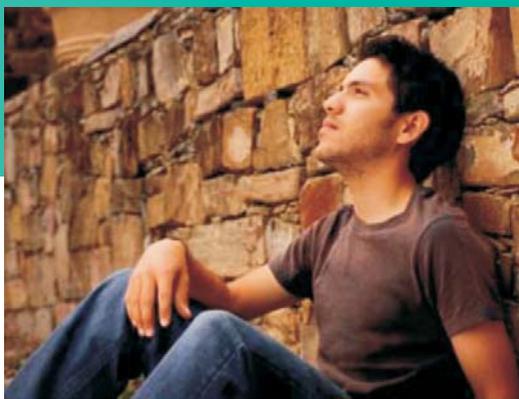




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*The Benefits of the Specialized
Instances Concerning Drug Addiction*



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ASSOCIATION FOR SOCIAL AND ECONOMIC DEVELOPMENT AND PROMOTION
CATALACTICA

Colentina Road, no. 26, block 64, B2 ladder, apartment 97, sector 2, postal code 021181, Bucharest;

Phone: 0040-21-240 73 03; Fax: 0040-21 240 73 03

e-mail: www.catalactica.org.ro; corsorin@mailbox.ro

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THE BENEFITS OF THE SPECIALIZED INSTANCES CONCERNING DRUG ADDICTION

*Daniela NICOLĂESCU**

Abstract: Courts regarding drugs offer new perspectives in the reunion of justice management and offering proper treatment services to drug addicts that had done penal crimes. Considered to be the most significant initiative of penal justice in the last period, the court regarding drugs is presented through the benefits of the specialized programs: reducing recidivism, public funds savings, preventing draw backs and maintaining the clients in treatments, giving individualized treatments to drug consumers. The elements exposed are argued by the practice registered at the level of courts from USA and proved by different scientific research. In the article, the success factors of the courts regarding drugs that had been proposed by a group of experts UNODC are also underlined.

Key words: courts regarding drugs, justice, treatment, drugs, benefits

There were lately initialized a few tries to integrate the drug addiction treatment inside the justice system in a manner that differs of the traditional one and it is defined through coordination and collaboration, by a functional approach. Indeed, these integrated schemes rely on the concept “No frontier organizations”, which are characterized by the approach of some inter-agencies objectives and operational practices concerning the key decision points, which are common for the justice’s administration and for the treatment services. This perspective underlines the creation of the functional politics and practices which come over the institutional borders and evolve actions that the systems themselves have benefits from.

The concept of “No frontier organizations” evolved having as a start the systemic organizational perspective concentrated on the creation of some integrated

* PhD student of University of Bucharest, expert in child rights protection, email: nicoldana@yahoo.com.

processes which contribute to obtaining the expected results and concentrates less on the performance of some of the parts of the system. Hammer mentioned (1996)¹ that: *"The problems that the modern organizations deal with are not the problems of the issue. The reason why we are so slow in obtaining good results isn't because of the fact that the staff is moving very slow and inefficiently; fifty years of studies represent this from this point of view. We are slow because our staff perform tasks that not all of us have to, just to get to the desired result, and because there are also delays of handling the papers from the person that solves a target towards the one that has to solve the next one... We are inflexible because the people are stuck in the manner they act, but none of them can't understand how it could be possible to match the individual choirs just to create a result, an absolutely necessary understanding of the way how they could change the path the results are created."*

The implementation of the services of treatment and correction will be determined by the coordination of these systems in their linking points. Inside the activity of the firms from the private sector there has been proved that creating some no frontier organizations needs a new perspective by means of which the process will go on better as a whole than as separate ways. So, the parts and the responsibilities of each organization stay consistent with their original purposes but work in relationship with the inputs of some other structures. Actually, it is noticed that there aren't yet leaders to express the necessary authority and responsibility but there still exist people with special functional abilities, there still are differences between consumers and tenders of services and the activity continues to evolve in different places.

By focusing each organization on the process itself but not only on their own objectives and responsibilities, the actions can be implemented in a way that maximizes their efficacy and efficiency.

Moore (1991) ²suggested that each agency could take part to the key decisions concerning their client, including the remittance towards the adequate services, the change of the treatment plans depending on the client's growth, the transition to other services when it is considered useful, and also jumping over some of the system's segments. There is more necessary the integration and sectioning of the functional policies and practices of the agency than the coordination of the practices and the services concerning these problems.

As concerning the systematic approach the services offer has to concentrate on the creation of the necessary infrastructure just to sustain the priorities of each agency.

¹ Apud. Anspach, D.; Ferguson, A. (2003), *Assesing the Efficacy of Treatment Modalities in the Context of Adult Drug Courts*, University of Southern Maine, p. 7-3.

² Moore, M. H. (1991), *Drugs, the Criminal Law and the Administration of Justice*, Milbank Quarterly.

Inside the justice's administration system and also of the treatment system, there was noticed a certain permeability of the borders of the specifically activities by means of evolving an efficient treatment applying some integrated policies.

The most obvious examples of creating a no frontiers services system are offered by the instance's programs concerning the drug addiction, a context in which there was succeeded the successful integration of the justice's administration system together with the systems of the health services.

The instance concerning the drug addiction is considered the most important initiative of the criminal justice from the last period of time. Therefore, we consider of great importance the debate about the benefits of the instance's programs as concerning drugs.

1. The instances concerning the drugs reduce recurrence

According to the Justice's National Institute study (NIJ), in 2003, by interviewing 17.000 people that got to an end a rehabilitation and recovery program inside these instances/institutions, a year distance since the program ended only 16,4% of the subjects were yet arrested and charged with a great offence (Roman, Townsend & Bhati, 2003)¹. So, there was caught the conclusion that *"the recidivism literature's essence is sufficiently strong now in spite of the continuous methodological deficiencies just to conclude that to follow a program of an instance concerning drug addiction reduces the possibility of a future arrest."* (Fluellen and Trone, 2000)².

The most complex studies concerning the drugs were made up in 2003 by The Centre for the Instance Innovation (CCI). The study analyses the impact that the field policies adopted by the New York state holds inside the system of these instances. It was concluded that the relapse rate among 2.135 delinquents that took part in the recovering program which was suggested by six of the instances concerning drugs was around 29% lower (from 13% to 47%) for the subscribed that followed the three years program, than the rate registered among the delinquents that didn't take part to this (Rempel and colab. 2003)³.

On the other hand, the cases of these instances get to the initial stipulation quickly than the conventional cases and the recurrence rate concerning the drug instances at state level situated under the national rate level (of approximately 60%).

¹ Roman, J.; Townsend, W. Bati, A. (2003), *National estimates of drug court recidivism rates*, Washington, DC, National institute of justice, U.S. Department of Justice.

² Fluellen, R.; Trone, J. (2000), *Issues in brief: Do drug courts save jail and prison beds?* New York, Ny, Vera Institute of Justice.

³ Rempel, M. and colab. (2003), *The New York State adult drug court evaluation: policies, participants and impact*, New York, NY, Center of Court Innovation.

A considerable number of evaluations were oriented towards the instances' drug programs with the local level, being underlined important cuts of recurrences. In Chester district, Pennsylvania, the people that ended these programs have a rate of arresting of 5,4% comparing with the arresting rate of 21,5% encountered in the control group (Brewester, 2001)¹; a re-arresting rate of 33% among the ones that ended the programs concerning the drug addiction in the Dade district, Florida comparing with an arresting rate of 48% inside the control group; and also a re-arresting rate among the ones that followed an instance's drug program from Dallas, Texas, of 15,6% comparing with a re-arresting rate of 48,7% inside the control group (Turley & Sibley, 2001)².

2. The instances concerning drug addiction save money

The authorities' and local communities' benefits from the investment made at the beginning in the instances about drugs are essential. A study about six of the drug instances from Washington State report that the investment made by a district in a drug instance is rewarded by the low rate of delinquency of the participants to the program, and also of the ones that finish them entirely (The Institute for Public Policy of Washington State, 2003). So, it is estimated that, overall, the participant to this programme produces benefits of 6.779\$ estimating the lowering of recurrence with 13%. These benefits are completed with 3.759\$ by avoiding the costs of the criminal court paid by the tax payers and with 3.020 USD by avoiding the costs concerning the offences' victims (The Institute for Public Policies of Washington State, 2003). It was practically obtained a total of 1, 7 USD as benefit for each dollar spent inside the drug instance (The Institute for Public Policies of Washington State, 2003).

In a study about the drug instances from New York of The Centre for the Instance's Innovation, it is estimated that there were saved 254 million dollars with the detention costs by introducing inside the treatment of 18.000 nonviolent delinquents that consumed drugs (Rempel and colab. 2003)³.

The researchers accomplished recently two studies in California which prove why the costs are so low and the savings that come from the implementation of such programmes. Both studies prove the obtaining of some 18 million dollars savings a year by means of the instance concerning the drugs in California. Actually, the studies got to the conclusion that the 14 million dollars investments inside this

¹ Rempel, L. and colab. (2003), *The New York State adult drug court evaluation: Policies, Participants and impact*, New York, NY, Center for Court Innovation.

² Turley, M.; Sibley, A. (2001), *Dallas County Divert Court outcome evaluation*, Report to the Dallas County Divert Court.

³ Rempel, M. and colab. (2003), *The New York State adult drug court evaluation: Policies, participants and impact*, New York, NY, Center for Court Innovation.

country combined with some other funds led to a monetary saving of 43, 4 million dollars in a period of two years¹. The two studies look into the effective costs of the instance concerning the drugs from the point of avoiding costs with detention and of the compensatory ones by charging the participants for some taxes and fines. This way, there was noticed the canceling of a number of 425.014 days of detention also avoiding a cost around 26 million dollars (The California Judiciary Council & and The California Drug and Alcohol Programmes Department, 2002). The participants that ended an instance drugs programme paid almost a million dollars as taxes, fines and duties.

The other study about three instances concerning drugs for adults from California, confirmed the avoiding of costs with approximately 200.000 dollars per instance for 100 subscribers (The NPR Research, Inc. & and The California Judiciary Council, 2002). When these savings of a value of 18 million dollars were screened at the state level, which were obtained by avoiding the early detention spending there was supposed that 90 instances concerning the adults' drugs operate each with 90 clients a year. Because of these studies and of the imprisonment days' analysis that were avoided because of the instances concerning drugs, 58% of the funds of these Californian instances are provided by direct funds transfer from the Correction Department budget.

In the District Multnomah, Oregon, a study at a district level estimated that for each dollar spent per instance concerning drugs, the tax payers save 10 dollars. A study that followed to this one in the same community, and was coordinate by The National Institute of Justice, showed that then, when the costs were compared between "acting as usual" and the instance's pattern concerning the drugs, by applying the innovating system, there were saved approximately 2,328.89 dollars a year for each participant (Carey and Finigan, 2003)².

One of the components of the benefits analysis research is represented by the value of the costs associated with victimization. If the offence isn't that hard then, the spending that the victim needs also known as "victimization spending" is not that big. Then when the victimization spending was encountered just to be useful for this study from Multnomah District, the medium savings raised to 3.596,92 USD per client (Carey and Finigan, 2003)³. The total savings that were obtained by the local

¹ The California Judicial Council and The California Programmes for Drugs and Alcohol Department (2002); The NPC Research, Inc. and The California Judiciary Council.

² Carey, S.; Finigan, M. (2003), *A detailed cost analysis in a mature drug court setting: A cost-benefit evaluation of Multnomah County drug court*, Portland, OR, NPC Research, Inc.

³ Carey, S.; Finigan, M. (2003), *A entailed costs analysis in a mature drug court setting: A cost-benefit evaluation of Multnomah County drug court*, Portland, OR, NPC Research, Inc.

contributors in a period of thirty months were of 5.071,57 USD per participant or savings of 1.521.471 USD a year.

A study of the Political Economy Department of the Southern Methodist Church reported that for each dollar spent for an instance concerning the drugs from Dallas, Texas, there were obtained savings of 9.43 dollars in a period of forty months (Fomby and Rangaprasad, 2002)¹.

Eventually, a study about an instance's efficiency concerning the drugs that existed in Saint Louis, Missouri for seven years proved that the benefits of the programme go more over the spending. The results of this study show that the non violent delinquents that used drugs and were introduced into the programme instead of prison, generally earned more money and solicited the social help system less comparing with the ones that went to an end with their temporary parole. The study compared in the same period of time 219 persons that ended the programme for the first time in 2001 with 219 people that pledged guilty for the charges of using drugs and who were liberated on parole. For each person that ended the program of the specialized instance, the tax payers' spending were of 7.793 dollars which meant a higher sum of 1.449 dollars than those liberated on parole (The Applied Research Institute, 2004). In any case, during the two years that followed the ending of the programme, the costs for each person that ended it successfully were 2.615 dollars less than of the persons liberated on parole. The savings were made by bigger paying and taxes and by smaller costs for services for health care, including the mental health ones.

We may conclude that the instances concerning drugs that involve treatment for all the persons and also real support, associated with gradual penalties when they fail, is a cheap and efficient method for solving the problems concerning the drugs comparing with some other traditional methods such as parole liberation and imprisonment.

3. The instances concerning drugs avoid relapses and assure the maintaining into the treatment

The coercive power of an instance concerning drugs is the quick key of admittance inside the treatment of the offenders that are drug addicted for a period of time that is sufficient for them to make a change. This idea is supported undoubtedly by the empirical data about the treatment programmes for substances' abuse. The data show that then, when the treatment is finished it is also efficient. Anyways, most part of drug addicted and alcoholics that are put into the situation of choosing do not enter

¹ Fomby, T.B.; Rangaprasad, V. (2002), *Divert Court of Dallas County: Cost-benefit analysis*, Report to the Dallas Divert Court.

the treatment voluntarily. Those who anyway enter the programme rarely carry it to an end; among these rebels, the period necessary for starting using again those substances is of about a year.

So, if the treatment has as purpose the accomplishment of its considerable promises, respectively the giving up to the addicted behaviour, the delinquents involved in drug abuse have not only to subscribe to the treatment but also to stay and end the programme. If they do the other way round, they will need incentives that can be characterized as “coercive”. From the point of view of the treatment, the term coercive – that is more or less used by replacing with terms as “mandatory treatment”, “mandate treatment”, “involuntary treatment”, “and legal pressure inside the treatment” – it refers to a number of strategies that changes the behaviour by the given answer to specific actions that go on external pressure and predictable consequences. Moreover, there was also noticed that the persons that took abuse of these substances and got the permission to follow the treatment by juridical order or by engagement mandates, benefit of it more or even more than the ones that subscribe to it voluntarily (Satel, 1999; Hundleston, 2000)¹.

Four studies that began in 1968 and ended in 1995, studied approximately 70.000 patients from which 40-50% were bound or mandated by the instance to subscribe to treatment programmes at home or ambulatory (Hubbard and colab., 1989)².

There were obtained two important results:

- The first result refers to the fact that the first period of time that the patient spent inside the treatment was a sign of trust of the treatment’s performance. After the limit of ninety days, the treatment’s results got better in accordance with a longer period of time spent inside it, concluding that, a year period represents the minimum of the efficient time needed.
- The second result refers to the fact that the patients obliged to stay into the treatment have the tendency to stay inside it a longer period of time than the ones that subscribe voluntarily. In all, the more a patient stays inside the treatment, the better the results are.

Unfortunately, few clients of this treatment get to these critical limits. Between 40% and 80% among the drug addicted persons give up to this treatment before they get to the ninety days limit for an efficient treatment and 80% to 90% give up in the first twelve months (Marlowe, DeMatteo, Festinger, 2003). Anyways, over two thirds of

¹ Hundleston, C.W. (2000), *The premise of drug court. National Drug Court Institute Trening Presentation*, Published Presentation.

² Hubbard, R.L. and colab. (1989), *Drug Abuse Treatment: A National Study of Effectiveness*, Chapel Hill, N.C., University of North Carolina Press.

the subscribers that started a treatment by means of a specialized instance finish it after a year or more.

The instance concerning the drugs represent the best way of the criminal justice system for hurrying the time interval that there is between the arresting and treatment entry and also offers the necessary structure just to be noticed if a delinquent stays inside it long enough to get the benefits of it.

4. The instances concerning drugs offer an adequate treatment for drug addicted persons

The analyses realized by the treatment providers underline the fact that the annual spending of the social services, medical and psychological for the subscribed persons from the instances programme concerning drugs are different from many other factors. These factors include the target population that is treated by means of the programme itself and the type of services that are offered (with action parameters big enough as concerning the usefulness, the costs and the appliance; such as intensive ambulatory treatment, hospital medical monitoring, the use of methadone, the therapeutically communities, etc.). More, the annual costs for the treatment may offer auxiliary services (such as professional training, counseling for the management of aggressiveness etc.), antidrug testing and the management of the case itself.

Offering these possibilities inside these services, 61% of the treatment providers from the instance's programme concerning the drugs report yearly spending for the treatment services per client that are situated between 900 and 3.500 dollars (The American University, 2000)

The instances that work with drug addiction have made major progresses concerning the estimation programme and most of these instances have monitoring / or estimation component. The estimation is an instrument by means of which these instances conclude what works properly and what needs to be enriched for better performances in the future. Finally, the results of the evaluation are reported to the persons that chose the policies and also to the financings that use these result with the purpose of concluding whether they go on to support the programmes concerning drug addiction instances. The individual programmes and the represented approach by the instances for drugs are depending on the quality of the evaluation programmes.

National Drug Courts Institute received plenty of suggestions to offer assistance to the field represented by the drug instances' rating as well as to assign about the adopting of some evaluation standards. National Drug Courts Institute is still in an evolving process of these standards, also for defining some due date concerning the

evaluation. In the same time, this institute offers some pieces of advice for the way in which an instances' evaluation should be and it leans on the existent literature:

- To assure of the fact that the evaluation corresponds to all providers' questions;
- To offer a large description of the programme concerning the drug instances including the exact date when the programme begins, the policies and the procedures and a short description of the way in which the civil defense from the drug field acted previously inside the justice administration system. Moreover, there should be included the description of the changes made during the evaluation period;
- To define clearly the objectives and purposes of the evaluation and to ensure the fact that these are measurable;
- TO plan both the evaluation process and the future results. The evaluation of the process contributes to the early improvement of the programme. The data concerning the evaluation's results should be gathered at the beginning of the programme as being a god help for coordinating and evolving of the process itself;
- The evolving and implementation of a exhaustive data collection that contains definitions for each possible context (i.e. subscriber, advancement, final, treatment, relapse, etc) to identify the definitions' limits, the data sources, the frequency of collecting them and to evolve a universal system for identification;
- To include global data amount about the persons that are drug addicted, such as: demographical and economical characteristics, of the social status, the record of the drug abuse and treatment, of the delinquency and also the status of the mental health (Peters, 1996)¹;
- To include all the obtained results about the subscribers to the program not only for those who ended it. Taking into account only the successful treatment cases, it will lead to an underestimation of the programs' progress. If there are taken into account all the obtained results, then will be established a more real image of the program's efficiency (Belenko, 1999)²;
- To stipulate the data and the periods of time necessary for collecting the information and to draft the evaluation. This aspect is very important in the program's reviewing (i.e. recurrence);

¹ Peters, R. (1996), *Evaluating Drug Court Programs: An Overview of Issues and Alternative Strategies*, Washington, DC, U.S. Department of Justice.

