

A SHORT DESCRIPTION OF THE SITUATION OF NOT RESPECTING CHILDREN'S RIGHTS IN ROMANIA

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Abstract: This paper is a reflection on a topic that is often discussed in the field of social assistance, namely that of respecting the rights of the child. These rights are formulated facing all the child's needs, and they have been assimilated by all countries and promoted by laws and treaties, etc.; infrastructure has been created in this direction, and yet we are struck by a painful truth: in Romania too many children do not enjoy their rights.

The present paper uses statistics from the Ministry of Labor, Family, Social Protection and of the Elderly to describe some of the situations of difficulty among Romanian children, namely, the absolution, neglecting, abandonment and the situation of those children whose parents went to work in another country.

Key words: children's rights, abandonment, abuse, neglect

Introduction: Child rights assurance - a utopia?

For a plenary and harmonious development of its personality, the child must grow up in a family environment, in an atmosphere of happiness, love and understanding. A child must be fully prepared to live independently in society and to be educated in the spirit of the ideals proclaimed in the Charter of

the United Nations and in particular in spiritual peace, dignity, freedom, tolerance, equality and solidarity (www.UNICEF.ro). Of course these imperatives refer to all children in the world - from the right to be born in a family and raised there and continuing with the right to be protected from any form of abuse or exploitation, the child has “hopeful partners” on the behalf of its parents, the first responsible people and the ones who have attributions in its growth. The misfortune of being born in a country being in war, such as Afghanistan, Iraq or Syria painfully compromise any prospect of “plenary” assurance and development of the children of these countries - in fact, the Institute for Peace and Economy in the Global Peace Index report that only 10 countries in the world are not in a conflict situation. Without being part of this category of countries where the level of security of the citizens is low, our country is disconcerting a lot of other economic and political events with a strong social impact that seriously threaten to fulfill this desideratum - to provide children with regulated rights by law. On a related topic in 2014, Pontiff the Pope Francis expressed his fear that the fight for human rights would not be Europe's last utopia and he asked himself: *What happened to you, Europe of humanism, champion of the rights of man, democracy and freedom?* Somehow the same speech is given by the former President of France, who, at the 60th anniversary of the Universal Declaration of Human Rights, reflects on the danger that respect for these rights will not remain on the realm of utopia.

Children's rights have been proclaimed over time in various international documents, such as the United Nations Universal Declaration of Human Rights, the Geneva Declaration of 1924, and royal rights per country. In 1990, Romania assumes the Convention on the Rights of the Child by adopting Law no. 18/1990. Currently, the law promoting the observance of children's rights in Romania is Law 272/2004.

According to the provisions of this law and the Constitution of Romania and other regulations of the Conventions of the Rights of the Child, every child in Romania has the right to live in his own natural family, to enjoy the protection of his parents in order to develop harmoniously in all ways, psychologically, physically and affectively.

The abandoned child

Following the monitoring of the abandonment situation in 10 European countries (Bulgaria, the Czech Republic, Denmark, France, Hungary, Lithuania, Poland, Romania, Slovakia and the United Kingdom), Browne, Ackson, Anaut found that child abandonment is a neglected problem in Europe, and that the scale of this requires the implementation of effective programs to prevent this phenomenon. At present there is a rather detailed statistic in our country regarding the abandonment of children in the sanitary units, but without

describing another context of abandonment. The statistics accompanying the situation of the abandoned child in our country are as bleak as possible: of the 3,734,667 children under 18, a number of 57,279 are in the special protection system, meaning that they are separated from their parents by a protective measure such as placement or specialized supervision. In the literature, there is a lot of discussion on open abandonment (understood as a situation in which the parent consciously renounces on his child and therefore on his parental responsibility, without intending to recover his child and without hiding his identity) and secret abandonment (which can be defined as the child's secret departure, so the parent is not known).

Understood as an aggression by resignation (Păunescu, 1994, 95) or *as an extreme form of child maltreatment*, abandonment is not an isolated phenomenon; all countries in the world know this phenomenon, but Romania has led this ranking of child abandonment in Europe in 2008 (UNICEF Report, 2008) and is still at the top of the ranking.

The phenomenon of abandonment has gained new dimensions by inventing the well-known baby-boxes in several European countries; there were discussions at that time about legal / civilized abandonment since the desperate mother had the possibility to leave the baby in a “box” to ensure his warmth and protection until he was taken over.

This variation has generated a number of controversies; it can mean a "decent" solution for the abandoned child but it can also be perceived as a way of encouraging abandonment. This social project was aimed to save the child from death by the fact that the boxes / cases provided the necessary conditions until the child's doctors took over urgently. In the absence of such "solutions", in our country children are left at containers, in toilets, anywhere on the street. During the year 2016, a number of 1,000 children were abandoned in Romania; of these, 714 were left in maternity wards, 268 in pediatric wards and 18 in other hospital wards (according to MMFSPV, 2016). Only in the first quarter of this year, 245 children were left in hospitals.

