the institutions is criticized. In Greece, the main reason for institutionalization is still poverty, residential institutions are relatively large in size (25-80 children), and only 25% of the children in public care are placed with foster parents.⁵³ According to other studies, in 1997 26,5% of the children in public care in Spain were in foster care and the remainder in residential institutions and in 1999 in Italy 26,6% were placed with foster parents – two countries that are generally considered to have managed successful deinstitutionalization processes.⁵⁴ This can be compared to the situation in Romania. According to the data in the UNICEF Social Monitor reported above, in 2002 41.7% of the children in public care were placed with foster parents and, according to the statistics of the NAPRC, in January 2005 60.5% of the children are placed in a substitute family, i.e. foster care, extended family or entrusted for adoption.

The conclusions from the Europe-wide Daphne study are similar to the discussion in Romania, e.g. a need to further develop community services for prevention, promotion of foster care and national adoptions, and that placement decisions should be accompanied by better assessments and time-frames.⁵⁵

ROMANIAN EXCEPTIONALISM?

According to these comparative data – which with their deficiencies are to my knowledge the only available today – the problem of high rates of children in public care in general and in institutional care in particular is a shared one in many European countries. But how, if in any way, does the Romanian development stand out? Firstly, the reform process that started in 1997 has managed to produce impressive progress in terms of substituting residential with family-type care, which by far exceeds that of any other country in the region. This achievement is striking if one considers the starting points in the beginning of the 1990s (e.g. Romania had the lowest rate of children in foster care and guardianship in the whole region in first half of the 1990s and the second highest rate of children in residential care, including in infant homes).⁵⁶ A precondition for these results on the ground has been the development of an advanced legislative framework and a decentralized institutional structure, although the extensive assistance from abroad of course also has to be taken into consideration. Secondly, in comparison with other European countries that have embarked on similar thoroughgoing reform processes (i.e. deinstitutionalization and decentralization) such as Italy and Spain⁵⁷, the Romanian one has been carried out in an extraordinary short period of time. Thirdly, it cannot be left out that Romania

⁵³ Browne *et al.*, 2004:6-7

⁵⁴ UNICEF, 2003b:vi; 38; ANFAA, 2004

⁵⁵ Browne *et al.*, 2004:4-5

⁵⁶ UNICEF 2003a:Annex, section 8

⁵⁷ UNICEF, 2003b

clearly stands out when it comes to the pressure for and number of inter-country adoptions. Inter-country adoption has increased all over the postcommunist region and is part of a global trend. However, in no other country has the share of inter-country adoptions out of total adoptions been as high as in Romania. In the early 1990s Romania totally dominated inter-country adoption from the region.⁵⁸ It is the only country where for several years the majority of adopted children have gone abroad.⁵⁹ There is today a broad consensus that the inter-country adoption practices that emerged in Romania had a harmful effect on the system of public care (e.g. spread of corruption, national placement options became a second choice in practice because of financial incentives, and it constituted a “pull factor” for abandonment).⁶⁰ This led to the government initiative to impose a moratorium in 2001 and later, in the new law, to the creation of a very strict regime on inter-country adoption.

It is in the context of this highly volatile environment one must understand the development in Romania and the problem of reliable information concerning the state of reform.

⁵⁸ UNICEF, 2001:107

⁵⁹ UNICEF, 2003a:23

⁶⁰ Cf. Dickens, 2002; IGIAA, 2002; UNICEF, 2001:107; UNICEF, 2003a:23; Petit, 2005

CHAPTER 5: CONCLUSION

This paper has presented and discussed available information on the state of the child protection reform in Romania. This has included a summary of the statistics of the NAPRC, an analysis of the report *The Situation of Child Abandonment in Romania* as well as an international comparison. It can be concluded that all quantitative indicators point at substantial progress in the reform. As opposed to most other countries in East Central Europe the rate of children in residential care has fallen during the last years and the decrease is indeed substantial. Moreover, Romania is outstanding when it comes to the number of new alternative services. The total number of children in public care has slightly decreased since 2000, but further efforts are needed to prevent new children from being temporarily or permanently separated from their parents. The study on child abandonment in Romania provides interesting input in this work, but says less about the development over time or the real extent of the problem at a national level. It should also be remembered that only a part of the children in the study are abandoned in a sense that the parents have deserted them with no intention of returning. The fact that children spend time in hospitals while the authorities sort out proper protection measures – as demonstrated in the statistics of the NAPRC and in the abandonment study – is a very serious cause of concern. On this issue, information has only been gathered since 2003 and a weak positive trend is indicated in the statistics of the authority (and in the study on child abandonment for that matter). Most children are according to the data reintegrated with their parents or placed in a substitute family after the stay in hospital, as opposed to the situation at the start of the reform.