² Belenko, S. (1999), *Research on Drug Courts: A Critical Review 1999 Update*, National Drug Court Institute Review, No. II (2), p. 1 – 57.

- It is very important for the evaluation to offer valuable information to the subscribers not only at the end of the program but also during its evolution. This is an important aspect because the drug instances proved that they are more efficient by correlating the monitoring offered by the community in comparison with the traditional treatment programs;
- For encountering the recurrence rate, the favorite method is represented by “the chosen of a group of subscribers that are inside the program for a long enough period of time, lets say for about six months or a year, and their surveillance for a long enough period, time to which they could have finished the program successfully or not (Belenko, 1999)¹;
- To check the evolution of the participants along more years and also to gather more measurable results. Finally, it is recommended the gathering of more results for the individual evolution, such as to collect the data that refer to the re-arrestment and recommendation, just to determine the relapse level;
- To collect information for at least six months after the subscribers got out of the program. These data have to include; behaviour / delinquent action, the number of days spent in preventive arrest, the quantity of drugs consumed beginning with the exit moment from the program, changing of the work place and the professional knowledge evolving, changing concerning their education, the mental and physical state, changing through family relations, to invoke the social medical services or some other kinds (DCPO, 1997)²;
- To select a comparison group. This thing may be difficult because there may appear differences concerning the motivation reasons, commitment, delinquency past, the record of the drug abuses etc. (Belenko, 1999)³;
- To use the evaluation results to improve and modify the program, to enlarge the funds and to get the support of the ones that set the policies and also from the community and press (NDCI, 1999)⁴;
- To take into account of a costs and benefits analyze including a report concerning: reducing the instance’s costs (judiciary, of guidance, of investigation),

¹ Belenko, S. (1999), *Research on Drug Courts: A Critical Review 1999 Update*, National Drug Court Institute Review, No. II (2), p. 1 – 57.

² Drug Courts Program Office (1997), *Defining Drug Courts: The key Components*, Washington D. C., U.S. Department of Justice.

³ Belenko, S. (1999), *Research on Drug Courts: A critical Review 1999 Update*, National Drug Court Institute Review, No. II (2), p. 1 – 57.

⁴ National Drug Court Institute: www.ndci.org

lowering of costs concerning the administration of law, medical care, and also evolutions of the economy (DPCO, 1997)¹.

The success of the instances concerning the drugs was built on three pillars that draw in a very close partnership between the justice systems and the treatment (UNODC, 2004²:

- Adequate treatment;
- The monitoring by the court of the progress registered in the program's implementation by means of the continuous case management, regular presences into the court, subscriber's support and penalties for correcting the complaining;
- Mandatory antidrug tests just to strengthen the monitoring and participants' actions.

The UNODC experts group (United Nations Office on Drugs and Crime) inside the instances concerning drugs took into consideration the experience and the impact of these structures identifying the factors that lead to efficiency and success, describing what exactly is necessary to be changed just to get success and to create practical pieces of advice concerning the creation and implementation of these instances. The experts group identified 12 success factors of the drug instances:

1. The efficient leading of the multidisciplinary team from inside the drug instances program.
2. Strong interdisciplinary cooperation between the judge and the team members in line with the keeping the professional independence.
3. A good knowledge and understanding of the addictive behaviour and of the recovery of the instance's members that are not professionals in the medical field.
4. To apply a professional guide to ensure the reliability of approach and the efficiency of the continuous program.
5. Clear eligibility criteria and the objective identification of the potential participants.
6. The detailed study of each possible future subscriber.
7. Well documented and informed consent from each participant's part after he received juridical counseling) before taking part to the program.

¹ Drug Courts Program Office (1997), *Defining Drug Courts: The Key Components*, Washington DC, U.S. Department of Justice.

² United Nations Office on Drugs and Crime (2004), *Drug Treatment Courts*.

8. Quick reference of the subscriber to the treatment and rehabilitation.
9. Quick penalties, certain and consequent for not following the program correctly and respectively rewards for observing it.
10. The continuous appreciation of the program and the possibility to change its structure from the point of coming over the barriers.
11. Sustained and sufficient financing of the program.
12. Changing of the procedural and fundamental rights (if there is necessary).

The UNODC mentioned factors represent the organizational vectors through which there are matched the parts and the duties of the different organizations such as public health, the justice's administration system, social services, mental health and some other relevant agencies.

The drugs instances manage to get to a common level the conceptualized model of drug addiction through the nonsocial behaviours manifested by the delinquents and also the conceptualized model of addiction as a chronically and relapsing illness.

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STRATEGIES AND DEVICES FOR APPLYING THE SOCIAL POLICY OF THE EUROPEAN UNION

Ion Daniel POPA*

Abstract: The manner in which are applied the strategies and instruments of social policy at EU level rely on the social dialogue which is the way in which consulting is done at the community level between the social partners and the European Commission, and which facilitates the identification of efficient solutions for the development of the social policies. The European employment strategy is a result of the social dialogue, being conceived as a major instrument for the planning and coordination of the community priorities, whose goal is to control unemployment in the EU member states. Given the special interest for the social policy at EU level, the greatest challenge to access the European Social Fund is to make a portfolio of projects accompanied by a proper financing. These aspects are essential for the proper absorption of the structural funds.

Keywords: social policy, employment, unemployment, European Social Fund, social economy

1. The social dialogue

The social dialogue was initiated in 1985 and promoted in 1986 by the Unique European Act that was consolidated in 1998, is one of the key elements of the European social model.

It represents an inspection procedure at a communitarian level by means of which there are involved the social partners on one side and the European Board on the other. The main actors that are involved are *The European Union Confederation, the Patronage Union from the European Confederation and The European Centre for*

* Expert on social policies and absorption of structural funds, Ministry of Labour, Family and Social Protection, email: iondanielpopa@yahoo.com.

Public Enterprises that represent the employees, patronages and respectively the sector of the liberal activities.

In time, the social dialogue proved to be an efficient method to find mutual solutions for evolving the social politics, having as result a number of mutual points of view and agreements between the social partners and Committee¹.

The opinions represent formal expressions as a result of the social dialogue that do not ask any commitments from the concerned parties and they represent a mutual compromise position about a problem aspect. The collective arrangements have the aspect of a mutual assumed agreement for the interested parties and represent a way of concluding over a solution that solves a common problem². The agreements established till present refer to:

- Parental leave (1996) – includes the possibility for the workers to get parental leave after the child is born and the expiration of the maternity one;
- The part time work (1997) – allows the employees to adapt their work schedule;
- Limited time contracts (1999) – allows the employer to use more contracts on a limited period of time for the same worker;
- The management of the work time of the seaside staff (1999) – that establishes the management of the work time and the alternation of the work hours with the rest ones.
- The succes of this social dialogue merges into the fact that all these agreements were made leading directions. To involve and consult with the decision partners got more and more importance in the positive evolution of the communitarian politics, and, as for the countries to adhere in the future, the dialogue structures building is a must.

2. The European method of engaging the labor force ████████████████████

The European strategy of engaging the labor force was adopted the same time with the adding of the chapter about the labor force's engaging in The Treaty from Amsterdam.

The strategy has as main purpose unemployment control at EU level and was conceived as main guidance instrument of the communitarian priorities in this direction, priorities that will be pointed out by each member state. More precisely, the

¹ *The sector social dialogue in Europe*, European Commission, Office for Official Publications of the European Communities, Luxembourg, 2003, p. 8.

² *The Social Politics of the European Union*, p. 14.

purpose of the strategy is the coordination at a communitarian level of the engaging policies from each state¹. At the beginning, it was elaborated as a five year long strategy and was submitted to evaluation in 2000 and 2002.

Depending on the identified priorities the strategy is structured on four pillars, each of them representing a field of action which evolution contribute to a better engaging of the labor force:

1. The employment – represent a new orientation point concerning the labor force engagement and refers to the ability of having a job, this way contributing to the unemployment control between the young people and to the long term unemployment control;
2. The entrepreneurship – promotes the creation of new work places by encouraging the local evolving;
3. Adaptability – the modernization of the work organization and the promotion of the flexible work contracts;
4. The equal chances provision – to adopt special measures for women on the purpose of reconciliation of the professional life with the personal one².

The way the strategy works is structured in many steps³:

1. To establish some **guiding lines for labor force engaging** (Employment Guidelines), a document elaborated yearly having as a start a motion of the European Committee that is discussed and approved by the European Council;
2. To elaborate some **national plans of action** (National Action Plans) by each member state that describe the way the elements of the previous document are applied at a national level;
3. The elaboration of the Committee and the council of a **common Report about engaging** (Joint Employment Report) that has as a start the national action plans;
4. To establish specific recommendations for each member state (Council's recommendations on the basis of the Committee's suggestions).

The method on which accounts this coordination process of the engaging of the labor force is a method initiated inside The Engaging Strategy and known as the open

¹ *The Social Politics of the European Union*, p. 16

² *The European Social Fund – An overview of the programming period 1994 – 1999*, p. 23.

³ *The European Union Support in the field of the labor force engaging and of the human resources*, The Guidance National Institute, Bucharest, 2000, p. 7 – 9.

coordination method (The Open Method of Coordination)¹. The principles of this method are:

- *The subsidiary principle* – represents the establishment and sharing of responsibilities between the communitarian and the national level and the engagement of the member states concerning the adopted action measures' implementation for their accomplishment at a national level in a detailed manner;
- *The converging principle* – means the following up of the common objectives by correlated actions;
- *The management by means of objectives* – refers to the monitoring and evaluation of the progress by establishing mutual guidance for all the member states. By using the objectives and the guidance the policies' results will be transparent and given to the public's attention;
- *The country surveillance (country surveillance)* – to elaborate reports that register the progress and identifies the good practices at the member state level;
- *The integrated approach* – it supposes the evolution of the common work market direction policies and also in some other policies (social, educational, entrepreneurial, and regional).

Beginning with the year 2005 The European Engaging Strategy will be revised by putting into practice the new coordinating lines from the European's Committee schedule that will be suggested for approval to the Ministers' Council. The coordinating lines room the social policies' field are the following²:

1. The implementation of the engaging policies having as final objective de full engaging, the enriching of the quality of work and the consolidation of the economical and social cohesion. This field's policies have to contribute to a rate of general engaging of 70% in the EU, 60% for women and 50% for the workers with ages between 55 and 64 till 2010.
2. To promote a way of approaching the work field during the whole life time, by means of the following types of measures: to ease the young people access, to reduce the characteristic gaps between the employment and wages payment, the reconciliation of the professional life with the private one and accessible places of work for children and disabled persons caring possibilities, to sustain the active growing old including corresponding work conditions and to discourage the early retirement.

¹ Jones, Robert A., *The Politics and Economics of the European Union*, p. 73.

² *Integrated Guidelines for Growth and Jobs 2005 – 2008* (12. 04. 2005).

3. To assure an inclusive work market, to raise the work activity: active and welcoming measures for the work market – to identify in time the needs, assistance for finding a place of work, orientation and professional guidance as part of the personalized action plans, to create new places of work especially at the local level.
4. A better response at the needs of the work market – to restyle the institutions of the work market especially in the field of the engaging, to give away the obstacles of workers' mobility in EU, efficient management of the economical migration.
5. To promote the flexibility and reduce the segmentation of the work market – to adapt the national legislation in the field of the contractual acceptances and of the work periods of time, to solve the problem of the undeclared work market, the positive management of the changing by anticipating the economical restructuring for minimizing the social costs.
6. The extension and enrichment of the investments in the human capital – inclusive educational policies and actions for facilitating the access to all forms of education and training, to reduce the level of scholar abandon, strategies for studying during the whole life that are open for everybody in schools and in the business field.
7. To adapt the educational and professional orientation systems just to answer to the new competences' demands – to upraise and assure the activity, accessibility and standards of educational quality, to extend the mobility possibilities for students or lecturers, to ease and vary the access to education, training and to get new knowledge by measures of management of the work time, services for family support, vocational counseling and new forms of sharing the costs; to enrich the definition and the transparency of qualifications and competences, their effective recognition and the validation of the informal types.

For estimating the European Strategy of engaging and of the National plans of action, there were established the following objectives:

- To each unemployed there is offered a new start before he or she encounters six months of unemployment when it is about the young and twelve months when it is about the adults, by means of trainings, professional reorientation, apprenticeship time, also combined there where there are certain possibilities benefiting of guidance for finding a place of work;
- 25% of the long term unemployed will take part till 2010 to an active measure rounded as training, reconversion, completion stages or other kinds of measures with the purpose of getting to the highest level of employment as the most advanced three member states;

- The persons that are looking for a place of work are capable to check all the offers that have vacant places offered by the engaging services all over the EU;
- A five year old average age medium at the European level to get out on the work market till 2010 (comparing with 59 years old as limit in 2001);
- To cover the services for children caring to at least 90% till 2010 for children with the age between 3 and 7 and to 33% for the under three years old children;
- A medium rate of scholar abandon in the UE of maximum 10%;
- At least 85% of the 22 year old young people from the EU to have finished the high school studies till 2010;
- The level of participation at the studying programs during the whole life to be at least of 12, 5% from the adult population that is capable of work (the age group 25 – 64 years old)¹.

3. The Social European Fund

The Social European Fund suffered many changes from its foundation till now in accordance with the social and economical context, the changing of the communitarian policies' approach, of the progressive extension of the Union from 6 to 25 members, but mostly by means of the periodical reviews concerning the efficacy, opportunity, its role, management and impact. The importance of maintaining the Fund in a perfect accommodation with the changing needs was recognized by introducing checking amendments for each of its major reforms.

The initial faze (1957-1971)

The European Social Fund (FSE) is the oldest structural fund and was created by the Treaty of Rome (article 123) with the purpose of evolving the employment opportunities inside the Community, by promoting the work force and by raising the geographical and occupational mobility of the persons. The FSE management was handled to the Committee, assisted by the Social Fund Committee which holds the members of the government, patronage associations and the syndicates – institution that is still in function nowadays.

The initial standards (article 125 of the Treaty) offered the possibility for the public authorities from the member states to get drawback guaranties equivalent with a half of the existing costs for the professional orientation and the financial supplements for

¹ *Targets and Benchmarks set in the framework of the EES*, annex 1 to the guiding Lines for the economical advance and work places.

changing the workers' domicile as well as for the allowances for the workers that were affected by wages lowering during the restructuring period programs for the enterprises. As for the restructuring or changing the activity of an enterprise, the financial help was granted only if the Government in service got the approval of the plan from the Committee and all the workers were reemployed in a period no longer than six months.

The objective was to assist the workers that were moving from a place to other looking for a job and of those that needed to get new abilities and qualifications in fields that were changed or changed the production machines¹. The development for activities in the public sector or the public initiative was omitted.

In these early times, the unemployment wasn't a big problem as it was to become later and FSE was supporting a number of policies for sustaining the professional orientation and for the workers' mobility that underlined their rights of free movement and mobility inside the Community. The economical evolving was the one that should solve automatically the unemployment problem without the active social politics from the field of the work market which are more than useful in the last years because of the hardened conditions from the last years².

During the interval September 1960 – December 1973, FSE offered guaranties of 400 millions ECU for the professional reconversion for almost one million persons and the migration of about 700.000 persons. Italy was the main beneficiary with 65% *from the total of the assisted persons*, followed by Germany, France and Belgium. From a *financial* point of view, Germany, with a well oriented professional guiding system and with an extensive program for the rehabilitation of the disabled workers was the major beneficiary getting 24% from the total of the financial support, followed by Italy with 36%. The grant applications raised in number from 8, 2 million ECU in 1965 to 46, 2 million ECU in 1970³.

The fund's weaknesses in the first period of time

The fund was financed in 1969 (then when the Committee's budget was introduced and was counting on "itself resources") by direct contributions of the member states. There was reached an agreement through which some member states contributed relatively more to FSE than others. Expecting that countries that contributed less to be the major beneficiaries, this arrangement speculated the intention to offer FSE a

¹ El – Agraa, Ali M. (2001), *The European Union. Economies and policies*, Person Education Ltd., Essex, p. 415.

² Cram, Laura, *The European Union*, p. 254

³ *The European Social Fund – An overview of the programming period 1994 – 1999*, p. 34.

redistributive role. This was the situation in a certain amount in the first years, but, beginning with 1967, the most prosperous member state, Germany, became the major beneficiary. This failure of the redistribution effect of resources was considered one of the main problems of FSE at the moment of the first balance sheet¹.

The review term was established by the Treaty, at the end of the 12 years transition period for creating the Common Market. The Council was assigned (art. 126) to make changes at this moment inside the FSE's operational system necessary for an as efficient as possible accomplishment of its objectives.

The other important problem that appeared in this first period of FSE was the fact that the retrospective financing system made impossible the Committee's influence on the markets of the national work and over the policies for continuous professional orientation.

The 1971 Reform – the adding of the communitarian dimension

At the middle of the 60's, the first ideas referring to the unemployment's decrease were taken as untrustworthy and then it was understood that the most part of the unemployment problem is owned to the impact of the communitarian policies, especially in the economical field. It became obvious that in some regions the labor force was embarrassed by structural factors. The expectances of a unique labor market didn't manage to come to a point.

In 1969 the Committee expressed its conclusions after the first reform of FSE. The objective was the extension and consolidation of the Fund as instrument that has to rather be on the line with the Committee's policies than with the national objectives by introducing the efficiency and flexibility criteria inside its management. The new fund that appeared (adopted in 1971 and ruled on May the first 1972) had substantially more resources, overcoming in the first two years the entire budget that the antecedent fund had for a period of twelve years.

