



NATIONAL STRATEGY TO ELIMINATE CORPORAL PUNISHMENT: ROMANIA



NOPUNISH has been funded by the European Commission under the Justice Programme. Agreement JUST/2015/RDAP/AG/CORP/9183



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This report has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme (2014-2020) of the European Union. The contents of this report are the sole responsibility of University of Valencia and the whole NOPUNISH project consortium and can in no way be taken to reflect the views of the European Commission.

1. INTRODUCTION

The project NOPUNISH relies on the fulfilment of the UN Convention on the Rights of the Child adopted in 1989, which recognises children as objects of law, therefore, promoting their defence, integrity and rights. In this regard, the objective of this report is to provide a national strategy in order to eliminate corporal punishment against children. Any corporal punishment violates children's right to respect for their human dignity and physical integrity, and their rights to health, development, education and freedom from torture and other cruel, inhuman or degrading treatment or punishment. Its legality in the majority of states – unlike other forms of interpersonal violence – violates their right to equal protection under the law¹. This transnational study done by NOPUNISH project has allowed the consortium to understand the risk and protective factors identified within this psychosocial phenomena, going beyond cultural aspects, and learning from measures proven to be efficient for prevention and against corporal punishment as an educational strategy.

In order to achieve these objectives, steps have been as follows:

1. Tool development:

- The objective of this project is to develop a transnational tool to assess the effectiveness of the different child protection systems when detecting and acting upon cases of corporal child punishment, seen as a form of child abuse. Furthermore, strengths and weaknesses of the system in different fields of action (educational, legal, social and health) shall be detected.
- Provide effective strategies and best practices for eradicating corporal violence against children.

For this purpose, the strategy thoroughly proposes eleven objectives to eliminate corporal punishment in each country participating in this Consortium: The Netherlands, Romania, Estonia and Spain, in order to find out:

- A conceptual framework
- Situation of the physical abuse in each country.
- Presentation of the objectives to eliminate the corporal punishment against children

We hope that this document will give structured and synthesized guidelines, allowing public authorities to develop effective strategies to combat child abuse.

¹ 1 Global Initiatives to End All Corporal Punishment of Children (2018). Global report 2018 Progress towards ending corporal punishment of children. e Global Initiative to End All Corporal Punishment of Children: United Kingdom

2. CONCEPTUAL FRAMEWORK

Child maltreatment – is a profound stressor, threatening children’s safety and security. Maltreated children are subjected to extreme physical punishment or neglect of the child’s emotional and/or physical needs².

Corporal Punishment – is the most common form of violence against children worldwide. It includes any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light, as well as non-physical forms of punishment that are cruel and degrading.

Best interest of the child – according to which all actions concerning children taken by public or private institutions of social welfare, courts of law, administrative authorities or legislative bodies, will act to the interests of the child. This involves a commitment to ensure for the child the care and protection for their well-being, taking into account the rights and duties of their parents, guardians or other persons responsible for him before the law and, to that end, implement all adequate legislative and administrative measures³.

3. ANALYSIS OF THE CURRENT SITUATION

Violence against children affects millions of children around the world. In Romania year 2015, over 13546 cases of violence against children came to the attention of the General Directorates for Social Assistance and Child Protection in Romania and the number of cases has grown constantly over the last 5 years. According to statistics published by ANPDCA, over 90% of cases of abuse, neglect, child exploitation occurring in the family, and almost a quarter of children victims of some form of violence get special protection system. The main form of violence against children which resulted in increasing the total number of cases is neglecting. In each of the past five years, cases of neglect have represented over three quarters of all cases of General Directorate of Social Assistance and Child Protection Dolj rack.