There is now a great need of stability in the legislative and institutional environment in order to allow the authorities to carry on with the implementation of the new law. Implementation is by nature a long-term and ongoing process and in this work there is a great need of feedback in shape of balanced studies of the situation on the ground, e.g. the situation of the “deinstitutionalized” children and measures needed to protect children at risk. Considering the speed and scope of the reform process there would indeed be expected to be remaining problems and, as identified by all actors involved including the authorities, further efforts to prevent new children entering the system of public care is a key area of concern.

With the comparative perspective in mind, one cannot help being puzzled by the international focus on Romania. For example, any internet search on the homepages of newspapers or on general search engines gives more hits for “Romania” and “orphans” than for any other country in the region. The same is true for search

engines for academic articles and books.⁶¹ This cannot be explained by the fact that Romania stands out in terms of the magnitude of the problems described, at least not since the late 1990s. Instead, this must be seen in a context of the enormous international attention in the beginning of the 1990s. The events in 1989, the only violent revolution in the region, which culminated in the execution of Elena and Nicolae Ceausescu, attracted a large number of international journalists whose attention was soon drawn to the alarming situation in Romanian orphanages. The appalling situation of these children received worldwide attention. Since this time, Romania's image abroad has been linked to these issues. There is indeed a great need of balanced reports and articles about the state of reform and of contributions that take a broader comparative perspective. Moreover, reports that evaluate the Romanian experience could be highly valuable to policy-makers in countries at an earlier state of reform.

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⁶¹ For example, *ISI Web of Science* gives 31 hits for "Romania" and "orphan*" and non for "Bulgaria" and "orphan*".

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SUMMARY

This paper is an attempt to summarize and discuss some key indicators of the development of the child protection reform in Romania. It includes an elaboration of some important statistics on the state of the reform, a scrutiny of the report *The Situation of Child Abandonment in Romania* from 2005, and an international comparison where the development in Romania is put in broader perspective. The analysis of the report on child abandonment is motivated by the fact that it has attracted a lot of attention and the issue of child abandonment is regarded as a remaining key area of concern. The paper tries to sort out some potential pitfalls in assessing the situation and comparing, e.g. it engages in a discussion about how the concept of abandonment is used differently in various studies. In the following, some central points in the paper are summarized:

In the three areas at the focus of the child protection reform – i.e. reducing the number of children in institutional care, restructuring the institutions, and developing alternative services for children in need – there has been considerable progress. According to the National Authority for the Protection of the Rights of the Child (NAPRC), since the end of 2002 there are more children in alternative than in residential care (in January 2005 39.5% in residential care and 60.5% in alternative care). Between December 2000 and January 2005 the number of children in institutions has decreased with 42.8% and the number of infants aged 0-2 with 75.9%. The total number of children in public care has decreased with 5.3% during the same period.

Remaining areas of concern are that “deinstitutionalized” children do not always receive the necessary support from the public services and that new children are separated from their parents and enter the system of public care. Since 2003 the NAPRC has gathered information regarding children deserted by their parents in maternity and pediatric hospitals. (Children are counted independent of the number of days they have been separated from their parents and of the state of health). In 2003 there were 5,150 children on a national level, in 2004 4,614 and in the first five months of 2005 869 children. Approximately 50% are reintegrated with their family and 20% placed in substitute families in the same year. In 2003 23.3% went to placement centers and in 2004 16.6%. The fact that children spend time in hospitals while the authorities sort out proper protection measures is a serious cause of concern, but the weak but positive trend should be noticed.