The new structure was the result of the compromise between the member states that agreed to concentrate only to a certain category of workers and over the structural unemployment in the regions less evolved. The retroactive financing system was replaced by the reform from 1971, by new rules that suggested that the applications have to be put into discussion before the beginning of the operations. The Council's adopted decision in 1971 replaced the stipulations from article 126 of the Treaty with a new system that sustained the following two types of intervention:

¹ Miron, Dumitru, *The European Union Economy*, p. 375

- To improve the level between the supply and the demand of work demand inside the Community or there where the level of engagement was affected by the policies of the Community. The categories of persons implied were established by the Council in the previous decisions, first of all, referring to the persons that desert the agricultural sector. This measure extended over the works of the fabric and leather fields also the moment when the sector of the domestic industry suffered changes to a very high level and also redundancies once the commerce was liberated.
- To assure the support for action inside the national politics for promoting the labor field engaging in the regions less evolved, in the economical sectors and of the firms' groups that suffers changes because of the technological changes as also for the rehabilitation of the disabled persons.

A supplementary innovation was the FSE opening towards the private sector and innovation. For the first time, the private organizations and the pilot activities became eligible for the FSE grants.

The adding from 1977 and 1978

Although the next FSE major review wasn't predicted before the beginning of the 80's, the deterioration of the engagement situation especially between the young persons and in the regions less evolved, led to some amendments. The eligible categories were enlarged in 1977 to include:

- Migrant workers and their families;
- Women under 25 years old without a place of work or who wish to go back in the labor field after a long absence period;
- Young unemployed under 25 as age and especially looking for their first labor place.

The regional aspect

Reflecting over the growing attention over the regional differences that led to the creation of the Regional Evolving European Fund (FEDR) in 1975, the Council adopted a regulation on 20 of December 1977 through which there was granted a great rate of support for the insular French departments, Ireland, North Ireland and the Italian Mezzogiorno. The enumeration of these regions, that hold the generically term of 'absolute priority regions' raises the FSE importance by taking it into consideration between the regional evolving instruments.

Help for creation of labor places

Watching more and more worried the enlargement of the number of unemployed, the European Council from 6 – 7 July from Bremen asked for additional actions from FSE part on this purpose. This led to the introduction of a new type of help meaning the founding of new places of work available from 1979 among the support for the professional orientation and of the form of the work force. FSE was assigned to contribute with over 30 ECU a week for a period of maximum twelve weeks for the persons under 25 years old that are looking for a place of work for their engagement in different areas of activity where to get the necessary experience with the purpose of fixed employment or to integrate the public needs.

The 1983 reform – lowering the unemployment around the young people

The unemployment's situation deterioration especially among the young people had a capital influence in the reviewing of FSE assignation in 1982. That year, the unemployed number from the European Community reached to the number of 10, 5 million from which 42% were under the age of 25. Plenty of youth suffered from the lack of an initial and professional orientation necessary for getting a job. Even the conventional qualifications at the superior level were often unadjusted to the work market's needs. The programs for the young persons met as percentage 44% from the financing actions of FSE in 1982 but the member states created new educational elaborated schemes inducing a raise of the demand for a bigger support from FSE's part.

The Committee reported to the Council that the Fund's structure proved to be too harsh and difficult for suiting the permanent changing needs and suggested a new field that should concentrate on the fight against the unemployment. The committee's objective was to "ensure the support for the implementation of a guaranteed type of training for all young persons and to promote a dynamic reaction to the unemployment's problems among the young ones". This new system that was implemented in 1984 stipulated the fact that the young persons must represent at least 75% from the total of the final beneficiaries of the financed projects through FSE. The priorities for the patterns addressed afterwards to the young people and which were described in the Committee's guide for the Fund's management caught>

- Support for the young persons under the age of 18 that match the professional orientation and work experience that offer employment perspectives;
- The professional guidance for the persons that are between 18 – 25 years old that have inappropriate qualifications for the work places that ask the using of the new technologies;
- The support for making new work places in the regions of absolute priority.

The emphasis of the regional centralization

The new decision presumes an allotment of 40% from the budget to Greece, the insular French departments, Ireland, North Ireland and Italy. The percentage went up to 44, 5 in 1998 when the list was charged with Portugal and some regions in Spain. The left fund were to be concentrated towards similar support operations in the national engagement policies, in areas that were affected by long term unemployment or by industrial restructuring. These areas were mentioned in the Committee's guide for the Fund's management as result of some statistical methods based on the unemployment rate and PIB. These had finally as result a wide extension towards the FEDR eligible assistance regions.

The appliance FSE Guide that also hold the selection criteria granted priority to the projects that were part of integrated operations that included other instruments of the Community, transnational projects and innovative approaches, especially those who applied the alignment of the national practices to the communitarian policies. The guide was also reflecting the regional mission of this Fund; in 1982 almost 42% from the FSE budget was allocated to the project from the regions of absolute priority (where there was also added Greece); less than 10% from the FSE actions were situated outside the less evolved regions.

Some other changes introduced new facilities for professional guidance grants that targeted the evolving of the little and middle enterprises (IMM), support for forming formatives, vocational guidance and experts and specialists placement for evolution in the local initiatives. The resources' proportion for innovative actions for reducing the unemployment and the validation of the FSE supported schemes which rose to 5%.

Special support for Greece in the social field

After Greece's subscription to the European Community, the Greece's Government proposed a series of measurements especially in the social field to assist the integration of Greece. This led to the adoption of the Council's Regulation (EEC) 815/84 that mentioned support of a total value of 120 million ECU for a five year period (which was later extended to 10 years), for the building up, adapting and outfitting professional guidance centers in Athens and also centers for mentally disabled persons from all over the country.

FSE a part of the structural funds in the 1988 reform

A major reform adopted in 1988 changed radically the isolated way in which the Structural Funds operated before, in favor of a global system of integration of their

importance working together to get the social and economical objective of the cohesion. At the moment, the Structural Funds are as follows: The Social European Fund (FSE), The European Fund for the Regional Evolving (FEDR), The European Fund for Guarantee and Orientation in Agriculture (FEOGA). The other financial instruments of the Community such as the European Bench of Investment were included in this coordination method. The total of the structural financing should have been doubled between 1989 and 1993 and there was established a scheme that after some reviews in 1993 represented the basis on which the system started to function until today. The relevant legislation was caught in two regulations that redefined the Fund's obligations, mentioning the field they had to work into and to be linked with each other and other financial instruments. These were charged with separate regulations for each Fund.

A new approach was built on the basis of four principles – concentration, partnership, programming and auxiliary:

- The concentration principle established five directions of action of the Structural Funds as objectives:

Objective 1	<i>To promote the evolution of the regions "less evolved", including the ones with a smaller inhabitant PIB or closer to 75% from the Community's average</i>	FEDR, FSE, FEOGA
Objective 2	<i>To change the badly affected regions by the industrial decline</i>	FEDR and FSE
Objective 3	<i>To reduce the long term unemployment by facilitating the labor reintegration of the persons with an age over 25 years old and to promote equal odds</i>	FSE
Objective 4	<i>To adapt the labor force to the industrial changes and to the production systems' evolution and also support the young people engagement integration</i>	FSE
Objective 5a	<i>To urge the changes from agriculture</i>	FEOGA - The Guidance Section
Objective 5b	<i>To promote the evolving of the rural areas, by redistributing the labor force from agriculture towards jobs characteristic to the rural areas with touring potential</i>	FEDR, FSE, FEOGA

The source: *The European Social Fund – An overview of the programming period 1994 – 1999*, p. 25.

The 3 and 4 objectives were available for all the EU territory and included only FSE.

The Social Fund was also contributing to the regional objectives (1, 2, 5b) that were applied only to the designed regions; their role was to assure the evolving of the human resources necessary for the maximization of the investments in the rural and regional area through FEDR and FEOGA. In reality, it strengthened the FSE traditional roles as most of the financial support for evolving the regions less prosperous were directed towards the persons with a high risk of unemployment, eligible for 3 and 4 objectives.

For a very long period of time, eligibility was limited to the regions with a PIB value under 75% from the EU average covering 21, 7% from the Community's population. The no.2 objective – for the regions with severe unemployment caused by the industrial decline – was limited to 15% of the EU population while the regions of 5b objective that represented deficits of the rural evolution counted no less than 5% from the EU's population.

- The principles of partnership and scheduling were concentrated over the implementation procedures. Each member state brought its own national plans or at a regional level where there was possible, documents that contained an analysis of the situation and a setting of the national and regional strategies in accordance with the targets of the new objectives. On these bases, the discussions were born in partnership involving the Committee's departments to negotiate with the regional/national authorities from each member state. The discussions had as result The Communitarian Support Border (CSC) where there were established the priorities of the Structural Funds assistance joined by distribution guides for each Fund during all the scheduled period 1989 – 1993. The operational PO programs and the global grant schemes were previously established for each field of action. The partnership principles were still to be applied for the implementation and monitoring episodes where the Committee collaborated with the national, regional and local authorities in watching the progress of the different Pos and of the grant schemes just to be able to identify the changes and adjustments that could be made in the future. The partnership in this phase included frequently a wide participation of the social and economical local actors.
- The principle of auxiliary imposed that the Structural Funds should not be used just only for replacing the funds of the national programs. The EU's help growth had to get as results at least an equivalent evolution as contribution of the member states to the laid out schedules having as checking instrument the macro economical considerations and the national budgetary allocation from the years before. The compatibility with other aspects of the Committee's policies as concerning the contest and surrounding environment as for example were also certified.

Eligibility rules and types of assistance

The rules of eligibility for the participants of the grant schemes covered by the new regulation were larger. They included in the regions of the objectives 1, 2, 5b the unemployed; the persons menaced by unemployment, the employee from IMMs or integrated schemes for evolution. In the regions of 1 objective the eligibility was even larger extending towards the additional categories from the precedent paragraph. In the regions of 1 objective the eligibility was even larger extending towards the additional categories from the previous paragraph.

Objective no.3 was for the persons that were over the age of 25 and in an unemployment situation for over 12 months, but the minimum period wasn't to be applied for the women that wished to come back on the labor market or in the case of the disabled persons.

The young people eligible for objective no.4 had to have finished the compulsory years of school and to be under the age of 25. Like in the past, the FSE financing was offering support for recruiting in new work places including the free will also (for a maximum period of 12 months; other different types for recruitment were cancelled even since 1992. The professional guidance for trainers and shapers together with the services linked to this such as the vocation orientation, the counseling and mediation, were also sustained.

The education for technical assistance was an important innovation of the system that helps at the standards' evolution and efficacy by indorsing the line up from studying to the execution and viewing of the programs. The level of the local given budget for the technical assistance and for the studies about it was over 0, 3%.

A special attention is granted to the persons with different disadvantages towards the labor market, as concerning the migrant workers or the disabled. The need to promote the integration of women in work places where they are not made present yet was also taken into account. There was some attention given to the creation field of the transnational projects and of the training in advanced technologies

The Community's initiatives

IC is independent programs co financed from the Structural Funds conceived by the European Committee on the basis of the different regional specificity criteria to support the accomplishment of the cohesion policies. The new system assured for the Community's Initiatives the promoting of the communitarian dimension by means of the transnational innovative projects to test the new actions that could have positive influences. There were approved three initiatives for the human recourses – EUROFORM, NOW and HORIZON. These implied especially FSE, counting almost

3, 8% from its total resources for 1989 – 1993 with investments in infrastructure supported by FEDR. EUROFORM (300 million ECU) was oriented towards creation of new qualifications and opportunities of employment for the unique market; NOW (156 million ECU) promoted the opportunities congruency for women as concerns the access on the labor market and HORIZON (304 million) was following to make better the opportunities for employment for the disabled persons or with exclusion risks for employing from other different reasons. FSE also contributed during 1989 – 1993 with a total of 125 millions ECU for the human resources components from some other initiatives especially financed by FEDR.

The 1993 reform

The Edinburgh European Council from December 1992 decided a meaningful raise of the Structural Funds budget. Almost 142 billiards were allocated for the period 1994 – 1999, being actually a double of the total sum from the previous period. Almost 70% from this sum was for the no.1 objective; the Greece's, Spain's, Ireland's and Portugal's support doubled in real terms between 1992 and 1999. Moreover, the decision was practically taken to create the Cohesion Fund for the medium and Trans European transport nets projects' financing from these four countries with a PIB smaller than 90% of the EU medium. A new structural fund was established for restructuring the fishing sector – The Financial Instrument for Fishing Guidance (IFOP). The massive growth of the support especially in the regions less evolved anticipated the additional impulse offered for the economical and social cohesion from The Maastricht Treaty.

The unemployment among young people represented a major preoccupation; FSE had to be used to help the implementation of a system for granting the youngsters' under 18 years old education and orientation; there was also needed a raise of the standards inside the educational system and of an initial professional orientation for encouraging the entrepreneurial spirit among the young. A bigger effort was made to come against long time unemployment among the adults registered or not at the engagement registers sustaining essential activities of training such as caring the children, personal training and evolving.

Two additional essential considerations were underlined and had a very big influence at the 1993 reform. The unpleasant situation of the groups that were at the risk of social exclusion was seriously affected and although all these were eligible in the precedent period of time there was felt even a bigger need of accentuating it. Secondly, there was accentuated the importance of the awareness of the preventive of the fight against unemployment; there were emitted measures for anticipating the changes from the competences' field necessary in industry and services in accordance with the FSE redefining measures from art. 123 of the Maastricht Treaty.

All these considerations had implications for an entire range of aspects in the field of the Structural Funds, especially FSE and profoundly affected by the made changes the rules of the next period, 1994 – 1999. As in the 1998 reform, the legislation border was formed of two common regulations for all the Structural Funds and a specific regulation that concerns each Fund apart. The Council's Regulation (EEC) 2081/93 redefined the Fund's obligations and established how they had to be coordinated. The Council's regulation 2082/93 held additional regulations that could apply FS. The specific FSE regulations were held in EEC 2084/93.

The new objectives

For the period 1994 – 1999 there were established new objectives but the general structure and the established principles in 1988 were kept with just some adjustments taking into account the practical lesson from the previous period and the meaningful evolving policies that are to come.

Objective 1	<i>To promote the structural adjustment and of the "less evolved" regions</i>	<i>The projects' financing is supported through:</i> FEDR, FSE, FEOGA – The guiding section IFOP
Objective 2	<i>Regions' conversion, of the frontier regions or of some parts of the regions (including urban communities) badly affected by the industrial decline</i>	FEDR, FSE
Objective 3	<i>To reduce the unemployment on long term and to facilitate the entrance into the labor field of the young and of the persons that are exposed to exclusion from the labour market</i>	FSE
Objective 4	<i>To facilitate the active population's adapting to the industrial changes and to the changes from the production system, to assure the sexes' congruence</i>	FSE
Objective 5a	<i>To promote the rural evolution by speeding the agriculture and fishing structures' conversion through the common agricultural political reform</i>	FEOGA – Coordination Section, IFOP
Objective 5b	<i>To promote the rural evolution by facilitating the structural adjustment and evolution in the rural areas</i>	FEOGA – Coordination Section, FEDR, FSE
Objective 6	<i>To promote evolution and reduce the unemployment in the regions with a very reduced density of the population</i>	FEDR, FSE, FEOGA – Coordination Section, IFOP

Source: *The Council's Regulation (EEC) 2081/93.*

FSE takes part to all the objectives established with this reform except 5a. A new 3 objective resulted from the accumulation of the old 3 and 4 ones – lowering the rate of long time unemployment and the integration of the young in the labor field. Moreover, there was made a special reference for promoting the equal rights on the labor field for women and men and to create solutions for the persons menaced with the social exclusion. The rules were made more flexible extending the eligibility of the menaced persons with the long term unemployment or with exclusion, no matter if they are busy or not.

The new 4 objective was introduced to sustain the support all over the Union without any regional limitation of the services for regional formation and guidance for the workers from the fields that face industrial changes or of the production systems and for the evolvement or amelioration of the forming structures in this field. A supplementary characteristic that put an accent on the preventive approach was the financing of the outlooks over the changes and of their consequences for the professional qualifications.

The principles of The Structural Funds were maintained and hardened. For example the principle of partnership was enriched to include also the social and the economical partners. As concerning FSE, the social partners have a particular importance for the 3 and 4 objectives. A lot of experience and expertise concerning the solving of the problems about the social exclusion and the industrial changes were outside the public sector and the success from these fields could count on an integrated approach with a full participation of all the relevant actors. The participation of the social partners was also particularly relevant not only in the rescheduling phase but also in the implementation of the FSE projects.

A characteristic of the new rules is the attention granted to **monitoring and reviewing**. It begins with an agreement over the definition, of the initial situation and of the results that have to be obtained to different stages of the programs. The indicators about the initial situation of the region are typed for establishing the plans together with the quantized targets. At a more detailed level, the specific strategy and the political targets are identified for each priority showing the awaited ameliorations and results. The detailed targets are established for each measure including also the physical targets such as the beneficiaries' number. The monitoring committees play an important role in the FSE's surveillance of the support's efficacy and in the suggestion of the possible ameliorations taken into account for changing the programs through the spectrum of a practical and operational experience. This function has a particular importance in the programs' design for the reviewing of the Community's policies.

The 1998 legislation imposed that the financed measures by Structural Funds to be compatible with the other policies of the Community. The new rules maintained this

amendment together with the special adding for keeping the even chances between men and women, the competitors' rules and the environmental policies; the plans have to explain how the national authorities for the environment involve both in scheduling and in the evaluation of the environmental impact of the plans for assuring a sustainable evolution.

The present priorities of FSE may be encountered as follows:

- To make better the access to education and initial guidance, a better quality of these services, a better human potential in research, science and technology. A special attention is granted in helping the young that have or not any qualification to be able to make the transition from school to a place of work;
- To increase the competitiveness and to lower the unemployment level by adapting the labor force to the actual changes, by a systemic approach of the continuous professional orientation;
- To make better the employment opportunities for the long time unemployed and of the excluded persons from the labor market.

The problem of even chances concerns the all three priorities. The equal access to education, orientation and the employment opportunities has to be granted. As an adding for the caring services for the persons that need personal assistance, there is needed for a more flexible orientation and engagement services.

For this scheduling period, there were established the following percentages of allotment for each type of measurements:

FSE allotments on priority themes (1994 – 1999)	All the objectives
1. The integration on the labor market of the young that look for a place of work	20,2%
2. Support for economical and engagement filling	19,0%
3. To reintegrate the long time unemployed	18,8%
4. To make better the systems for professional guidance	12,2%
5. To integrate on the labor market the persons that are menaced with social exclusion	10,8%
6. To adapt at the industrial changes	9,9%
7. Technical support	3,1%
8. To promote the even chances	3,1%
9. To enrich the human potential in research, science and technology	2,4%
10. The guidance of the responsible clerks with the FS implementation	0,5%

Source: *The European Social Fund – An overview of the programming period 1994 – 1999*, p. 30.