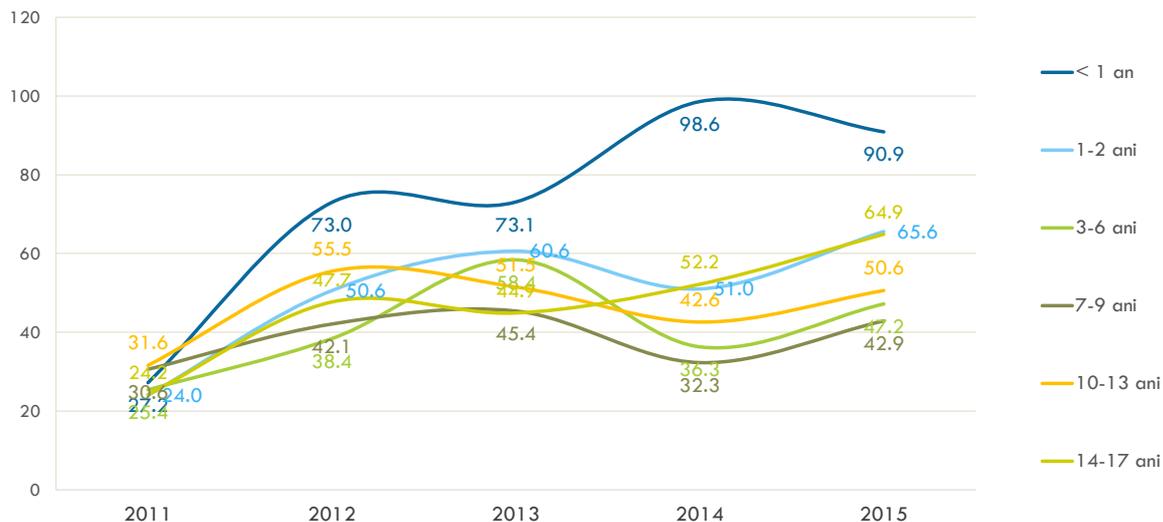
Cases of emotional abuse they experienced and a significant increase from 26 in 2011 to 91 in 2015, while the number of children physically abused fluctuated between 30-40 cases per year, and the sexual abuse ranged from 18 in 2011 and 43 in 2013, with an average of about 30 cases per year. Exploited children cases were extremely rare (2 in 2011 and 3 in 2012). Depending on the residence of the victims, the data first 5 months of 2016 indicates that 42% of cases of abuse / neglect / exploitation occurred in urban areas. If we consider that the total population of children 0-17 years of the country about 52% live in urban and 48% in rural areas, we find that the incidence of violence against children is still significantly higher in rural areas compared to urban, as shown in the analysis devoted to the evolution of victimization rate in 2011-2015.

² Hibel, L. C., Mercado, E., & Valentino, K. (2019). Child Maltreatment and Mother-Child transmission of Stress Physiology. *Child Maltreatment*. 1- 13

³ Spanish Ministry of Health, Social Services and Equity (2014). National Strategic Plan for Childhood and Adolescence 2013-2016. Centro de Publicaciones Paseo del Prado: Madrid

Cases of physical and emotional abuse provide in largely urban, while cases of neglected children recorded a significantly higher in rural areas.

The effect of physical punishment, that continues to be a form of abuse in children, will depend on different aspects such as: the intensity and frequency, the age of them child, and on all the characteristics of the child that make it more vulnerable. This way of violence against children and girls, in its different manifestations, have numerous negative effects for its full development in the physical, cognitive, emotional and social plane.



Concerning the incidences of abuse, there is an increase of cases between years 2014-2015, special negligence (513cases) and physical abuse (5%).

The most important factors leading to violence resulted in physical punishment are: poverty, low education, alcohol, drugs, mental illness. The phenomenon is more common in areas with high poverty, especially urban areas, where lack of employment and low levels of education encourages alcohol consumption and thus domestic violence on women and children.

There are also areas where traditional mentality that "beating is coming from heaven" still persists and is increasingly used as a means of correction and education.

To prevent such phenomena, authorities in the field have tried and tried to run campaigns to promote good ethical issues in education, without violence and fight physical performed both in schools and at institutions authorized to defend and promote the rights of children to a living without violence.

One of these campaigns of national interest was conducted by the National Authority for Child Protection and was suggestively called 'Intervention in situations of domestic violence "campaign which was conducted in partnership with the General Direction of Social Assistance and Child Protection every county and county school inspectorates, as representatives of the Ministry of Education.

Also, similar campaigns were run by NGOs at local and national level, the aim of these campaigns is that of information, promotion of best practice, change of mindset among families, whether traditional or modern.

We follow with preference by these campaigns raising awareness of social actors (specialists in social work, education or legal system and law enforcement) about the size and implications of domestic violence, but also training them to intervene effectively in cases of domestic violence on children.

