



MINISTERUL MUNCII  
FAMILIEI, PROTECȚIEI SOCIALE  
ȘI PERSOANELOR VÂRSTNICE

Nesecret

Autoritatea Națională pentru  
Protecția Drepturilor Copilului și Adopție

Nr. DGPDC/cc/4115/01.10.2014

Către: Doamna Oana ROGOVEANU, Director DDOCE  
Ministerul Afacerilor Interne  
Ref: chestionar OHCHR

Stimată doamnă director,

Folosim această ocazie pentru a vă transmite atașat răspunsul ANPDCA la chestionarul înaintat de OHCHR, în vederea elaborării unui studiu intitulat "Spre o mai bună investire în drepturile copilului".

Cu considerație,

Gabriela COMAN



- 1) Please provide information on the main challenges related to the mobilization, allocation and spending of resources for children. Please provide examples of good practices undertaken to prioritize resource mobilization, allocation and spending towards child-focused sectors, such as health, education, social protection, child protection and child rights, in your national policy.

In order to create the financing mechanism and to set the basis for the financial framework needed to ensure a consistent and systematic response for supporting children in the special protection system, as well as to address funding disparities across the special protection system, Government Decision No. 23/2010 approving standard costs for social services was adopted, laying down financial mechanisms for the provision of social services aimed at the protection and promotion of children's rights (and other public social services). Hence, starting with the 2011 financial year, state budget funds allocated to the special protection system from value added tax earnings are forecast based on standard costs, which creates a transparent budget allocation mechanism for the work of GDSACP, as recommended.

As regards standard costs for social services in the field of child protection, approved under GD No. 23/2010, it should be mentioned that their make-up and computation method were set under a project financed by UNICEF Romania. Standard costs were set using the zero-based budgeting approach whereby all expenditure is justified at the beginning of each new budget period. This approach was chosen because it allows for an efficient resource allocation since it identifies and eliminates unjustified expenses. It is recommended especially for government budgets because in their case expenditure can easily get out of control when it is automatically assumed that the amounts spent in previous years apply to new financial years.

To ensure the transparent use and management of allocated funds, under GD No. 23/2010, public and private social service providers must publish information about the costs of social services delivered. So each public social service providers must send to the central data on beneficiaries, costs and staff/type of services collected in the year prior to reporting.

In regard to the education field, a transparent budget allocation mechanism was regulated for funding available to schools. Thus, under Article 104 (3)(4) of Education Law No. 1/2011, as subsequently amended and supplemented, "(3) the core funding of an educational establishment shall be worked out multiplying the standard cost per pupil/preschooler by school-specific quotients and by the number of pupils and shall be approved yearly under government decision", and "(4) as far as the core funding is concerned, the basis for the calculation of funds allocated to



educational establishments through and from local budgets shall be the standard cost per pupil/preschooler. The standard cost per pupil/preschooler shall be determined for each level of education, track, profile, specialisation/field.”

Another Government decision approved the methodology for working out the standard cost per pupil/preschooler/year and funding for pre-university state schools financed from local budgets, based on standard costs per pupil/preschooler for 2012, through the local budgets of territorial administrative units in whose area the educational establishments are located, from value added tax earnings allocated to cover wage costs, as provided for by law, and related contributions, further education and staff appraisal costs, regular internal student assessment costs, as well as material, service and maintenance costs in pre-university state education.

Chief authorising officers in charge of local budgets distribute the amounts to educational establishments, based on the number of pupils/preschoolers and standard costs, and submit them for approval to deliberative authorities. The manager of the educational establishment with legal personality, as a third-level authorising officer, must ensure compliance with the budget approved based on standard cost/pupil/preschooler/year.

Standard costs/pupil/preschooler/year are determined for each level of education, track, profile, specialisation/field, according to the number of pupils, language of instruction, other specific educational indicators, urban/rural area and type of the territorial administrative unit (village, commune, town, city and capital city).

- 2) Please indicate how your national laws and policies provide opportunities for children to access budget information and participate in budgeting and fiscal processes. Please specify the extent to which resources spent on children are visible and whether budget data is disaggregated by child rights related programmes and/or age (0-18) in budget documents.

According to the provisions of the Law no. 272/2004 regarding the protection and promotion of children rights the financing of the prevention activities as well as the special protection of the child, temporarily or definitively separated from their families, is ensured from the following sources:

- a) The state budget - within the limits of the sums coming from incomes to the state budget, approved with this destination within the yearly budget laws, allocated to the counties based on the proposals made by the National Authority for the Protection of the Right of the Child and Adoption, based on the cost standards for social services, approved by a Government decision.
- b) The county budget, in completion of the amount foreseen at point a), in order to cover the organizational and functional expenses, from their own sources or other sums allocated from the state budget for balancing the local budgets

- c) The local budget of the villages, towns or municipalities
- d) Donations, sponsorships or other private contributions

In respect to the budget allocated to finance programs related to different issues within the child protection field, they are to be found within the budget of the ministries or authorities which will develop and implement the national programs within the national territory.

- 3) What are the mechanisms in place to ensure transparent, effective and efficient utilization of public resources for the realization of the children's rights in line with the Article 4 of the Convention on the Rights of the Child?

In Romania the financing of the special protection system for children is based on the cost standards, approved by a Government Decision.

The standard costs for the services of prevention as well as those for the special protection of the child temporarily or definitively separated from his/her family are established and approved by a Government decision.

The cost standards are based on the quality standards for the services and the rights granted to children based on various pieces of legislation such as: food allowance, equipment, hygienic and sanitary supplies, pocket money. After 2010, the year when the cost standards were approved, an equal financing mechanism was ensured for all the General Direction for Social Assistance and Adoption. Based on the cost standards and the number of children in each category of service, the National Authority for the Protection of the Right of the Child and Adoption estimates the budget needed to be allocated to each county which is further on submitted for approval to the Ministry of Public Finance.

- 4) What mechanisms are in place to assess the impact of fiscal policies and budgets on children? Are human rights and child rights impact assessments conducted in relation to budget planning and execution? Please indicate measures in place to identify the needs of the most marginalized and vulnerable children and formulate targets that assess the impact of public spending on these groups.

The impact of the fiscal policies are evaluated based on periodic evaluations made by the state authorities or civil society, whose main reason is to see the effect of the benefits and allocations on the target groups to which they are offered. In this respect recent evaluations performed on the total population have demonstrated the good performances of the financial benefits for families/children. The benefits based on means testing are well guided and have a significant share within the budgets of the poor households. In this respect can be appreciated the real contribution of these financial means to diminish the poverty related to some vulnerable target groups.



Another way to assess the impact of the fiscal policies on children is the performance of field research within the targeted groups, such activities helping to determine those groups of vulnerable children who despite the benefits granted, do not take full advantage of them, or whose situation does not improve significantly in time.

5. What mechanisms are in place to ensure that the private sector contributes, rather than undermine state efforts to improve public spending on children? Please also indicate if systems or mechanisms are in place to ensure that resources are spent well also when government funded children's rights programmes/projects are outsourced to the private sectors.

In regard to the way public funds are spent when they are outsourced to the private sectors should be mentioned that in Romania all public funds are spent based on a clear legislation regarding the public procurement procedures. In this way is ensured that the best price/quality offers are to be selected, and a careful monitoring of the way public funds are used is carried on by the competent authorities, in this respect.