The eligible actions	The eligible groups
<p>Inside the no.3 objective</p> <ul style="list-style-type: none"> • Initial and continuous professional orientation • To evolve the basic competences • Guidance and conciliation for the professional career, mediation on the labor market and support at the work place • Temporary unemployment support (even for promoting the geographical or engagement mobility and subventions for the employers) • To enrich the guidance and mediation systems • Specialized services for guidance for the persons that are menaced with social exclusion • Actions for promoting the even chances for women and men especially in the fields where the women are in very little numbers (even for personal evolving or informing campaigns) 	<ul style="list-style-type: none"> • (registered or not) unemployed that are subject to long term unemployment • Young people looking for a place of work • Adults and young persons exposed to exclusion from the labor market <p><i>Examples: old unemployed, disabled persons, parents from single families, ex delinquents, drug addicted</i></p>
<p>Inside the no.4 objective</p> <ul style="list-style-type: none"> • To anticipate the tendencies from the labor market and of the demands from the professional competences • Professional orientation • Requalification • To guide the professional field and reconciliation • Support for evolving and making better the guidance systems 	<ul style="list-style-type: none"> • Employees that deal with industrial changes or of the production systems, especially those menaced with unemployment or already employed in IMMs
<p>Inside the no.1, 2, 5b and 6 (as well as in 3 and 4):</p> <ul style="list-style-type: none"> • Continuous professional orientation • The career's guidance and reconciliation • To evolve the systems of orientation and mediation • The growth of the human potential in research, science and technology (including the preuniversity orientation and the guidance of the managers and technicians from the research institutes) • To enrich the educational and guidance systems • Managers' development • To create nets between the guidance centers, institutions and firms • To support the secondary and university educational centers there where there is a very close link with the labor market, the new technologies or the economical evolution • To guide the involved clerks in the structural and evolving policies' implementation 	<ul style="list-style-type: none"> • The unemployed • The IMMs employ and those menaced with unemployment • The students and the staff from the educational, guidance or research institutions • Public clerks

Source: *The European Social Fund – An overview of the programming period 1994 – 1999*, p. 33.

For this period FSE continued to finance a Community's package of initiatives in the field of the social policies:

1. NOW – to promote the even opportunities for women;
2. HORIZON – to promote the integration in the labor field of disabled persons and of other menaced categories by social exclusion;
3. YOUTHSTART – to integrate on the labor market of the young persons that are under the age of 20, especially of those that do not have proper qualifications;
4. INTEGRA – to eliminate the barriers concerning the employment of the immigrants and refugees;
5. ADAPT – social assistance for the innovative projects for guiding the workers from the fields affected by the industrial changes.

The structural funds in the period of scheduling 2000 – 2006

From the beginning of the FSE financing assistance programs' functioning, the most frequent critiques brought referred to spending the resources on too many projects¹, a problem that the 1999 Structural Funds' reform was going to solve.

In March 1998, The European Committee presented to The European Council the regulations proposals concerning the good functioning of The Structural Funds in the programming period 2000 – 2006. The suggested reform concentrated on the priority of enriching the structural instruments efficiency by concentrating over a smaller number of objectives of the structural policy and by establishing the responsibilities' parting between different subscribers². Also, the Committee recommended firmly to be kept the four main principles of the structural funds – partnership, concentration, alternation, programming – and introduced a new one, respectively efficiency – to ensure the Union's citizens that the public money for the Structural Funds will be properly spend to avoid some other critics.

The rules suggested by the Committee were accepted entirely. As for the **centralization principle**, this redefined the objectives of the structural funds, by reducing them. Also, as the Committee suggested, the IC number was substantially reduced from six to three: Integer, Leader, and Equal. To the European Parliament's urge a forth program was maintained: Urban.

The European Social Fund was going to finance programs from the all three objectives in the limits of eligibility of the suggested measures. The new three objectives are:

¹ Jones, Robert A., *The Politics and Economics of the European Union*, p. 258.

² Miron, Dumitru, *The European Union's Economy*, p. 429.

Objective 1 – to sustain the structural evolution and adjustment of the regions characterized by disparities from the economical point of view, of whose medium PIB per inhabitant is smaller than 75% from the communitarian medium of PIB/inhabitant. This new objective included also the regions of the ex no.6 one which were characterized by reduced density (Finland and Sweden. Almost two thirds from the total of the Structural Funds were intended to this objective and in the near future 20% from the Union's population will benefit from the final results of the projects. The eligibility criteria for object no.1 are the following:

- Reduced level of investments;
- An unemployed level bigger than the European medium;
- The lack of services offers in the business and private areas;
- Reduced basis infrastructure.

Together with FSE all the other funds were taking part to the financing of the evolving policy¹.

Objective no. 2 – to sustain the economical and social reconversion of the areas that are confronted with structural difficulties, some others than the eligible ones from objective no. 1². This objective joins the old ones 2 and 5b and goes towards the regions characterized by economical changes, rural areas, the areas that rely on fishing and the urban quarters that are in decline. FSE, FEDR and IFOP take part to the financing.

Objective no. 3 – the measures for the human resources evolution, by sustaining, actualizing and enriching the educational and professional orientation systems as well as financing the policies for work's engagement from all the EU territory. This objective grants financial assistance outside the readjusted regions by objective no.1 and offers a political reference border for the measures' assembly needed for the human resources' promoting on the national territory without creating prejudices to the characteristics of each region³. This objective includes the old ones 3 and 4, reorganizing the activities that involved till that moment only FSE. Moreover, it represents the reference border of the assembly of the taken measures in accordance with the chapter about the labor force of the Amsterdam Treaty and also of those mentioned in the European Strategy of the labor force engagement by which the member states have to care for their national plans from this field. In all, objective no.3 sustains:

¹ The Council's Regulation (CE) no. 1260/1999 from 21 June 1999 for establishing the general regulations referring to the Structural Funds, art. 3, line 1.

² i.e. art. 4, line 1.

³ i.e., art. 5.

- To fight against the long period unemployment;
- To sustain the young people's entrance into the labor market;
- To support the persons that are in danger of being excluded from the labor market;
- To adapt the human resources to the industrial changes.

During the implementation and scheduling process, there were taken into account **three horizontal priorities** by using them in all the activities concerning FSE:

- To promote the initiatives for local promoting;
- The social dimension and its importance in the informational society;
- Even chances for women and men.

The application field¹ of the financed measures is structured as follows:

- a) To evolve and promote active policies concerning the labor market, with the purpose of fighting against and prevent unemployment, to prevent the long time unemployment inside the labor force for both sexes, to ease the reintegration on the labor market of the persons that were on the social security for a long time and to support the professional integration of the young and of those that get back in the labor field after a long absence;
- b) To promote the even chances on the labor market for all the persons, especially for the persons exposed to social exclusion;
- c) To promote and enrich: the professional studies, training and counseling, as permanent part of the educational policy as concerning:
 - To facilitate and improve the access and integration on labor market;
 - To extinguish and maintain the employment level of the labor force;
 - To promote the professional mobility;
- d) To promote a work force that is qualified and flexible, of the reorganization and adaptability to works restructuring, to evolve the initiative and the conditions that encourages the creation of new places of work, the qualification's completion and also evolving the human potential in the research field, science and technology;

¹ The European and Council's Parliament Regulation (CE) nr. 1784/1999 from 12 July 1999 concerning The European Social Fund, art. 2, line 1.

- e) Specific measures for extending the access and participation of the women on the labor market, inclusively for their support in enriching their professional career just to get the opportunity to benefit of new professional conveniences and to have the possibility to initiate their own business, to reduce the bar of gender criteria on vertical and horizontal plan on the labor market.

The eligible activities are the following:

- a) The professional training and study – including the professional study that refers to mandatory schooling – apprenticeship, the initial professional training, especially to acquire and enrich the professional habits, reemployment in the labor field, measures for raising the employment rate on the labor market, orientation, counseling and continuous training;
- b) To support for the labor force's engagement and for the persons that work on their own;
- c) To evolve in the research field, science and technology, the postuniversity studies and the training of managers and technicians from inside the research institutes and the corporations;
- d) To create new places of work, including the social economy field (the third system)¹.

By the new regulation, FSE was going to sustain financially also the local, regional and national level projects that were on by the Equal communitarian initiative. This appeared as communitarian schedule in year 2000, has an experimental status and holds as basis the communitarian initiatives from previous programming periods, *Adapt and Employment*².

The Equal initiative takes into account:

1. To promote the new fighting ways against any discrimination forms on the labor market by means of the transnational cooperation;
2. To sustain the social and professional integration of the emigrants.

The Romanian social politics

For Romania, a country on verge of adhering to EU and confronted with the changes pressure necessary for the alignment to the communitarian standards, it may be said that the social politics represents a success example in the history of the negotiation

¹ i.e., art. 3, line 1 – 3.

² http://europa.eu.int/comm/employment_social/equal/mainstreaming/index_en.cfm.

process. The 13 chapter for negotiation – Social policies and the labor force's engagement, corresponding to the social policy, were open in the second semester of the year 2001 and temporarily closed in the first semester of the year 2002. As concerns the 21 chapter – The regional policy and the coordination of the structural instruments, this was opened in the Adherence Conference on 21 March 2002 and closed in 2004. It means that there were established bottom elements of all the important fields from this sector although the correlation process with the EU politics still goes on.

The alignment to the communitarian standards according to the commitments from Chapter 13

Started in 1999 by The National Program of Accession to EU, the Romania's adhering process met a structured approach once the negotiation chapters were open (2000). Each negotiation chapter is detailed inside a Position Paper that has inside the aspects over which the respective country has to act upon toward the implementation of the communitarian aquis and to evolve the adequate institutional border. The position paper for the 13 Chapter takes into account the following aspects of the social politics: the legislative reconciliation, social dialogue, even chances for women and men, the fight against discrimination, to engage the labor force, FSE, social security (including the social protection of the old persons and to eliminate the social exclusion), to adapt the disabled persons, public health, health and reliability at the work place, the affiliation to the *European Foundation for the Improvement of Life and Work Conditions*.

The demand were identified in the Invoice for Romania and Bulgaria¹, but structured as priorities on medium term and long term priorities. So, the alignment process to the communitarian standards go on and the priorities underlined before are addressed by adopting the corresponding measures.

For the 2002 – 2003 period and 2003 – 2004 as it is shown in the annual reports of the progress written by the Romanian Government², the gathered accomplishments are structured on the fields of the position Paper, such as:

- Work legislation – there was adopted The Work Code (January 2003) but which is now again under discussion together with the social partners;

¹ Communication from the Commission of the Council and to the European Parliament: *Roadmaps for Bulgaria and Romania* – COM (2002)624 final.

² *A Report about the registered progress in our preparation for adhering to the European Union between 2002 – June 2003*, the Romanian Government, June 2003.

- Even chances for women and men – there was granted as valid the law for even chances (June 2002) and there were pointed out the responsibilities delegated to the following institutions: *The National Agency for the Work Force* (ANOMF), *The Alimony National House and of other Social Assurance Rights* (CNPAS), *Work Examination* (IM), *The National Council for Adults' Professional Orientation* (CFPA), *The National Institute for Scientific Research in the Work and Social Protection Field* and *The National Institute for Research – Evolution for the Work's Protection*, in the year 2005 being created *The National Agency for Even Chances between men and women*;
- The health and safety at the work place – there were revised the usual work protection regulations and there were laid the directions of 20 European directives from the field of health and safety in work as well as the elaboration of a *National plan of enriching the conditions of work from the sanitary field* (2003);
- The social dialogue – there were adopted legislative measures for: to harden the *Economical and Social Council's* status, to promote the bipartite social dialogue (patronage – syndicate), to create the social partnership in establishing the politics of decision of the minimum wages on the basis of the minimum consumption basket, to elaborate in partnership the *National Plan for Evolution*, to create the *Virtual Forum for Monitoring, accession and debates for the civil society and the social partnership*;
- The public health – there was given attention to the actions of hardening the implementation institutional capacities of the communitarian acquis in the field of the infectious illnesses, of the HIV infection with children, of the drug addiction, smoking, and of the medical services supply;
- To engage the labor force – the main accomplishment was to adopt *the national action plans for work engagement* (PNAO) for the period September 2002 – December 2003, as well as for the period 2004 – 2005. There is added to these *The common Paper for estimating the engagement labor force evaluation* (October 2002) issued after the meetings between the Romanian Government and representatives of the European Committee having as purpose the identification of some priority fields that needs a monitoring of the present progress; on the other hand, in July 2005 there was emitted the project of *The national strategy for professional guidance*;
- Social security, old persons and social exclusion – there were voted measures in the following directions: *social protection* – there was established the project of the Law concerning the occupational optional alimony schemes; *social assistance* – there was approved the border regulation for the organization and functioning of the public services for social assistance (2003) and there was structured the protection activity of the enabled persons;

- The fight against discrimination – The Romania's participation (beginning with the year 2002) to *The communitarian schedule for avoiding the discrimination* (2002 – 2006).

These accomplishments and downfalls are given by the form of coordination of the social politics from Romania and by the creation of new legislative projects and plans of action.

The training for coordinating the European Social Fund in Romania in accordance with the assumed commitments in Chapter 21

Key elements of the preparing for the FSE administration were The national Plan for action for engagement (PNAO) integrative part of the national Plan of evolution, and The common evaluation Paper of the labor force engagement policies (JAP), elaborated by the competent authorities from each participant country together with the experts from the European Committee.

The first National Plan of action for engagement was elaborated by the Ministry of Work, Social and Family's Solidarity inside a PHARE project of institutional brotherhood ran in partnership with the correspondent ministries from Germany and Holland. The result of this institutional brotherhood project was the elaboration of the first national action Plan for engagement through HG no. 759/2002.

The second Action National Plan for Engagement 2004 – 2005 was approved by HG no. 588/2004.

In accordance with the Adhering Partnership's regulations, The Romanian Government established together with The European Committee, The General Engagement Office and Social Businesses a common evaluation of the priorities on short term of the engagement policies for the labor force from Romania by The common evaluation Paper of the engagement policies of the labor force (JAP).

These documents represent the start point for all the future activities concerning the engagement of the labor force, including also the actions as European Social Fund.

The institutional border for the FSE implementation

The same as at the level of the national administrations of the member states, almost entirely, the administration of the European Social Fund is of the ministries competency or of the responsible agencies for the labor force engagement and the social businesses through which there may be found FSE groups, in Romania, The Ministry of Work, Social Solidarity and of the Family was designed as management authority for the operational district program for the enrichment of the human resources.

In this position The Labor Ministry, Social Solidarity and Family has the entire responsibility to check the equity with the communitarian policies and with the national legislation from the field for all the scheduling, administration and implementation of the financial assistance allotted by The European Social Fund (FSE) steps.

According to the complementary position Document from Chapter 21, the intermediary designed organizations are The National Agency for the Labor Force Engagement (ANOFM), for the measures concerning the engagement and the professional orientation of the labor force and The Ministry of Education and Research, for the measures from the education field. The intermediary organizations have the role to implement the measures from the Operational Programs and to get to an end the financed projects from Structural Funds, by attributions delegation from the management authority.

The priorities and the major objectives of evolution established in the scheduled project The National Plan for Evolution (PND) 2007 – 2013 will strengthen and guide the elaboration process of the Operational Programs through which there will be implemented The Structural Funds of the European Union.

Inside PND 2007 - 2013¹, was established as national priority “The Evolution of the human resources, to increase the engagement level and to avoid the social exclusion”. This evolving strategy of the human resources is established in accordance with Lisbon Agenda and with the provisions of the European engagement revised Strategy as well as with the coordinating Lines of the engagement policies of the labor force.

The priority’s objectives “To evolve the human resources, to raise the engagement level and to lower the social exclusion” are:

- The growth of quality and work’s productivity by education and continuous orientation of the labor force, to promote adaptability and entrepreneurship;
- The total engagement of the labor force;
- To promote the social cohesion by raising the social inclusion of the disadvantaged persons and to avoid discrimination;
- To promote the gender equality in all the social and economical life fields.

The biggest challenge for the FSE admission is to make a projects portfolio joined by the adequate co – financing. These aspects are essential to assure the effective absorption of the structural instruments. The development of the projects portfolio will last for a determined period of time while the management authority and the intermediary organizations will analyze the received proposals and will establish a list

¹ The first advisory PND Document 2007–2013, chapter 4 (<http://anaf.mfinante.ro/wps/portal>).

of possible eligible projects for the Operational Program at the beginning of 2006 (when the scheduling process will be advanced and the priorities and the measurements will be more clear).

Following the steps of a good practice from the member states, there is to be expected a more active involvement of the civil society in the scheduling process, respectively of the social partners, of the nongovernmental organizations that are representative for that field, of the research institutes not only as a resulted demand from the communitarian regulations but also like a guarantee that these documents represent the agreement of the great majority of the society. Inside the process of projects' management is taken into the account a tight collaboration with the projects promoters, their involvement in the institutional building projects that are to take place in the PHARE program and to prepare the portfolio that is to suit the eligibility and quality criteria necessary to access The European Social Fund.

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THE CONSOLIDATION OF THE RELATION BETWEEN THE ROMANIAN COUNTRY WITH ITS CITIZENS FROM OUTSIDE OF IT

*Drd. Petrișor DUMITRESCU**

Abstract: Within the context of globalization, a current topic regards the intensification of immigration, the problem of the consolidation of the relations of the Romanian state with its citizens who are abroad is a dimension requiring multidisciplinary analysis. Within the conditions of intensifying flows of immigrants and of the risk to loose an important national productive and creative segment, the potential of the Romanian communities will have to be used better in economic, politic, social and cultural terms to the benefit of Romania, by involving primarily the elite of the Romanian migration. The basic goal is to preserve and assert the ethnic, cultural, linguistic and religious identity of the Romanians living abroad, the consolidation of the common Romanian cultural patrimony. This basic goal can be achieved by establishing an active partnership between the Romanians living in Romania and those living abroad. The expected result is a stronger cohesion of the Romanian people worldwide and, at the same time, consolidation of an international space of the dialogue, of the respect for diversity and of the mutual trust.

Keywords: immigration, migration, Romanian communities, ethnic identity, cultural patrimony.

The emigration gave along the time plenty of controversies not only inside the political groups but even at an interpersonal level, dividing physically and emotionally friends, families and communities.

With the entire phenomenon complexity to present it wasn't granted the importance that it deserves.

* PhD student of University of Bucharest, expert in international relations and european affaires, Ministry of Foreign Affaires, email: dumirex@hotmail.com.