Here is the dynamics of the abandonment of children in our country in the last 4 years:

**Tabel no.1. The situation of child abandonment
in Romania in 2013-2017 years**

The situation of child abandonment in Romania in 2013-2017 years				
Year	Total number of abandoned children	Left in maternity	Left in paediatric wards	Left in other hospital wards
2013	1449	915	450	84
2014	1213	738	441	34

2015	977	624	326	27
2016	1000	714	268	18
2017 (first trimester)	245	164	71	10

Source: MMFPSPV statistics <http://www.copii.ro/statistici-2017/>

There is an improvement in the situation, which we can justify through the effectiveness of abandonment prevention policies in SPAS, maternity or day care centers, etc. A summary of the situation regarding prevention activities provided by the same source shows that in 2016, 56,550 people / children benefited from preventive services, broken down as follows:

- In day centers 5344;
- Counseling Centers and Support for Parents, Family Planning, Monitoring of Pregnant Women etc – 34.446 people.

Parents leaving abroad

Statistics in recent years and various studies (Vilcu, 2015, 17) claim that parental migration has devastating effects on children. We talk about serious psychological effects such as anxiety, depression, pain, sometimes even suicidal. Lack of parents facilitates neglecting and abuse, frequently indicating deviant and delinquent behavior, school abandonment. On the other hand, repeated abuse affects the child's personality in a way that brings with it various dysfunctions, disorders, isolation, etc. According to a UN report, Romania is ranked second in the world in 2016 in the top countries with the largest migration in Europe - 3.4 million Romanians live in another country. A logic stemming from these figures would say that children from Romania are second in the world in terms of deprivation and suffering - that we are leading ourselves to abandon our children. Nowhere in the world, however, these regulations do not in themselves guarantee the fulfillment of the rights to which they refer.

The Ministry of Labor, Family, Social Protection and of the Elderly report annually situations of difficulty for children in Romania, situations such as child abuse, neglecting or exploitation, abandonment or disability. Another situation that places the child in a vulnerability area is the departure of parents, a phenomenon that is particularly large. The impressive number of cases of children remaining in the country with parents working abroad required the establishment of procedures for the delegation of parental authority, but not only, these cases are monitored, given the consequences of deprivation of love and parenthood.

The MMFPSPV(<http://www.copii.ro/statistica-2016/>) has made known the situation of these children through the National Authority for the

Protection of Human Rights and Adoption. At the end of 2016, 95,308 children in Romania were with their parents, one (49.038) or both (14.030) working in another country. 17.553 children whose parents have left remained at home with their relatives up to the fourth degree, without the need of a protective measure, which is the “happiest” option for them. For 1014 children, leaving parents abroad meant setting up a protection measure, or putting them in a foster care (133 cases), in a placement center (222 cases), relatives of grade IV (580 cases) and 79 of them were placed to other people.

The situation of the children who stayed with one of the parents looks like this: out of the 62978, 59026 remained in the family without protection, but they are in the care of the relatives up to the fourth degree; although they have a parent at home, 1462 children are in special protection:

- At the maternal assistant: 210;
- In placement center: 322;
- To relatives up to grade IV: 848;
- Other families / persons: 82

Situations of abuse, neglect, operation of the child

Abuse, or the “unseen face” of the family (Giddens, 2001, 175) is essentially the most serious form of child rights violation, perceived as a public health issue, according to WHO (WHO World Health Organization). The issue of violence is so complex and it can have so many shapes that it should be understood as a response to a lot of “deficiencies” both in terms of personal development, the family in which it is born, and as a product of the social environment. WHO defines violence as intentional use of physical force or power or the threat of applying it to self or to another person or group that is highly likely to lead to injury, death, psychological harm, underdevelopment or deprivation; Law 217/2003 on the prevention and combating of domestic violence is more “definite”, more explicit in its definition: “physical violence - bodily injury or health by striking, stinging, slashing, firing, punching, cutting, burning, strangulation, biting, in any form and intensity, including the masked ones, being a result of accidents, poisoning, intoxication, and other similar actions”.

Between January the 1st 2016 and December the 31st 2016, there were 14,323 cases of abuse (physical, emotional, sexual, neglecting, exploitation through work, exploitation through misdemeanor), of which 11349 children remained in the family and 2734 were established a measure of protection, being separated from the family. Of these, 216 children were placed in emergency regime, indicating extremely serious situations of abuse. These cases occurred mostly within the family (13303), 24 in the professional nursing assistance, 56 in the residential services, 81 in the educational establishments,

and 819 cases in other locations. The distribution by age group of abuses indicates a low level of parenting abilities; over 1040 children up to one year, 1464 children aged 1 to 2; the 3 to 6 year age group appears to be very affected, 3069 cases being overtaken by the age group of 10-13 years among which 3228 cases were recorded.

- For the first semester of 2017 (from January the 1st to March the 31st, 2017), the figures are even worse: 3954 cases of abuse among which 713 were separated from the family.

Conclusions

As stated by the director of the German Institute for Human Rights, the fact that there are regulations and treaties on the rights of children does not guarantee their compliance but, at least, it can politically address their observance, which has led to an improvement in this direction. Indeed, from year to year there is a drop in the rate of abandonment, but not sufficiently serious that we can say that abandonment in Romania is not a serious problem. The child in Romania experiences aggression, is deprived of the presence and love of the parents, lives as much as possible the reality of abandonment; and this statement is confirmed by the numbers I have presented above.

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