

*Protection of Romanian citizen  
unaccompanied minors in other states*  
*Report drawn up for Romani CRISS*

**-SUMMARY-**

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The legal or illegal emigration from Romania is associated lately with a phenomenon of concern for both Romanian authorities and the authorities in the destination countries: the presence of Romanian citizen unaccompanied minors in European Union member states. Either we talk about children trafficked and abandoned by trafficking networks or escaped of their influence, or about children who came along with their parents as the latter got a job or children helped to get in one of the European countries to work or to be involved in illegal activities, their situation requires the identification of protection measures that redefine the previous model of approaching the migration phenomenon.

The study aims at evaluating the measures of protection of repatriated unaccompanied minors and of their reintegration and to provide a set of recommendations to improve the protection policies. Although the evaluation is focused on institutional and legislative components, the efficiency and efficacy do not represent subjects of evaluation, given that the institutions and the legislative framework have just been created and do not prove their entire functionality. This is the main reason for the research being focused on process evaluation and relevance in order to allow not only the elaboration of “verdicts” in terms of functionality, but especially the elaboration of proposals and recommendations aiming at improving the inter-institutional relations, services and procedures.

Considering the complexity of the phenomenon, the analysis focused on the following levels:

- *Individual* – 5 case studies regarding the situation of identified unaccompanied and repatriated children
- *Institutional* – the information was collected through the method of interviews at central institutions/ representatives of international bodies and local institutions in two counties.

For this study, centres in the two selected counties were analysed (Iasi and Satu Mare – taken over by County General Directorate of Social Work (DGJAS) in January,

respectively March 2005), using a cumulative set of criteria established as result of the discussion with the institutional representatives at central level: whether a transit centre is working in the county; the high number of children in the destination countries; partnerships created at county level with other providers of direct or related social services; level of established inter-institutional networks partnerships. The information collected from the DGJAS and the transit centres were completed with data and information provided by relevant institutional representatives, selected by priority, based on their inclusion in the inter-institutional network (Border Police, County Police Inspectorate, NGOs).

The most important deficits in the protection system for the repatriated unaccompanied minors were:

- *Specific legislation* – the meaning of the phrase “unaccompanied child” as specified in the law is considered by specialists as restrictive, not covering all the difficult situations that a Romanian child on other state territory might face. On the other hand, pure administrative measures of limiting unaccompanied minors in other states cannot prevent the phenomenon of these minor’s presence in other countries.
- *Repatriation agreements* – although perceived as a necessity, they do not generate the desired function expected in the relations between the signatory States. For instance, in the case of France, the small number of repatriated children is an important indicator of the fact that, after almost three years since the agreement was signed, the communication difficulties between the responsible institutions in both states could not be overcome. The problem is similar in the case of Italy (e.g. Torino), where the inefficient measures established by the two parties led the Italian authorities to identify alternatives considered viable: contracting a provider of services in Italy that would ensure monitoring of the reintegration of unaccompanied minors from Romania in Torino.
- *Conditions necessary to initiate the repatriation procedures* – they are difficult to meet, especially in the case of France. Although the French specialists acknowledge they need a review of the text law on unaccompanied minors that should be repatriated, the issue of the minors opinion on his/ her repatriation cannot be

summarised in mere amendments of text laws or redefinition of terms. The disbelief of the decision-takers at the level of French institutions regarding the capacity of services in Romania or the environment where the minor should be returned to, influence, in many occasions, the decisions in the case of repatriating minors.

- *Protection services in Romania* – the integration of the repatriated minor should take into account the difficulties generated by the reduced level of integration into the general system of social work services.

The analysis of the institutional framework made a distinction between the structural problems – generated by the malfunctions of the public services system that goes through an institutional reconstruction process – and specific problems related to how the services are being organized and, especially to the lack of communication and collaboration exercise between institutions holding direct responsibilities in regard to repatriation and protection of unaccompanied minors. The most important problems refer to:

- Lack of primary or specialized services at local level, which force the centres to take on additional responsibilities
- Deficit of centres' coordination activities at national level
- Insufficient delimitation of centres' attributions
- Defective collaboration and communication between the institutions working at county level, due to the fact that functional inter-institutional networks partnerships haven't been yet established in all counties where transit centres exist
- Lack or poor representation of integration and prevention projects
- Low degree of professionalize social services, in addition to the low number of specialists with expertise in minors' migration issue
- Insufficient allocation of resources for cases' evaluation and monitoring activities.

The proposals and recommendations for the unaccompanied minor's protection system refer to the redefining of the institutional framework created for the unaccompanied minor's protection and of the working procedures, by:

- To make the inter-institutional network partnerships more efficient at county level
- To create clear procedures in what regards information provision by the destination countries' institutions, especially in the case when the child identified as unaccompanied has been staying in that country for a longer period of time
- To extend inter-institutional collaboration at regional level
- Integrated approach of the cases
- To create a joint database which all institutions included in the inter-institutional network have access to
- To develop advocacy and information projects addressed to the transit centres
- To replace inefficient administrative measures (parents' agreement legalized at a notary office) with real preventive measures
- To ensure case management and post-intervention monitoring at level of transit centres in order to avoid useless and costly overlapping
- To develop projects and programs targeting the unaccompanied minors that would ensure complementary to the already existent ones.

As in the case of Romania, the unaccompanied minors' protection institutions from the destination countries were not well prepared so that to ensure support to unaccompanied minors from other states and didn't developed services or measures adapted to the specificity of this target group.

The issue of unaccompanied minors should be perceived as a Romanian problem, but a European problem, while implementing an integrated approach. Permanent collaboration between the Romanian institutions involved in the protection of unaccompanied minors and the destination states' institutions could make more efficient the current support mechanisms so that the communication malfunctions or the ones generated by shortcomings of jointly agreed methodologies are eliminated.