Often, the real dialogue is sacrificed for adherent opinions opposing to ethics but on the line with the life style of the individual.

After the year 1990, the relation with the Romanians outside the borders met an evolving evolution, their establishing identity efforts benefiting of the financial support and of the constant help of the Bucharest authorities, taking into account the fact that it is a constitutional assignment and a priority objective with a permanent character of the Romanian external policies.

Generally, the Romanian communities from all over the world are characterized by weak cohesion and by vulnerability against the erosion factors of their identity's affiliation to Romanian ship which derives from a poor perception concerning their membership to the common Romanian cultural heritage.

At their level there is to be noticed a series of common week characteristics:

- a) The lack of an associative background enough consolidated to grant a unitary and efficient presentation of its members in their relation with the authorities from the countries in which they live and even in their dialogue with the Romanian state;
- b) The lack of the institutional culture necessary for the procedural and organizational articulation, essential points in a better efficacy of their own actions;
- c) The lack of the internal democratic experience which can guide to the appearance of some authentically community's leaders formation;
- d) The week value of the elites from inside the Romanian communities from outside the Romanian borders and their minimum relationship with the professional nets from the country;
- e) The lack of vision of the Romanian communities, together with distortion problems for the image in comparison with the public opinion from the residence country;
- f) The problems of the Romanian communities from abroad are very different.

The emigration is formed of successive waves of Romanians with different reasons depending on the historical moments their home country was passing through when they leaved it, the migration phenomenon meeting variable dimensions. From this point of view there are important differences between the Romanian communities depending on their attitude and their relation towards: the Romanian public authorities' representatives (including the citizenship reports), of the religious authorities, the Romanian cultural patrimony (including the Romanian language), the

professional groups from Romania, the Romanian association from the residence country, the authorities from the residence country.

After giving up to the rigorous control of emigration characteristic to the communist period, Romania became an extremely complex field of the emigration phenomenon. The main characteristic was of passing from the emigration because of dominant ethnical reasons to a circulatory type one on short and medium term. This is often characterized by informal actions or even illegal in different stages of the migratory period (legal entrances followed by illegal work fields, illegal entrances followed by the observance to the legal medium from the respective countries).

There also take place changes in the migration's mechanisms from Romania, changes concentrated on the following directions: there was modified the share of different migration types, there appeared different types of migration, there were modified the migration's reasons.

The influential legislation over the migratory phenomenon is to be found in three big laws categories: laws concerning the migration, laws for the labor force and laws for mutual recognition of qualifications and diplomas. In the last years there were registered big progresses in changing the existent legislation and in adopting new normative papers compatible with the communitarian acquis.

During the finalization of the legal – institutional environment according to the European's Union demands, Romania creates its own migratory policy. Moreover, the accession Romanian treaty to the European Union has a series of regulations concerning the transition period introduced at the demands of some of the member state of the European Union. The suggestion of controlling the migratory phenomenon by establishing some transitory periods has as purpose to determine the growing down of the uncertainty about the migratory flow and to lower the pressures created by migration, establishing an equilibrated structure of the migratory labor force qualification.

After the year 1990, there was created an institutional environment in Romania, having as purpose the presentation of some activities linked by the keeping and recognition of the ethnical, cultural, linguistic and religious identity of the Romanians all over the world. Once the migratory conditions were diversified, the Romanian institutions created specific mechanisms for keeping in order the different aspects of migration.

Inside The External Affairs Ministry there was announced the Department for the Romanian Relations from All Over the World that was presently transferred to the Government, as main instrument of he Romanian State for supporting he Romanian communities from outside the borders, of the values and Romanian identity.

Also, according to the regulations of the Governmental Decision no.162 from 1998 and later by the Law no.150 from 1998 – concerning the support for the Romanian communities from all over the world, there was created the Institute Eudoxiu Hurmuzachi for the Romanians Around the World as a public institution of national interest, with its own judicial personality, that was under the guidance of The External Affairs Ministry, unique by the type of programs that it offers to the ethnical youngsters from all over the world that live today outside the frontiers of the Romanian state:

- a) The North of Bucovina and Herta;
- b) Transcarpatia (the Historical Maramures);
- c) Basarabia (including Transnistria);
- d) The South of Basarabia (Odessa region);
- e) Bugului Basin (regions Kirovograd, Nicolaev, Herson);
- f) Timocului Valey and Voivodina (Serbia);
- g) The South of the Danube (Bulgaria, Albany, Macedonia, Greece);
- h) The All over Communities.

The Institute's activities are oriented in the following directions:

- a) To promote the values of the national culture among the local Romanian communities from the neighborhood of Romania;
- b) To assure by means of the Preparing Year of the necessary environment to learn the Romanian language, culture and civilization by the Romanian state's scholars;
- c) To improve the quality of the teachers that teach the Romanian language/in the Romanian language inside the Romanian communities from around Romania;
- d) To make studies, researches concerning the Romanian communities from around Romania in partnership with public institutions and profit nongovernmental organizations;
- e) To organize events with a cultural, artistic, scientific, educational, documentary character especially for the young Romanians from the communities that are near Romania in collaboration with some other specialized institutions;
- f) To ease the dialogue and collaboration also of the Romanian personalities from outside the borders, and also of the representative organizations of the Romanian ethnics from around Romania, with the purpose of creating an adequate environment for communicating on distinct socio-professional segments;

- g) To create specific activities in benefit of the culture, national civilization and of the Romania's image into the world;
- h) To create projects and educational programs for the members of the Romanian community from all over the world;
- i) To edit some reference papers concerning the problem of the Romanian communities;
- j) The Institute creates programs of preparation for learning the special terminology of the teaching institutions, whose classes will be followed by the ones that attend classes in Romania to all the levels and teaching forms, as well as for the ones to ask and get by tests scholarships in Romania to any kind and form of teaching with the purpose of enriching their Romanian knowledge and to affirm their Romanian cultural and scientific identity in similar conditions with those of the Romanian citizens;
- k) The persons that take part to stages of improvement in Romania and who benefit of afferent facilities for teachers.

Also, some other institutions got some attributions in the field: for administering the bilateral agreements signed by Romania in the field of labor force movement there was created The Office for the Migration of the Labor Force, The Ministry of the Education, Research and Innovation which has the attribution to rant scholarships to the Romanian representatives from abroad and also to grant for the diplomas and professional qualifications; the structure and the competences of the Romanian Language Institute were hardened and the Ministry for Cults and Culture administers funds for sustaining the Romanian cultural and religious patrimony from outside the borders.

By means of the specialized institutions for diplomatic missions and consular offices as well as accentuating the relations with the competent authorities from the host countries, there in targeted a corresponding monitoring about the real situation of the Romanian communities and of the Romanian citizens from abroad with the purpose of protecting their rights in accordance with the national standards in general and as concerning the European Union countries, to assure an equal treatment with the one granted by the communitarian states to the other European citizens.

On short and medium term, Romanian is characterized as a migration country in comparison with some other states from the EU (Spain, Italy, Great Britain, Ireland, Germany, France) or extra – European (with interest for USA, Canada, Israel) and as an immigration destination in comparison with some countries outside the EU.

The new European status that Romania received in 2007 has a very special impact over the dynamics of the Romanian communities from the neighborhood: Romania

became a more and more attractive destination for many co nationals from Balkans and from the neighboring countries, states that are outside the EU, a fact that contribute to the lowering of the Romanian minority groups from these spaces and implicitly to the evolving of the Romanian communities by the emigration of these categories of Romanians towards the member countries of the EU.

The emigration especially to the West – European countries will stay as a social, solid phenomenon, Romania going on to represent a source of feeding of this kind of migration with a special attractiveness for the human resources highly educated.

So, in the future years, there is predicted a raise of the Romanian communities from abroad such as their consolidation, being more necessary every day an underlining of the civil Romanian society in the international medium.

If the number of this kind of migration and the risk included by the loss of an important national productive and creative segment goes up, the potential of these communities should be capitalized in a superior way on the economical plan, politically, socially and culturally for Romania's benefits by the involvement of the Romanian emigrating elites. The encouragement from this point of view, to create the professional nets that hold abroad specialists and personalities or institutions from inside the country, it becomes a *sine-qua non* condition for promoting the national purpose, of the cultural and scientifically Romanian patrimony.

To mark this change in the vision and especially in the way of approaching the relations field with the Romanian communities from outside the borders, Romania has to detain in his perspective strategy a series of coherent public policies in this field, sustained by an interoperability medium of the institutions from inside the country and a predictable and consistent partnership with the segment of the civil Romanian society from the international environment.

By the specialized institutions there is needed a more and more active involvement in organizing the migratory problems and of those derived from this globalized phenomenon, some of them being already mandatory especially in the European areas such as:

- a) A high crime level in the host countries;
- b) The insufficient integration of the emigrants in the host societies;
- c) The emphasis of the work force's deficit in some economical sectors from Romania
- d) The mobility of the high educated human resources, which asks urgent solutions to weight the *brain drains* by policies of *brain regain*, to create specialized nets;

- e) To change the demographical and cultural structure of the Romanian communities from abroad;
- f) To observe the cultural rights of the citizens of Romanian origins by the authorities of the host countries;
- g) The corresponding coordination of the image of the Romanian communities in the residence countries with direct implications over the bilateral reports;
- h) To underline some *lobby* actions with the participation of the Romanian elites from abroad and of the associative corresponding environment.

Taking into account the constitutional and moral obligation of the Romanian state in promoting the relationship with the Romanians from everywhere, the fundamental objective is represented by the preservation and affirmation of the ethnic, cultural, linguistic and religious identity of the Romanians from outside the borders, to consolidate the mutual cultural Romanian patrimony.

The objectives of the communities' coagulation

The fundamental objective is represented by the affirmation and presentation of the ethnic, cultural, linguistic and religious identity of the Romanians from outside the country's borders, the consolidation of the mutual, cultural Romanian patrimony.

To realize this fundamental objective by creating an active partnership between the Romanians from inside the borders and the ones from abroad for strengthening the cohesion of the Romanians from everywhere and, in the same time to consolidate an international space of dialogue, of the respect for diversity and of the reciprocal trust.

On this purpose, to promote some relations of good cooperation as well as realizing some partnerships with Romanian institutions whose activity could come into the help of Romanians from outside the borders.

Also, to preserve and promote the teaching, culture, religion, the Romanian identity and spirituality outside the Romania's borders by creating school, libraries, cultural centers and Romanian churches as well as promoting the Romanian culture by organizing cultural events.

The main objectives of the relations with the different Romanian communities have to take into account the following:

- a) To use the opportunities that result from the Romania's status as entire rights member of the EU as concerning the promoting of the cultural Romanian values and of the Romanian state's political initiatives, for the benefit of cooperating with the other member states and to preserve the ethnical and cultural identity of Romanians from everywhere; to make real the actions for creating permanent

groups of work at the institutions level from the country and from the respective residence states;

- b) To capitalize the political, economical, social and cultural potential that they hold by their dimension and dynamics, the Romanian communities from the European and non European space;
- c) To build the active partnership of the Romanian authorities with the Romanian associations from abroad with the purpose of finding solutions for solving the problems that the Romanians from outside the borders of the residence country confront with;
- d) The internal consolidation of the Romanian communities and the encouraging of the Romanian communities' initiatives that refer to the free and unconditioned behaviour of the Romanian membership;
- e) The active approach of the Romanian communities on the national plan and in the residence countries having as purpose the presentation of the Romanian identity and to consolidate the bilateral relations on the political, economical and cultural plan;
- f) To go on with the steps for the minority recognition and to grant the afferent rights for this status for the Romanian ethnics in the spirit of the European rules by the authorities of some neighboring states and Balkans and also to guarantee the permission to exercise effectively the rights granted by the present legislation;
- g) To symbolical recover the elites, the representative personalities of the emigration to include them in the cultural, scientific and economical activities of Romania and their participation to the achievement of the strategically objectives of the external policy by creating some professional nets and some public diplomatic actions that have as purpose the external consolidation of Romania's image;
- h) To stimulate a new cohesion of the civil Romanian society having as target the continuity of the Romanian cultural patronage.

The short term objectives concerning the relations with the Romanians from everywhere have to take into consideration the following aspects:

1. The studies into the Romanian language

- a) To finance the projects initiated by the Romanian communities for organizing lectures in the Romanian language, history and Romanian geography both in the public schools and in the private field or in the Sundays schools, depending on the requests there are;

- b) To improve the situation of the Romanian scholar libraries by offering those a new fund of Romanian books adequate to the study necessities of the children (on forms and levels of education);
- c) To facilitate for the Romanian ethnics the access to publications in the Romanian language.

2. To keep the religious and cultural identity

- a) To grant the necessary funds for maintaining the Romanian historical and cultural monuments from outside the country;
- b) To sustain the projects that have as purpose the underlining of the Romanian cultural patrimony from outside the borders;
- c) To support the priests that keep the ceremonies in the Romanian language in other countries and the opening of an as great as possible number of parochial schools;
- d) To support financially the building, renovation and improvement of Romanian churches there where there are numerous Romanian communities.

3. Mass-media inside the Romanian communities

- a) The use of the local mass-media by the Romanian communities from Europe for the creation and extension of the number of shows in the Romanian language, according to some success projects from Germany;
- b) To create a stabile and long lasting partnership between TVRI, RRI and the Romanian mass-media from outside the borders with the purpose of promoting mutual projects just to determine the change of the mass-media attitude from Romania but also to the one from the residence countries;
- c) The organization by RRI and TVRI of some preparing stages for the journalists from outside the borders;
- d) The Romanian state to grant a financial support for the creation of some communication forms based on the modern technology;
- e) To create a partnership between the mass-media institutions belonging to the Romanian communities from Europe and those belonging to the Romanians from around the Romanian borders with the purpose of learning and media the problems specific to them;
- f) To attraction of the Moldavian people from Europe by means of the mass-media in the Romanian language and to encourage them to subscribe in the Romanian associations just to realize the fact that they are also Romanians;

- g) To promote and to support the Moldavian Republic citizens' integration with or without a Romanian passport, in the Romanian environments from the emigration places;
 - h) To include in the programs' table of the national television program (TVR 1), of some weekly shows that are for the Romanians from outside the borders, especially for those who are around the borders;
 - i) To promote through TVRI some interactive shows that are for the Romanians from outside the borders, funny shows.
4. The Romanian institutions' partnership with the public institutions from Romania
- a) To create a strong collaboration between the Romanian organizations from different European states with the purpose of getting acquaintance, collaboration and reciprocal support;
 - b) To preserve and to promote the teaching, culture, religion, Romanian identity beyond the Romanian borders by creating schools, libraries, cultural centers and Romanian churches from which to be able to benefit all those that feel they are Romanians, no matter the country they got born in or live in, as well as to promote the Romanian culture by organizing shows, festivals, books presentations, circles;
 - c) To create organizations and associations of the Romanian students that are abroad for studies, to facilitate their communication and integration from the professional point of view;
 - d) To professionalize the encountered activities by the Romanian associations and organizations with the purpose of maximizing their efficiency;
 - e) To organize mix work groups and to establish a yearly activities calendar with the purpose of a closer collaboration between the representatives of the Romanian communities with the purpose of presenting some unitary projects of an wide interest for the Romanians from outside the Romanian borders;
 - f) To strengthen the inter institutional cooperation with the purpose of creating a unitary strategy as concerning the relationships with the Romanians outside the borders;
 - g) To adapt and underline the legislation around the objective of associating the qualified migrant Romanians – in an equilibrated partnership – to the economical evolution of Romania. To integrate the Romanians from outside the borders and to recognize the specialists as “a strategic potential” of human resources and

also as social capital which should be completed with an attractive economical, fiscal policy able to offer correct lines of action?

5. To build professional nets inside the Romanian communities from abroad

- a) To map the professional nets and associations already existent and the creation of a data base as complete as possible just to stimulate these kind of initiatives and to grant the reproduction and fusion of resources by the integrated platform;
- b) To transmit the information about the framework programs/projects that are intended to be forwarded on adequate channels so as to be received by all these groups and associations;
- c) To sustain the networking projects without forcing or intruding in the professional nets' organization, auto-organization being one of the main principles from the basis of the structuring and functioning of the nets and of the professional communities;
- d) To sustain and encourage the actions oriented towards networking with the purpose of eliminating the deficiencies that the representatives of the Rumanian community from outside the borders are confronting with, by which the researchers and the Romanian university active on the scientific international scene could put at the others' disposal their "know-how" from this field.

The long term objectives in the field of the relations with the Romanians from everywhere have to take into account the following:

1. The teaching in the Romanian language for the Romanian communities from the emigration

The financial support of the classes in the Romanian language organized in the Romanian communities from the emigration and to be facilitated by sending materials, their access to literary creations and publications in the Romanian language. To go on encouraging the organization of classes in the Romanian language offers the Romanian young people the possibility to keep in touch with the country, with the language and the origin culture with the perspective of a coming back into the country.

Measures:

- a) To create the projects initiated by the Romanian communities, for organizing Romanian classes of history and Romanian geography, the same in the public schools as well as in the particular ones or inside the Sundays schools, depending on the Romanian community's demands;
- b) To buy some didactic and multimedia materials for presenting the culture and the Romanian traditions to be offered to the Romanian associations from abroad;

- c) To create some Romanian scholar libraries, respectively to make a better situation for the existent ones by offering them a new fund of new books, adequate to the study necessities of the children (on classes and levels of education)
- d) To facilitate for the Romanians from the emigration the access to the publications in the Romanian language;
- e) To grant study scholarships for the students that are of Romanian origin;
- f) To support the cultural institutions, the university and research centers as well as the projects initiated by those for promoting the language and the Romanian culture.

2. To keep the cultural and religious identity of the Romanian communities from outside the borders

To promote the Romanian culture abroad and its assertion inside the Romanian communities is an objective of external Romanian policies. Moreover, to underline the Romanian contribution to the international cultural patrimony contributes to a better image for Romania and for the Romanian communities from abroad.

To build some strong visible Romanian communities, in the residence states, can't have a good success without taking into consideration the important part that the Church is playing in coagulating the Romanian communities from abroad, no matter their religious orientation. On the other hand, by their organizational capacity, the Romanian churches have a fundamental part in promoting some actions with a special social impact.