The Situation of Child Abandonment in Romania is a study of children aged 0-5 deserted by their parents in 2003 and 2004 in maternity and pediatric hospitals in 14 counties and 2 sectors of Bucharest. The report draws attention to some serious problems that ought to be investigated on a national level. It provides interesting insights into measures needed to improve prevention services. However, some of the statistical parts are fraught with problems, which also calls for criticism regarding the conclusions. Unfortunately, these are the parts that have been widely cited in the media. Four things deserve special attention:

1) It is important to note when quoting and analyzing the results that the children classified as abandoned in the study constitutes a heterogeneous group: Some are left for a few days in a hospital and then brought home to the family (39% in 2003 and 46% of the deserted children in 2004 are reintegrated with their family after the stay in the maternity unit and approximately 49% of those in pediatric units are reintegrated with their family), whereas others become subject of various protection measures. Moreover, 89% had a medical diagnosis when entering the pediatric unit. This usage of the abandonment concept is in contrast to much research, where only a small percentage of children in institutional care are regarded as abandoned, that is, it refers to those instances when the parents have no intent of returning.

2) The conclusion that 9000 children are abandoned every year in Romania in maternity and pediatric units is based on a generalization from 14 counties (out of 41) and 2 sectors of Bucharest (out of 6). These counties are not chosen systematically in order to be representative and there is no information concerning which these counties are and what characterize these areas of the country. This is a dubious procedure since there are known to be considerable variations between counties. For example, according to the statistics of the NAPRC one county has a record of 101 children deserted in hospital units in the first five months of 2005 while others have none. According to a survey presented in *Child Care System Reform in Romania* (2004) some counties have over 50 requests for prevention services every month, while others have fewer than five.

3) The study fails to point out the positive development illuminated in the statistics. For example, in 2004 7% more children go home to their family after the stay in the maternity unit than in 2003 and 9% less children are transferred to pediatric wards or placement centers. This data is attained from a figure in the study, but in the text the years are mixed up. This causes the authors to talk about a step backwards, quite opposite to what is actually the case. Moreover, in 2004 children spend considerably less time in hospital units than in 2003.

4) An important part of the conclusions of the study are based on a chapter about "the child's route". In this chapter, only 694 out of the total of 1,935 children are investigated. This information is omitted in the conclusion and the findings are presented as valid for the whole sample. There is no discussion at all regarding likely biases introduced in the material. There are strong indicators that the group investigated is exactly the worst off children in the study. Firstly, information for this part was attained from the records of the county child protection services and most of the children who are sent home after the hospital visit are not reported to the child

protection services (according to another chapter of the study). Secondly, in the list of the various routes, only 9.3% of the children have routes that start with maternity ward – family (and what ever follows after), whereas in the whole sample between 39% and 46% took this path.

It is unfortunate that the statistical parts of the study have a prominent place in the conclusions. Because of the factors discussed above it cannot be concluded that 9000 children are abandoned in 2003 and 2004. Any presentation of these figures ought to be accompanied by explanations concerning the very broad selection criteria for an abandoned child and the fact that the result is inferred from a study of parts of the country. There is no similar statistics available in other countries by which the situation in Romania according to the study can be compared. The report says less about the development in Romania over a longer period of time and cannot be used to support arguments that the situation for vulnerable children is deteriorating.

Turning to the international comparison, available statistics suggests that the progress in Romania in substituting residential with alternative care by far exceeds that of any other country in the postcommunist region. According to the Innocenti Social Monitors of the UNICEF, in all other countries in East Central Europe the rate of children in institutional care has actually increased between 1997 and 2002, except for Poland where the rate has decreased moderately. Some of countries also have higher rates of children in public care (i.e. both alternative and residential) than Romania in 2002. The number of children in alternative care in Romania has increased with 86.1% (or from 16,600 to 30,900 children) between 1998 and 2002 according to the same source. The closest country in this regard is Estonia with a 36.1% increase (from 3,600 to 4,900).

According to the first major Europe-wide study of infants in residential care – the EU Daphne project *Mapping the number and characteristics of children under 3 in institutions across Europe at risk of harm* – in 2003 many of the EU member states (EU-15) had similar numbers of children in institutional care as the accession countries. It should be noted that these figures are not exact, because the method for gathering data has varied between countries. The study suggests, however, that the Czech Republic, Belgium, Bulgaria, Lithuania, and Latvia have higher rates of children aged 0-3 in institutions than Romania. Many of the postcommunist countries including Romania are advanced when it comes to the rate of children in alternative care. It is important to note that there are significant variations between the EU member states and accession countries in the causes of institutionalization (abuse and neglect vs. poverty).