Measures:

- a) To ensure the necessary funds for the maintaining of the historical and cultural Romanian monuments from abroad;
- b) To sustain the projects that have as purpose the highlighting of the Romanian cultural patrimony, to keep the traditions and to promote the authentic Romanian popular art (festivals, symposiums, conferences, artistic tournaments, etc.);
- c) To promote and public multidisciplinary studies and researches that have as objective the problem of the Romanian emigration;
- d) To prize the relations with the Romanian origin personalities from outside the border by the official recognition of their merits in promoting the Romanian culture over the borders (Excellency diplomas, honor citizens, to grant some other distinctions);

- e) To support the affirmation and to promote the artists of Romanian origin from abroad;
- f) To support the Priests that have their ceremonies in the Romanian language in other countries and the parochial schools created near by the Romanian parishes;
- g) To sustain the activities with social impact and the educational projects of the parishes from abroad (the churches' involvement in preventing crime, the commitment in the moral formation and sustainment of the members of the Romanian community, to create charitable actions, to protect the victims of the human traffic nets and generally to all the disadvantaged categories, etc.);
- h) To sustain financially the building, renovation and improvement of Romanian cult places where there are many Romanian communities.

3. To support the access of the Romanian communities in mass-media in the Romanian language

The mass-media transmission in the Romanian language abroad contributes to assure the visibility of the Romanian communities from abroad and it represents a useful instrument of stimulating the associative spirit.

Measures:

- a) To consolidate The association of the Romanian journalists from Europe created in 2008;
- b) The use of the local mass-media by the Romanian communities from Europe for creating and extending the number of shows in the Romanian language, after some successful projects from the previous years;
- c) To favor the creation of a stable partnership and on a long term between TVRI, RRI and the Romanian language mass-media from outside the borders with the purpose of promoting the mutual projects to determine the change of the mass-media attitude from Romania but also of the one from the residency states;
- d) To support the organization by TVRI and RRI of some preparing stages for the journalists from outside the country;
- e) To grant financial support for the creation of some communication forms based on the modern technology, to support the projects that have as target the creation of some radio-TV programs in the Romanian language, as well as of those that have as targets the typing, financing and distribution of the papers in the Romanian language;

- f) To create a partnership between the mass-media institutions that belong to the Romanian communities from Europe and of those belonging to the Romanians around the borders with the purpose of knowing and mediating the characteristic problems;
- g) To promote the inclusion in the programs' table of the national channel of television of some weekly shows for the emigrated Romanians.

4. The dynamic of the associative Romanian field from emigration

Taking into account the complexity of the socio-economical difficulties that the emigrated Romanians confront with as well as the challenges concerning their solving, the sum of the efforts and the coordination of the state's institution's actions as a way of their solving are becoming imperative. On the other hand, to establish the partnerships with the Romanian associative field from outside the borders and with the residence institutions of the state, it offers the possibility of a very precise analysis of the necessities, resources and strategies that have to be applied with the purpose of supporting the Romanians' welfare from abroad and to promote their rights.

Measures:

- a) To organize the Romanian associations Congress from abroad;
- b) To support the partnership of the Romanian communities with the public institutions from Romania (central authorities, local ones, cultural institutes etc.);
- c) To realize a close collaboration between the Romanians' organizations from different European states with the purpose of knowing, collaborating and mutual support;
- d) To sustain the creation of organizations and associations of the Romanians from the emigration places with the purpose of the community's cohesion and of its affirmation in the residency states;
- e) To sustain the creation of organizations and associations of the Romanian students that are abroad for studies that facilitate the communication and their integration from the professional point of view;
- f) To evolve the administrative capacity and of the Romanian associations by financially supporting some adequate headquarters, of the necessary human resources, of the logistics;
- g) To facilitate the transmission of the good practices of management in the evolving of the projects designated to the Romanians abroad by establishing some partnerships between the Romanian organizations and the organization of some changes of experience;

- h) To organize mix groups of work and to establish an yearly activities calendar, with the purpose of a closer collaboration between the representatives of the Romanian communities for presenting unitary projects of a wide interest for the Romanians outside the borders of Romania (to reduce criminality, to recognize officially the Romanian Orthodox Church in some states, the elimination of the restrictions imposed to the Romanian citizens on the labor market from some member states of the European Union);
- i) To strengthen the inter-institutional cooperation with the purpose of creating a unitary strategy as concerning the relationships with the Romanians from abroad;
- j) To adapt and articulate the legislation around the objective of associating the qualified Romanian migrants – in an equilibrated partnership – to the economical evolution of the Romanian country. To integrate the Romanians from outside the borders and the recognition of the specialists as a “strategic potential” of human resources but also of social capital.

5. The creation of professional nets inside the Romanian communities from abroad

Because of the free traffic of the persons in the communitarian space, we assisted to a qualitative and quantitative raise of emigration. Taking into account the crises of the labor force from Romania and the exodus of the Romanian Excellency (*brain drain*), the programs of supporting the building of the professional networks are part of the Romanian authorities' activities concerning the recovery of the Romanian cultural and scientific patrimony, as well as of work force of Romanian origin (the *brain regain* phenomenon).

The professional networks contribute to the accumulation of the identification, application and transmission efforts of the good practice in different fields of activity with beneficial effects as concerning the coordination of the everywhere Romanians' actions that are engaged in projects of mutual interest. The support of these networks may have beneficial effects over the strengthening of the Romanian communities' cohesion from abroad and of their relationships with the Romanians from inside the country.

Measures:

- a) To map the networks and the professional and the student associations already existent and the creation of a data base as complex as possible to stimulate this kind of initiatives and to grant the reproduction and union of the resources by means of the integrated communication platform on the internet;

- b) To support the professional networking projects without forcing or intruding into the professional networks creation, auto-organization being one of the principles that are at the basis of the structuring and functioning of the networks and of the professional communities;
- c) To support and encourage the actions oriented towards networking by which the researchers and the active Romanian universitaries from the international scientific scene could offer their “know-how” in this field;
- d) To organize in the first edition of The Forum of the Romanian associations from Italy a workshop dedicated to this field.

6. To intensify the support for the Romanian communities from Italy and Spain

In the conditions that the Romanian communities from Italy and Spain represent lately numerically talking and from the point of view of the communitarian dynamics, the most important communities from the emigration, we consider as being important to go on giving a special attention of the Romanian authorities. The Government realized an action strategy for the two communities that holds also programs of granted financing and even politico-diplomatic actions for the benefit of this community. It is the Romanian interest for the members of the two communities to benefit by the Romanian Government preoccupation, the expected results being quantified on two plans: the voluntary turn of one of the recent economical emigration parts and the creation of some strong Romanian communities in the two states which to promote the cultural, economical and social interests of Romania.

Measures:

A public image campaign of the Romanian communities from Italy and Spain:

- a) To emphasize the Romanian culture and civilization elements and of the characteristic traditions as part of the European cultural diversity by financially supporting of the cultural - artistic manifestations organized by different institutions or Romanian associations in Italy and Spain;
- b) To value the Romanian personalities in Italy and their contribution to the evolution of the Italian society (to financially support the typing of a volume dedicated to the Romanian personalities of Romanian origin that live in Italy);
- c) To create Romanian book funds in different educational centers (for example libraries in Italy where there were already celebrated Romanian book sections, The Official School for Foreign Languages, Hispanic – Romanian centers) in the headquarters of the representative associations of the Romanian community;
- d) To support the Romanian language publications or the bilingual ones from the two states and of the cultural organized actions by the associations;

- e) To go on supporting the classes in the Romanian language for the students of Romanian origin from the two states, with the purpose of promoting their linguistic and cultural identity but also with the hope of the coming back of these young persons in the origin country. The classes will be organizing both in public schools and in the associative environment or in the Sunday schools system, depending on the options of the Romanian community.

To facilitate the Romanian citizen's integration in the two societies by:

- a) To create partnerships with the local and central Italian and Spanish created authorities, with the experienced nongovernmental organizations from the field of the emigrants' integration and with Romanian associations that have activities in the field of the minorities' rights;
- b) To go on with the steps for the creation of the permanent Italian – Romanian work group coordinated by the state secretaries from the Romanian and Italian External Affairs Ministries that have attributions concerning the emigration communities;
- c) To boost the Romanian associative environment from Italy and Spain in the direction of a more intense involvement in the integration process of the emigrants in the host societies;
- d) To organize the Forum of the Romanian associations from Italy and of the Forum for the Romanian associations from Spain inside of which to be discussed the priority problems of the Romanian communities and the scheduled agenda as well as the projects created by Romanian associations in the benefit of the members of this community;
- e) To evolve the possibilities of raising the managerial capacity and of the work abilities inside the network of the Romanian associations from Italy as well as the raise of the members number and the bigger impact of the actions created by the Romanian associative environment;
- f) Visits in the Romanian communities from Spain and Italy.

Main ways of action for activating the ***Romanian communities***

To ensure the active politics with a real support for Romanians' affirmation from abroad will be realized by three main action ways:

- a) To evolve the politico – diplomatic contracts with the authorities of the states where there are Romanian communities;
- b) To evolve an active partnership with the Romanian communities from abroad;

- c) The direct financial support by granting granted financings for the Romanian emigration and neighboring communities, especially of their representative associations but also to the physical persons of Romanian origin with initiatives in the benefit of the Romanians from abroad.

The main fields of action for the maintenance of the Romanian communities from abroad:

a) Education

The education in the Romanian language worries the Romanian children's parents from abroad, especially because of the fact that the Romanian diplomas benefit of European recognition but also from reasons of keeping and evolving the cultural identity.

Since 2007, the Government sustained a various offer of educational services by projects in partnership with the Romanian associations from abroad, the main objective being to maintain the linguistic identity as well as to facilitate the children's integration in the Romanian teaching system concerning the possibility of the coming back of the families.

b) The cultural Romanian patrimony from the international environment

The Romanian cultural patrimony, among other factors, is valued by the prestigious Romanian personalities that are internationally active, by the associative environment concerned with the keeping and promoting the cultural Romanian identity in the context of the European, universal mutual cultural patrimony. It is imposed a special attention for the evidence keeping and underlining the existent patrimony.

c) The Romanian associative environment

The presence of some big and dynamic Romanian communities in Europe or North America doesn't represent a guarantee of the existence of an articulated social cohesion. There is necessary an investment strategy in programs of evolving the civil society, such as the Institutions from Romania to have inside these associations of Romanians from everywhere well informed partners, serious and capable of cooperation. There is imposed the encouragement of the participation of the Romanian community's representatives of the associative environment and also of the nongovernmental institutions for the elaboration and practice of the programs for the objectives concerning the keeping and promoting the Romanian identity and spirituality (teaching, cultural patrimony, traditions, the press in the national language); to sustain some partnerships with the local nongovernmental organizations with experience in the emigration field.

d) Confessional identity

Inside the Romanian communities from abroad, the Church, especially the Orthodox one (the majority), functions as a distributor of human solidarity and communitarian cohesion representing a decisive factor in keeping the cultural identity and of the Romanian traditions. It must be underlined the fact that the demands of supporting this field are plenty and actually there is necessary the establishment of some priorities and of a consolidated partnership with the representatives of the Romanian Orthodox Church and of the other cults from Romania.

The necessary resources for stimulating the communitarian evolution

Opportunities and obstacles for promoting the protection objectives of the Romanian ethnics from everywhere.

From its international status point and of the European legislative environment as concerning the protection of the persons that are part of the national minorities, never in its modern history, Romania takes a better advantage as now for protecting the Romanians from outside the borders and to act for keeping, evolving and expressing their ethnical, cultural, linguistic and religious identities.

Because of the new status that Romania holds there becomes more visible on the international and regional plan the necessity of a new post – vision that will lead to a defining of new strategically objectives, a context in which the energies and the resources of creativity of the millions of Romanians from the communities from abroad may bring an added value comparing with the fundamental punts of the Romanian external policies. This segment of the civil Romanian society proved that it can't be looked at as a consumer of resources in some policies of identity assistance that were applied by the Bucharest authorities and they need to get the place that suits them – that of values builder that are part of the mutual Romanian patrimony with an impact over the consolidation of a distinct image of Romania on international plan.

The positive experience in applying a personal type of protection of the national minorities offers Romania moral authority and the necessary premises for applying the reciprocity principle in the official actions that it takes on bi – and multilateral plan.

Created in a tight correlation with the Strategy for national security and with the Government program, the Romanian strategy concerning the Romanian communities from everywhere is meant to underline the objectives and the guidelines of the Romanian policies from this field and it suits in the new vision concerning the Romanian external policies together with the strategy for The Extended Region of the

Black Sea, as well as some other scheduled documents concerning the position and the role of Romania in the Western Balkans and in solving the Transnistrean conflict.

The necessity of a better coordination of the applied policies in the relationship with the Romanians from abroad results once from the difficulties that the Romanian ethnics from the neighborhood and Balkans go on to confront with and on the other hand from the problems that are specific to the emigrated Romanian community. It pursues to assure coherence, clear finality and synergy for the support actions of Romania concerning the Romanian communities from abroad. The document will represent an instrument by which the Romania's efforts will be directed for obtaining quantifiable benefits in the fields of the identity consolidation of the Romanian communities from outside the borders, to evolve the solidarity networks (including the societal and economical plan) and for valuing their role on local and regional plan.

A. Opportunities

- a) Romania's subscription to OSCE and the European Union opens the possibility of valuing the instruments of which these institutions dispose on the purpose of the Romania's interests concerning the protection of the Romanian ethnics from outside the borders;
- b) To include Romania in the prosperity area of the Unique European Market, offers our country a plus of attractiveness in the relations with the Romanian communities from abroad and also gives an argument for sustaining the Romanian positions in the bilateral dialogue;
- c) To extend in the neighboring states in different rhythms and performances of the values of the pluralist values and the norms of the given state;
- d) To create the European Neighborhood and Partnership Instrument that offers financing since 2007 mutual evolving projects for border cooperation with beneficial effects in ameliorating the situation of the Romanian communities situation from the neighborhood;
- e) The existence in Romania of the minorities that are related with the neighboring states where there are Romanian communities
- f) The positive experience in applying a personal model of protecting its national minorities gives Romania the moral authority and the necessary premises to apply the reciprocity principle in the official actions that it takes on bi – and multilateral plan.

B. Obstacles/vulnerabilities

- a) The democratic options and the reform initiated processes in the neighboring states, including the problems for the protection of the national minorities are still affected by opposing mentalities and by the assimilation low tide. These kind of tendencies

are accentuated by the difficult political and social climate and by the traumas of a recent historical experience marked by conflicts and territorial reconfigurations;

- b) The conflict situations that characterized historically talking the space from the Romania's neighboring, delayed the formation of an authentic culture of the dialogue and cooperation but also exaggerated the lack of trust in the bilateral relations and in the relations with the national minorities;
- c) The lack of generation of authentic leaders, credible and strong representatives of the Romanian communities that to promote successfully their interests by the authorities from the states they live in;
- d) The incipient status of creating a strong, attractive and different environment reduces the capacity of the Romanian communities to represent their interests in the relationship with the citizenship/residence states as well as in the dialogue with the Romanian authorities;
- e) The inflexible onsets of some states concerning the national minorities' problem correlated with the inhibited nonsystematic and correlated reactions of the Romanian authorities at different levels. The opposition of these states at discussing these problems in a multilateral plan and towards the application of the good practices that were internationally recognized;
- f) The lack of some European standards concerning the problem of the national minorities;
- g) The wrong perception that some of the neighboring states are keeping in the European environment about the real situation of the national minorities from their territory;
- h) The outside feeding of the inter-ethnic tensions from some neighboring states of Romania for maintaining the instability in the area and for their European progress' obstruction.

C. Internal resources

1. Legislative resources

The elective Law could be amended in order to introduce some regulations concerning the possibility of the voting right by correspondence or electronically for the Romanian citizens from outside the borders.

2. Institutional resources

- a) To create the external branches of the Hurmuzachi Exodium Institute for the everywhere Romanians, as concerning the protection of the cultural and linguistic rights of the Romanian ethnics from around the borders;

- b) Institutions of the central administration – according to the present legislation, the Romania’s relations with the Romanian ethnics and the Romanian communities from abroad are coordinated by structures that constituted at a ministry level (The External Affairs Ministry, The Education, Research and youth Ministry, The Cults and Cultural Ministry), inside the Presidential Administration of the Parliament (the External Policy and Culture Councils);

3. Financial resources

- a) The state’s budget: the budgetary allowance towards the External Affairs Ministry for the support of the Romanian communities from everywhere;
- b) Extra – budgetary funds: sponsoring from some private companies.

4. Other sources

- a) The Romanian Patriarch;
- b) The Nongovernmental Organizations: the associations and organizations, identity institutions (schools, churches) of the everywhere Romanians by establishing some permanent contacts and the collaboration with partners that have similar preoccupations, from Romania;
- c) The mass – media from abroad and inside the country – by informing the public opinion, manifestations, the cooperation with the civil society just to keep into attention some subjects.

5. External resources

A. Legislative resources

International juridical environment:

- a) The International Treaty concerning the civil and political rights (ONU, 1966);
- b) The Resolution no.47/135 since 18 of December of the General Meeting of ONU concerning the rights of the persons that belong to the national, ethnic, religious and linguistic minorities;
- c) The European Convention for the Human Rights;
- d) The Established Convention for the national minorities’ protection of the European Council;
- e) The European Charter of the Religious Languages or Minority ones (the Europe’s Council);

- f) The Recommendation from Hague referring to the national minorities' rights to education (1996);
- g) The Oslo Recommendation concerning the linguistic rights of the national minorities (1998), promoted by OSCE.

The bilateral juridical environment

- a) The Treaty of understanding, collaboration and good neighborhood between Romania and the Albany Republic, entered into force in 1995;
- b) The Treaty concerning the understanding, collaboration and good neighborhood relationships between Romania and the Hungarian Republic, 1996;
- c) The treaty concerning the good neighborhood relations and cooperation between Romania and Ukraine, 1997;
- d) The Treaty of friendship and collaboration between Romania and Macedonia Republic, entered into force in 2002;
- e) The Agreement between the Romanian Government and the federal Government of the Federal Republic Yugoslavia concerning the cooperation in the national minorities' protection field, 2002;
- f) The collaboration Protocol in the culture, education and sciences field between Romania and Germany, renewed in 2004;
- g) The Collaboration Protocol signed in 2003, was signed at Dinkelsbühl between the Ministry of Culture and Cults of the Transylvanian Saxons from Germany, taking into account even the protection of the Transylvanian Saxons' cultural patrimony;
- h) The Treaty between the Austrian Federal Government and the Romanian Government concerning the reciprocal change of data in the field of controlling the migration and concerning the asylum problems, signed by the Interior Ministers in 2004;
- i) The program of cultural collaboration between the Romanian Government and the Austrian Republic Government for the years 2006-2009, finalized in 2007.

B. Institutional resources

The Romania's representatives in comities, institutions, European organisms (i.e. The Regions' Committee), the European Council, ONU.

External financial resources:

- a) European funds: The European Fund for Economical and Regional Evolution of the European Union (advanced projects at the level of the European Union for financed Euro regions from the structural funds as well as from the public funds of the local communities and by private funds also); the communitarian programs destined to the cultural diversity;
- b) The logistical support of the residency states;
- c) Programs financed by the European Council (there is granted a special importance to the preservation of the cultural patrimony specific to each region, the dialogue between cultures, ethnical groups and religions as well as to the institutional evolving).

Conclusions

The elite of the Romanian communities may contribute in a special way for supporting the strategic objectives of external policies of the Romanian state. Moreover, to support the Romanian elites from abroad is considered a support for the economical evolution that is based on knowledge in accordance with the objectives of the Lisbon Agenda.

For the accomplishment of the objectives, the measures have to be concentrated on the following steps of action:

1. A better knowledge in Romania of the consecrated personalities at an international level from between the everywhere Romanians, through:
 - a) supporting conferences organizing in Romania with the participation of some international personalities;
 - b) to encourage the presentation of the TV channels from Romania of some shows about some consecrated personalities from the diasporas;
 - c) the financial support for publishing some works of some Romanian specialists from abroad;
 - d) to organize in Romania cultural events (expositions, concerts, book publishing, etc.) to promote the Romanian abroad composers.
2. The stimulation for involvement of the personalities in projects coordinated by the Romanians' associations, by:
 - a) To facilitate the contracts between the consecrated personalities from abroad and the Romanian associations that guide different projects;

- b) To value the projects that benefit by some consecrated Romanians implication in the residence countries or to an international level;
- c) To support some mediation campaigns of the creations and of the personalities that belong to the Romanian cultural patrimony from abroad;
- d) To publicize the works and some materials that refer to the Romanian culture's personalities from abroad;
- e) To support the evolving of some professional networks that hold Romanian specialists from abroad and personalities or specialized institutions from Romania.

1. In a politico – diplomatic plan

- a) To ensure a permanent political and diplomatic support by including the problems of the Romanian ethnics on the dialogue agenda with the European states and the cooperation with the international organisms by creating or, according to the situation, by intensifying the dialogue inside the mix commissions already built on the ethnical minorities problems, as well as by signing some inter – governmental agreements about this problem;
- b) To prepare the Romanian parliamentarian' involvement in the active support in the relation with the parliamentary groups from other states, of the Romanian's community's interests from the respective states;
- c) To prepare and support the Romanian parliamentarians in promoting on the competent organisms agenda from inside the European Council of the problems that the Romanian communities from the neighboring states are confronting with the purpose of getting the right of representation of the Romanian ethnics in the Parliament, in the local and central administration from the respective states;
- d) To maintain on the bilateral agenda of the national minority's problems as well as the cooperation with the international organisms that have some obligations in solve in these, following to be created or, depending on the problem, there will be intensified the dialogue inside the mix commissions already formed on the minorities' problems, on the relation with Hungary, Ukraine, Serbia and Montenegro, inclusively by signing some intergovernmental agreements on these theme;
- e) Actions with the purpose of signing, there where the situation is proper, of bilateral agreements in the social insurance field;
- f) To involve the structures of regional and trans-frontally collaboration of the local authorities from the country and from the neighborhood by evolving some programs of interethnic and intercultural communication;

- g) To inform by a permanent conciliation of the Romanian ethnics from the emigration about the possibilities of having a dialogue with the European parliamentarians and to support their actions of promoting in the residence countries in the interests of the Romanian community;
- h) To support the young ethnical Romanians from the emigration to imply in the politics and to candidate for the local and parliamentary elections in the residence country;
- i) To analyze the periodical evaluations of the international organizations concerning the respect for the rights of the persons belonging to the national minorities.

2. In the internal political plan

- a) To create a favorable environment for the consolidation of the dialogue between the Bucharest authorities and the Romanian communities;
- b) To send petitions to the political leaders from Romania concerning the support of the legislative initiatives concerning the Romanian communities from abroad;
- c) Actions for assuming at the level of the Romanian political class this political project following to take action for the necessary support with the purpose of implementing this strategic line;
- d) To create a favorable environment for the dialogue's consolidation between the Bucharest authorities and the Romanian communities as from the point of allocating sufficient funds for satisfying the needs of these communities as well as the allocation of human resources adequate for an efficient organization of the funds;
- e) The active and repeated involvement in the inter-ministerial committee's activity concerning the problem of the new emigration, for the consolidation of the inter – institutional collaboration environment that refers to the whole Romanian relations from outside the borders;
- f) To elaborate in the same institutional environment of some monitoring instruments and of evolving of the obtained results in putting into action of the specific programs, especially concerning the programs that are to be developed with the purpose of assuring the rights of the emigrant abroad and their communication with the families that are in the country;
- g) A more efficient collaboration with the civil societies and with the international institutions that have any attributions in the field (firstly The International Organization for Migration).

3. The economical competency

- a) To stimulate the economical collaboration with the states where there are Romanian communities, especially the creation of the mix firms, the economical trans-borders bonds and the regional collaboration;
- b) To support the economical initiative evolution inside the Romanian communities;
- c) To encourage the Romanian businessmen from the emigration to invest in Romania;
- d) To support the elaboration of some regional projects for attracting the European funds that are allotted by the special programs for the national minorities;
- e) To support the representative associations of the Romanian communities from the emigration to attract European funds with the purpose of sustaining some European projects with the Romanian associations from around the borders.

4. The media component

- a) To promote the continuous and open dialogue at a high level referring to the problems that the neighborhood Romanian communities are confronting with, from the Balkans and the recent emigration;
- b) The financial and logistic support of the media editorials and publications of the Romanian ethnics from the neighborhood and from the Balkans that are actively implying in promoting the Romanian spirituality from everywhere and of the communitarian interest;
- c) The financial and logistic support of the publications and media redactions for the Romanians from the recent emigration to facilitate their dialogue with the other Romanian communities from the emigration;
- d) To edit and transmit the books, newspapers, magazines or the audio-visual productions inside the Romanian communities formed by the recent emigration;
- e) To encourage the transmission in Romania of the written and audio-visual press from the Romanian communities from abroad for assuring a good knowing of our conational's preoccupations;
- f) To transmit the information about the Romanian communities from the neighborhood inside the Romanian community from the emigration as these could help the Romanian ethnics from the neighboring countries and from the Balkans, that are having any difficulties;

- g) To update permanently the web page of the External Affairs Ministry that contains information that help them know as properly as possible the present situation of the communities from outside the borders;
- h) To support the informing activities for the abroad Romanians concerning the rights and the obligations of the persons belonging to the national minorities in the citizenship/residence states.

5. The societal competency

- a) To create a network of Romanian social and cultural clubs ("The House of Romania") by the most powerful associations;
- b) To encourage the creation of distinctive associations or sections of the associations on the professional line or of the young people, women, businessmen;
- c) To elaborate and coordinate programs and projects that are mutual with the public institutions and the governmental associations from Romania to support the religious and cultural – educative initiatives of the Romanian communities formed by the recent emigration;
- d) To support in a special way the evolution of the direct reports between the representative associations of the Romanians from the neighborhood and Balkans and the institutional partners from the frontier districts and localities;
- e) To facilitate the communication and implement collaboration programs between the professional communities of the Romanians from the country and outside it;
- f) To facilitate the communication with the institutions from the country and from the residence countries for solving the juridical problems of the Romanians from the recent emigration;
- g) To allot funds for the creation and sustaining of the representative associations of the Romanian ethnics from everywhere, of the schools, cultural and cult institutions, or the written and audio-visual press;
- h) To create cooperation protocols with the information centers already existent and the elimination of discrimination in the recognizing procedures of the diplomas of the Romanian citizens and by the residents of some other countries.

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THE PROGRAM
“THE ACCESS TO EDUCATION OF
THE DISADVANTAGED GROUPS
WITH FOCUS ON THE ROMA”
THE PROJECT OF DÂMBOVIȚA
DISTRICT “WE WILL MANAGE
TOGETHER”*

*Mihai SURDU***

Abstract: The paper presents the project to facilitate the access to education of the disfavoured groups, focusing on the Roma, in Dâmbovița County. Among the strengths of the project is the incipient awareness of the school segregation of the Roma and of the adverse effects on the quality of education, the improvement of the physical environment of the schools and of the existing endowments, the improvement of education quality. Following the implementation of the project, the school inspectorate gained experience in elaborating the local educational policies and this experience is reflected in the county strategy to ensure the access to education for the disadvantaged groups, which aims to identify the problems in an objective manner and to use statistical evidence for the arguments.

Keywords: quality of education, Roma groups, educational policies, school inspectorate, school migration.

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** PhD sociology, researcher, The Research Institute for Quality of Life, email: surdu@policy.hu.

Beneficiary: The Research and Education Ministry by The Scholar Inspectorate of Dambovita District.

Partners: The District Dambovita Council, The Local Councils from Sotanga, Potlogi, Gura Ocnitei, The Foundation for the Peoples' Support by Reciprocal Support.

The financial value of the project: 607744 €.

The main financing: The European Union with 490742€, the difference being covered by the partners.

The objective from the district level

1. A raise of the number of the children that are registered in the Fantanele and Capu Plaiului kindergartens with at least 50% till the end of the period 2003-2004, comparing with the scholar year 2002-2003.
2. To sensitize the need of education for at least 50% from the number of parents and children till the end of the scholar year 2003-2004 by:
 - To reduce with at least 75% of the scholar dropout comparing with the previous year;
 - The involvement of at least 50% of the parents in the scholar and extra scholar activities.
3. To enrich the conditions of the instructive-educational process, by rehabilitations, buildings and endowment with equipments, didactic materials, scholar furniture, till the end of the scholar year 2003-2004.

Target groups

Direct beneficiaries:

- 420 pupils that are subscribed at the I-IV classes school from Iazu;
- 590 subscribed pupils to Cojasca school;
- 645 pupils subscribed at the I-IV classes school from Fantanele, from which 140 are from the afternoon recovering programs;
- 246 pupils from the kindergarten and the no.2 school Sotanga I-IV classes;
- 66 pupils subscribed at the kindergarten and the school Capu Plaiului (Gura Ocnitei), I-IV classes;

- 474 pupils subscribed to the Romanian schools and in Potlogi;
- 200 pupils that abandoned the classes of the imperative learning from the schools Cojasca, Fantanele, Potlogi, Romanesti.

Indirect beneficiaries:

- All the teachers that teach at the schools that are included in the project, from which around 110 are from the formation program;
- The parents of all the pupils from the target groups;
- The local authorities and the community in its assembly.

Results

- The integration at the kindergarten of 125 children with the age between 3 and 6 years old; a number of 100 children from Fantanele Kindergarten and 25 children from Capu Plaiului Kindergarten. Quantitatively talking, the no.1 objective of the project was accomplished 88, 8%.
- To reduce the abandon rate with 76% comparing with the precedent scholar year over the total of the subscribed schools to the project. The dynamics of the abandon rate from the schools from the project of the years 2002-2003 (precursory year for the project) is as follows:
 - The objective of the involved parties is declared in the internal evaluations as being realized entirely. There is mentioned the presence of 1624 parents in the presented actions inside the project for all the schools included to the project.
 - The raise of graduation with 8, 9% comparing with the precedent scholar year, over the total of the schools from the project.
 - To include at the classes the second chance type of a number of 131 young people and their maintenance to these classes in a number of 123.

School	The number of pupils that abandoned in 2002-2003	The number of pupils that abandoned in 2003-2004
Romanesti	30	0
Potlogi	2	0
Sotanga	4	0
Fantanele	43	17
Cojasca	41	15
Iazu	7	0
Capu Plaiului	0	0
Total	137	32

The evaluation of the impact

The time that passed after the project ended is short and an evaluation of the impact is premature, being known the fact that the educational interventions show their effects in a longer time. Some punctual remarks can be made anyway:

- It isn't clear in what measure the raise of the number of children from the kindergarten is because of the project, the raise of birth rate or of other external factors of the project.
- The effect of the reduced desertion is a sure one, but it isn't known how sustainable it is as the project finished.
- The raise of graduation level (in other words a lower rate of no graduation) is a fragile indicator to measure the scholar performance having a great grade of subjectivity (comparing with a standardized test). The results from the last national test (2004) show very weak results from one of the school from the project. Such as:
 - To Fantanele school, from 48 subscribed pupils to the test, just one passed the exam;
 - To Cojasca school, from 80 pupils subscribed, 11 graduated the exam;
 - To Romanesti school, from 34 pupils subscribed, 7 graduated the exam;
 - To Potlogi school, from 46 subscribed pupils, 23 graduated the exam;
- In the absence of some adequate indicators of monitoring, it is hard to appreciate if the parties' subscription was an effective or formal one.

Strong points of the project

- The earned experience of the Scholar Inspectorate in elaborating the local educational policies. This experience is reflected in the district strategy of providing the access to study for the disadvantaged groups, the revised version which is superior as quality from the initial one. This version identifies the problems objectively, in real terms, brings a statistical evidence for argumentation.
- The incipient awareness of the scholar Roma segregation problem and of the negative effects over the education's quality.
- To enrich the physical environment of the schools and of the existing subsidy.
- As a result of the raise of the education level, there is a lowering of the Romanian pupils' migration from Sotanga School, in accordance with the opinion of the school's management.

Weak points

- To delay the rehabilitation work or the wrong accomplishment. As for example, the Capu Plaiului School didn't have any kind of warming in the winter 2004-2005 and the warming wiring wasn't functional even to the visit date. In the same school, the parquet from a study class damaged in a short time after it was mounted. The septic tanks from the school Capu Plaiului are badly executed. From this reason, in the school Capu Plaiului the toilets are unusable.
- The delay of the teachers' guidance.
- Some teachers left these schools after they got professional guidance through these projects (such as from the school Capu Plaiului).
- The problems that appeared for offering a warm meal in Cojasca School. The assurance of a meal was possible only for four months and not for 12 as it was initially predicted.

Recommendations

- To elaborate some monitoring indicators more sensible in measuring the impact.
- The desegregation of I-IV classes Capu Plaiului school at a distance of 1, 5 kilometers away from a school of the same level where there study mainly Romanian students. The didactical teachers from the school agree with the idea of desegregation as well as the scholar Roma mediator.
- A bigger involvement of the inspectorate.

INCLUSIVE EDUCATION OF CHILDREN WITH EDUCATIVE DEMANDS IN MOLDOVA REPUBLIC: REALITIES AND PERSPECTIVES

*Diana CHEIANU-ANDREI**

Abstract: Social inclusion is a priority in what regards social policy in Moldova republic. In this context, it represents a means of promoting the inclusion and social cohesion. The student's diversity of needs and the attempt to promote in as many schools as possible a way of friendly learning requires a regulate collaboration among teachers, the children's families and the community, with the goal of elaborating strategies of efficient teaching. The article represents a case study regarding positive practices of social inclusion in the Criuleni district where there are non-governmental organizations with initiatives in inclusive education domain. The pilot-inclusive schools, educational support centers, represent efficient tools of social inclusion and the fact that they are perceived positively by the children facilitate the achievement of their goals.

Key words: social inclusion, social policy, positive practices, learning, children

Introduction

In this article we analyze the policies from the inclusive education domain in Moldova Republic and the positive practices from the Criuleni district in this domain. Criuleni district had been chosen for analysis because here there are non governmental organizations with initiatives which had made considerable efforts in the inclusive education domain, in the last 10 years. In this article, inclusive education had been analyzed as a right of all children to receive quality education, which can assure the

* PhD Professor, Sociology Chair, State University of Moldova, e-mail: dcheianu@yahoo.com.

development of the individual's potential for every person in integrated contexts, in addition towards child diversity and their necessities, to contribute to the social cohesion through eliminating discrimination forms (Schumaker J (2008), A.Racu (2007)).

The data regarding the situation in inclusive education domain had been gathered through the individual,deepened interview method (8 interviews) with the representatives of the Criuleni Education District Directorate, the inclusive-school's directors, dons, managers and specialists of the community services for children with special educational demands (CES) in Criuleni district.

Public policy in inclusive education domain in Moldova Republic

Actions and decisions taken at a national level by the leaders of Moldova Republic confirm the fact that social inclusion is a priority in the Moldavian society, and education is a means of promoting social inclusion and cohesion, fact which explains rebuilding the educational system from the inclusive perspective undertaken in this direction. The impact and benefits of the educational system reform have a high resonance for both, the quality of learning activities and attitudes and behaviors of the actors involved in the learning process (parents, pupil, teachers, etc.) (Ainscow, 1999).

The official documents from Moldova Republic which establish the educational system correspond with The United Nations Charter, The Universal Declaration of Human Rights and UNO Convention regarding Children's Rights. The Constitution of Moldova Republic, article 35, declares the right to learn and establishes the means through which this right is assured.

The Education Law from Moldova Republic, adopted in 1995, determines the state's educational policy and establishes the organization and functioning of the educational system. The educational policy from Moldova Republic is built on human principles, accessibility, adapting, creativity and development¹. Article 6 from Education Law guarantees the right of education for every person, meanwhile, the state is obliged to assure the equal chances of access in educational institutions, according to capacities.

The educational system had a vital role in creating premises for durable human development. A unique educational system gives the possibility of standing out.

Inclusive education is based on the principle that schools should offer to every children, despite any difference, handicap or social, cultural and language

¹ Education Law no. 547 from 21.07.1995, art.4.

differences. The diversity of needs for these pupils and the attempt to promote in as many schools as possible a way of “friendly” learning, needs a regulate collaboration between teachers, these children’s families and community with the goal of elaborating strategies of teaching and efficient learning. The teacher should be the initiator of this partnership and, also, its leader, meaning that they should have the appropriate qualification for undertaking a successful inclusive education. (Diker, Tosun, 2009).

Nowadays, Moldova Republic is paying attention to the creation of opportunities of affirmation for every citizen.¹ On March 30, 2007, The Moldova Republic had signed The UNO Convention regarding the rights of people with disabilities, and on July 9, 2010, the Convention had been ratified by the Parliament. According to article 24 of the UNO Convention regarding the right for people with disabilities, Moldova Republic recognizes the right of people with disabilities to education, without discrimination and, on the base of equal responsibilities, it assumes the obligation of assuring an inclusive educational system, at all levels of continuously learning, orientated towards:

- a) full development of the human potential, of the feeling of dignity and self respect, and also of the fundamental liberties and human diversity;
- b) full development of the personality, talent and creativity of people with disabilities, and his mental and physical abilities;
- c) creating possibilities for the people with disabilities of efficiently taking part in the society life.

According to the Convention, children with disabilities must not be excluded from the general system of education because of the disabilities, they must benefit of support and individualized assistance.

In the assuring fundamental rights of children domain, including the ones with disabilities, to education, in the Moldova Republic, a set of legislation documents had been approved (concepts, programs, strategies) with official policies characteristics of the state:

- National strategy “Education for All”, approved through the Government Decision no.410 from 04.04.2003;
- The modernization program of the educational system from Moldova Republic, approved through the Government Decision no. 863 from 16.09.2005;

¹ Study Basic Education in Moldova Republic from the perspective of friendly school-Chisinau, 2009, p. 15-16.

- The Law regarding the social protection of invalids¹, approved through Parliament Decision nr.821 from 24.12.1991;
- Pilot-program “Children with disabilities“, approved through Government Decision no.1730 from 31.12.2002
- The National Program of Rehabilitation and Social Reintegration of the persons with disabilities, approved through Government Decision no.459, from 25.04.2007;
- The strategy for social inclusion of the persons with disabilities (2010-2013), approved through Parliament Decision no. 169 from 09.07.2010;
- The National Strategy and Plan of action regarding the reform of the residential system of child care, approved through Government Decision no.784 from 09.07.2010;
- The Law regarding social services, approved through Parliament Decision no.123 from 18.06.2010.

The normative frame in the domain of assuring the fundamental rights of children, including the ones with disabilities, to education is more wider. Besides the normative acts of the Parliament, Government, it includes documents from different ministries, such as public local authorities.

An important document is the Order regarding organizing the educational process no.687 from 25 August 2010 of the Education Ministry. In order to assure the inclusive conditions of de-institutionalized children from the residential education, and schooling the children with CES², in institutions in general, the order regards the following obligations:

a) The district's general directorates /municipal educational, young, sport:

- Assuring the proper conditions for school inclusion of children de-institutionalized and those from CES;
- A complex evaluating and reevaluating of the children with CES, from regions, by the medico-psycho-pedagogical commissions;

¹ The Legislation of Moldova Republic uses, now, the concept of invalidity – „invalid is the person who, tied to vital activities limitation as a result of physical or mental deficits, needs social assistance and protection. Limitation of the vital activities of the person finds expression in totally or partially losing the capacity of possibility to serve himself, of placing, orientating, communicating, controlling his behavior and practice work activities” Law 821 from 24.12.1991 regarding invalid's social protection, art. 2.

² Children with disabilities are a subcategory of children with special educational demands.

- Organizing informing, documentation, continuous forming, requalification of the didactic teachers from the general and special education, trained in children education with CES;
 - Assigning a responsible person for inclusive education development and evaluation the quality of educational services for CES children;
 - Supervising the inclusion process in general learning of CES children and those from institutions from residential education;
 - Establishing, together with the district directions of financing, a way of financing of children's social inclusion with CES in general education;
 - Encouraging partnerships between certain institutions in implementing inclusive education, etc.
- b) The medico-psycho-pedagogical commissions:
- Participating at the elaboration of the individualized education plan for every child with CES;
 - Giving assistance and support for the institutions of general education, in the process of inclusion of the children with CES;
- c) The general education institutions:
- Getting CES children in schools;
 - Elaborating a individualized educational plan for CES children, including adapting his curricula and methods of assessment;
 - Identifying support services for CES children;
 - Supervising the contents of the school program, the learning dynamics and inclusion of CES children;
 - Projecting the institutional development from the inclusive education perspective.
- d) The Institute of Science Education:
- Elaborating the Guide of individualized psycho-pedagogical assistance for CES children;
 - Elaborating, in agreement with the Agency of Evaluating and Assessing the Methodology of evaluation, the conditions of promoting and finalizing studies by the CES students.

Because of the Order of the Education Ministry no.687 from 25 August 2010, in certain districts people were assigned and made responsible for the development of

inclusive education and evaluating the quality of educational services for CES children.

This Order made it possible for some nongovernmental organizations, who act in this domain, to address to the General Education Directorates from districts with the demand of paying a specialist (pedagogue, psychologist) in the institutions where inclusive practices exist.

The public policies from Moldova Republic foresee the quality of education and facilitating the access for all categories of children, orientating towards the access indicators to education elaborated by the international organizations. We must mention the activity orientated towards elaborating the new Education Code for Moldova Republic which implies more activities regarding educational inclusion, such as the inclusion of people with disabilities.

The Project Educational Code for Moldova Republic, 2010 is referring to the concept of inclusive education and had a chapter dedicated to education for people with CES¹ (chapter VI, Title III), people with disabilities being a subdivision of it. Therefore, article 3 shows that inclusive education contains developing actions and appraise the resources, the existing experience and assuring certain form of services and support for excluded/marginalized persons, giving them equal chances of benefiting from the fundamental rights of man to development and education. According to the given project, people with CES contain people with problems in knowing and learning, communication and interaction, sensorial and physical, emotional and of behavior, social and also people who cannot obtain high performances.

Education for CES persons, according to the project Code of Education, is a part of the learning system and its purpose is to educate, teach, rehabilitate and educational, professional and social integration of the CES people. The education system is made for these people's in general educational institutions, special educational institutions and home education.

The project foresees the fact that institutions of inclusive practices education must activate: a) support teacher, who are qualified in pedagogy, special psycho-pedagogy, which offer support for children with disabilities in order to integrate them in the general educational system; b) personal assistants who provide individualized services needed to mobilize and satisfy the basic necessities of the persons with disabilities (article 41).

¹ CES people have problems of knowing and learning, communicating and of interaction, sensorial and physical, emotional and behavioral, social, and also persons able of high performances (art. 40, p. 2, chapter VI, Title III from the Educational Code project).

The special educational institutions are organized on categories on special educative demands: knowledge problems and learning, physical (motor and neuro-motor), sensorial (hearing or visual), of behavior etc., and learning takes place according to the plans from education, national curriculum, differentiated curricular programs, individualized, adapted according to the child's capacities of learning. The period of learning for children with mental deficits is of 8 years and for children with physical and sensorial deficits, tied to the degree and type of disability-10 -12 years (article 42).

For students who, due to health problems or disabilities, are deprived of the possibility to move or they are put, for a long time, in a medical institution, home education is organized or at the medical facility, on a determined period (article 43).

Therefore, the project Code Education states that inclusive education can be made at all the levels of the educational system in which CES people fit in. The Education Code project is to be approved.

Inclusive practices in Criuleni district

The existing methods of educational inclusion from the general knowledge schools in Moldova Republic are:

- a) Integration in normal classes, with children of the same age with the CES students. In this model, in the addition to the child's disability, the support teacher can be present for the child. In addition to the severe disability of the child and his behavior, the support teacher can assist the child during classes or not. This model is suited for towns with a low number of children with disabilities.
- b) Opening specialized classes in learning institutions for children with disabilities, in which they learn together, no matter the age. This model can be implemented with success in towns with a high number of children with disabilities or where there is access from the neighbor towns.

The Directorate of District Education Criuleni has orientated its activities in order to aware and promotes inclusive services in all the district educational institutions (34 schools in which 399 CES children had been identified, of whom 375 benefit of educational services in general knowledge schools and 24 of home education).

The head of the Directorate of District Education sustains that, in order to promote inclusive education services, a multi-disciplinary team must exist which would facilitate this process. This team must contain the following specialists: (i) support teacher, (ii) psychologist; (iii) occupational therapist; (iv) speech therapist.

In Criuleni district, The Collective Association "Mother and Child-Protection and Support" exists, which has made considerable efforts in inclusive education domain,

in the last 10 years. The objectives of the Collective Association “Mother and Child-Protection and Support” are orientated towards: (i) promoting and making the inclusion, in the educational process and society, of children with disabilities; (ii) creating community services for children and young with disabilities; (iii) doing certain activities for promoting and respecting the rights of persons with disabilities; (iv) giving informational support and assistance to communities and local NGOs, which manifest initiative in giving community services for children with disabilities, who give information to teachers, parents in order to form the environment of acceptance for children with disabilities; (v) awareness of the public opinion towards children with disabilities; (vi) participating the elaboration of local policies in the educational inclusive domain.

Implementing services of inclusive education in Criuleni district started with the C.A “Mother and Child-Protection and Support”. This association, in collaboration with District Education Directorate, determined the opening of 2 pilot-inclusive schools in Criuleni district: (i) Primary school from Mășcăuți (47 children with CES); (ii) Primary school from Dubăsarii Vechi (52 children with CES) and a pilot-school in district Dubsari, the high school from Doroțcaia (72 children with CES).

In the social inclusion domain, the association has created and developed community services for children with special educational demands:

- Day center „Speranța”, which annually serves 44 children with CES, from 7 towns. In the period of its 10 years of activity, 318 children have benefited from its services, 85% of them had special educational demands and were supported to be included in the educational process from general school;
- Day center form Oxentea, Dubăsari district, serves 32 children with CES;
- Day center “Empatie” from Dubăsarii–Vechi for 35 CES children;
- Day center from Hrușova for 30 CES children.

Community centers are necessary to support school and social inclusion of children with CES, by giving them the possibility of assuring specialized services to children (kinetic- therapy, art-therapy, occupational therapy and so one). These services are expensive and cannot be organized in every community:” *with regret, the service offer is much lower than the necessity* “. From this reason, the association initiated the mobile service which assists children, from 0 to 6 years and children with severe and profound deficits, until 18 years. Annually, almost 60 families with children of pre-school age benefit of the mobile assistance service and 20 families with children with severe and profound disabilities. Most important is that in these services, parents are involved. The mobile multi-disciplinary team of the association “Mother and Child-Protection and Support” serves, according to necessities, psychological

services, of speech, medical, services of public opinion's awareness for children and parents, training seminars for teachers and gives certain services to the CES children's families: home and school training, material support, in case of necessity etc..

The spokesmen of the District Education Directorate, the teachers from inclusive schools participated, with the C.A "Mother and Child-Protection and Support" support, to certain seminars abroad: Lithuania, Romania, fact which allowed them to be aware of the necessity of inclusive education, to better understand its principles and activities which must be organized at the district's level, to see the experiences of other countries in this domain (*"I was surprised by the fact that people with disabilities are looked for by entrepreneursHiring them in the work field, economical agents do not pay certain taxes and have some facilities. Hiring these people is also profitable because people with disabilities have a job and can take care of themselves "*; *"I had seen manuals for these special children...It was the same manual, but it had a little sigh on the left part "s". I looked in the manual, the problems were the same, but instead of 5 points, there were only 2 in this manual ..."*).

The support of C.A "Mother and Child-Protection and Support" for pilot-schools included financing for 3 specialists: special pedagogue, ergo –therapist, speech therapist, the support teacher being financed by the local public authorities.

The support teacher, in collaboration with the special pedagogue, elaborate individual educational plans and the ergo- therapist organizes certain occupational therapy activities (application, organization charts etc.) The educational therapy activities are frequented by all the children who apply for them during school.

In 2010, besides pilot-inclusive schools, Educational Assistance Centers were opened, which offer support services for CES children. The centers had been tooled with computers, didactic materials; rehabilitation equipment, children literature and literature of speciality. The centers activate in schools and are available for all children with school ages.

Children's attitude is, mostly, a positive one. Children are the ones who accept, first of all, other children with CES. *"I had doubts regarding children, parents and colleagues. The most receptive ones were the children, because they were not brought from another educational institute, they had been together since the first grade, they simply are children who do not remember, read harder, have speaking problems...We have a little girl who cannot talk. She is now in the third grade and because she is among other children, she now says words, even speaks. "*

Criuleni district is one of the pioneers in funding inclusive services, fact which allowed them to confront with many difficulties in this chapter. The most stringent problems which need a solution in this domain would be:

(i) creating a normative support :*"it was not when we initiated the first school with inclusive practices and we do not have a normative base from which we could start. When we opened the first school with inclusive practices in Mășcăuți, we elaborated a functioning regulation which had been approved by the District Council. Prior, we addressed to the Ministry of Education with a demand to approve this regulation. Its spokesmen said that they did not have such precedents in the republic, but approved the regulation. The ministry accepted us and we activate on the base of the regulation elaborated by us."*

Still, due to the lack of a normative support, financial problems are tied. The existing normative acts do not foresee possibilities of employment for support teachers in inclusive schools: *"We had elaborated some ways of escaping the situation in order to have a support teacher who is not in the staff states and neither in function nomenclature"*. Important is the fact that the city halls *Mășcăuți* and *Dubăsarii Vechi* had been receptive to financing the support teacher, involved in capital restoring of the centers of educational support and work shops of occupational therapy.

(ii) Training the teachers. *"We have provided, along with C.A Mother an child-Protection and Support trainings and offered the continuity of the process, but the training process must be organized at the republic's level...We have launched the problem and The Institute of Science Education introduced a module for those who recycle once at every 5 years"*.

(iii) Lack of curricula, methodical guiding for teachers who have in their classes children with CES. Children with problems benefit of the needed attention from teachers, due to curricular absence, methodical guidance and special training etc. *"The children with CES...Why do we have to keep him in the last desk if we have to work with him? There is a stereotype –if he has a certificate, you cannot work with him...I do not understand what a child with certificate means. We must work individual with them, but the work is not really done"*.

(iv) Reorganizing the activities of the medico-psycho-pedagogical commission and co-working with teachers *"The commission sets a diagnose and sends the child to school, but the teacher is not ready to work with him...we created this year the interdisciplinary school commission, in every school, which takes care of detecting the children with CES and supervises the instructive-educative process for them. In this commission takes part the support teacher, the schools psychologist, the social assistant from the city hall, the deputy headmaster on education and the headmaster of the educational institution"*.

One of the main segments in the process of school inclusion is the correct evaluation of the child with CES, determining his necessities of intervention and supervising the process of inclusion. All these have determined the need to reform the activity of medico-psycho-pedagogy consultation. Therefore, in 2009, at the Criuleni District Council's meeting, the decision of funding the Psycho-pedagogical and Educational Assistance service (SPEA), of the District Educational Direction. The service had been created in partnership with C.A Mother and Child-Protection and Support. The attributes of this service are wider than the ones from the medico-psycho-pedagogical commission and are based on inclusive principles and not of segregation. SPEA is a service of assistance specialized for CES children, being an integrated part of the community services which has as purpose the psycho-pedagogical assistance for all the children, parents and teachers in solving problems which occur in the child's development process.

This service collaborates with the internal school commissions which have the mission to continuously evaluate the psycho-physical health of children from every school in order to identify commotions, imbalances in the child's psycho-physical development and assuring the early intervention in the cases of children with CES. The members of the service evaluate and establish children's special demands, offer psycho-pedagogical assistance and follow the evolution in school of CES children. In giving complex psycho-pedagogical assistance, for each CES child, the individual intervention plan is elaborated and applied. Consults and recommendations are given to teacher regarding curricular adaption for CES children integrated in normal education, support services and/or specific therapies are proposed, tied to the situation, they orientate towards other community services for support to CES children. Also, in the given service, CES children's evolution is supervised. In order to integrate CES children in the education process and community, SPEA assists teachers from educational institutions in organizing a educational process for CES children, in creating an environment of acceptance, giving support to community actors for forming attitudes of tolerance and non-discrimination.

Last but not least, SPEA gives assistance to parents, in the process of CES children's inclusion, in school and in the community, it offers them consultancy in the domain of knowing and defending children's rights.

Conclusions and recommendations

The appearance of services for inclusive education in Moldova Republic is the result obtained through the efforts of non-governmental organizations and the partnership created with these institutions and the district education directorates. The spokesmen of the non-governmental sector have convinced the headmasters, teachers,

spokesmen of the district education directorates of the necessity to promote such practices.

The analyzed date allows a step forward in the following strategic directions in developing a National System in The Inclusive Education domain:

- Elaborating and approving the normative support in inclusive education domain (conception, action plan, regulations, minimum quality standards etc.). The normative acts must show the ways through which the support teacher has been employed, the conditions and ways of financing in order to adapt educational institutions to the necessities of CES children;
- Elaborating methodical guidance, special manuals for teachers who have in their classes CES children;
- Elaborating an evaluation methodology of CES children and reorganizing the activities of the medico-psycho-pedagogical Commission;
- Compulsory training for teachers in inclusive education domain and evaluating the process of initial and continuous training;
- Organizing awareness campaigns of the public opinion regarding inclusive education and promoting good practices.

For public authorities of I and II level:

- Organizing experience exchange, in the inclusive education domain. Establishing the ways of co-working with the District Educational Directorate, The Directorates of Social Assistance and Family Protection, educational institutions (general and special), city halls and nongovernmental organizations which offer services in CE's children's social protection;
- Evaluating the necessities existent in the inclusive education domain, at a community level and supporting development of the social services, according to these necessities.

For educational institutions:

- Creating a coordination group of inclusive education, at the level of the educational institution, which would offer support to teachers, parents and children;
- Assuring a partnership between school and family, informing the parents regarding inclusive education, such as involving them in promoting inclusive education.

For nongovernmental organizations:

- Creating collaboration and support networks in the inclusive education domain;

- Collaboration with educational institutions and other local public authorities and district;
- Developing social services, at the community level, such as CES children, including services of recovery for parents who nurse children with disabilities (respite services);
- Promoting existent good practices in inclusive education domain.

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Normative acts

1. *National Conception regarding Child and Family protection, approved through Government Decision nr. 51 din 23.01.2002.*
2. The Law regarding social services, approved through Parliament Decision no. 123 from 18.06.2010;
3. The Law regarding the social protection of invalids¹, approved through Parliament Decision nr. 821 from 24.12.1991;
4. The Order regarding organizing the educational process nr. 687 din 25 august 2010 of the Ministry of Education.
5. The modernization program of the educational system from Moldova Republic, approved through the Government Decision no. 863 from 16.09.2005;
6. The National Program of Rehabilitation and Social Reintegration of the persons with disabilities, approved through Government Decision no. 459, from 25.04.2007;
7. Pilot-program "Children with disabilities", approved through Government Decision no.1730 from 31.12.2002.
8. The strategy for social inclusion of the persons with disabilities (2010-2013), approved through Parliament Decision no. 169 from 09.07.2010;
9. National strategy "Education for All", approved through the Government Decision no.410 form 04.04.2003;
10. *The National strategy regarding Child and Family Protection, approved through Government Decision nr. 727 from 16.06.2003.*
11. The National Strategy and Plan of action regarding the reform of the residential system of child care, approved through Government Decision no. 784 from 09.07.2010;
12. Planul național de acțiuni pentru implementarea Strategiei de incluziune socială a persoanelor cu dizabilități. *Education Law 547 from 21.07.1995.*