Campaigns to prevent violence against children has focused on prevention and rehabilitation of violent behavior. This line of action aimed at reducing the incidence of aggressive behaviors (prevention) and focuses mainly on activities to educate children and young adolescents and behavioral change those inclined towards domestic violence. Prevention work targeted the development of support services for victims of violence. Most national plans focuses on developing support programs for victims of domestic violence, including here in particular and support services for child victims of domestic violence or witnesses to domestic violence.

In Romania responsible for the protection and promotion of children's rights is central, the National Authority for Child Protection subordinated to the Ministry of Labor, Family, and Social Protection, ANPDC, who elaborates national strategy on protection and promotion of children's rights and related operational plans, centralizes synthesizes information on the principles and norms established by the Convention on the Rights of the Child, ratified by Law no. 18/1990 republished and prepares reports provided for in art. 44 pt. 1 of the same Convention. Also, ANPDC methodological coordinates and directs the work of the General Directorates for Social Assistance and Child Protection and Public Services of Social Work and the activity of Child Protection Commission, the most important institution in the field of children right in Romania.

Corporal punishment can have serious consequences on the child's further development, consequences that can be removed through education.

- It limits the child's behavior and his / her spirit of free initiative, affects the ability to solve problems
- It develops fear, anxiety and depression, blocks creativity and ability to communicate and interpersonal relationships
- Affects the adaptability and personal autonomy of the child, limits the area of interest and affect the intelligence of the children
- Children take wrong models from the family to solve problems, using violence
- Assimilates the wrong rules that they then apply to other children
- They no longer assimilate moral values, such as democratic principles, peace of religious freedom, equality, tolerance, compassion
- They turn into violent adults, because if you give violence, you will receive violence
- The corporal punishment will affect the entire emotional development, the abused child will turn into an adult with emotional and adaptive problems

As protective measures with positive factors we can enumerate:

- Increasing the quality of life, overcoming the concept “beating is broken out of heaven”
- Increase confidence in personal value, good self-esteem
- Personal development through education, development of techniques to increase internal control
- Increasing access to health care services to develop a harmonious state of health
- Positive thinking, developing healthy relationships of communication and interpersonal relationship with parents from the youngest ages
- Good social support network in school, family and social area

4. OBJECTIVES

Objective 1. Awareness and training efforts

The law punishing corporal punishment must be made known in society, an important role here also has the media that can promote examples of good practice and can make known social and cultural aspects related to the notion of punishment. Media can help promote education without violence both in schools and across society. A policy of educating the population should be promoted at all levels with the purpose to prevention child maltreatment. The parents should learn to educate children by good practices without use violence.

Adults should be taught to change how they relate to children by educational programs with the support of specialist from education. There must be a permanent communication between family and school, a sustained effort from the whole society.

Objective 2. Legal framework condition

A legal framework that clearly defines physical punishment. The notion of physical punishment introduced by law has the same meaning in the countries of the European Union, which would facilitate the interventions. Physical punishment must be clearly defined in law as the form of abuse, differentiated from other forms of violence. Accepting an international and common definition of "corporal punishment" against children and enforcing laws against it in order to respect the best interests of the child.

Objective 3. Resources available on positive parenting , appropriate child intervention services

It is important to provide a solid methodological approach for transferring good practices in the fields of intervention in cases of abuse.

It is important to give the prevention activity and all states to develop appropriate services to prevent the risk of abuse.

The institutions directly working with parents and children have to promote good practices in order to combat and eliminate corporal punishment against children through development of action protocols between all the stakeholders.

The public institution must plan services by using validate services; the exchange of good practices between specialists is important.

To facilitate the assessment of the success possibilities of implementation of new policies contributing to more cost-effective management of social expenditure on children protection.

Decision makers need to be more involved in child prevention and protection policies against physical punishment. At each EU Member State level there should be an expert and executive body for child policy surveillance to help unify autonomous policies and to monitor and assess the effectiveness of public policies in childhood.

Objective 4. Public policies for developing the protection system based on studies and research

Intervention policies should be based on recognized studies of the child's evolution from early childhood to the young adult stage.

These studies are useful in eliminating an education based on child maltreatment, would create new premises in cultivating good practice in education for both parents and educators. Interventions should be based on research and statistical data to be effective and reduce the use of corporal punishment in childhood in the long term.

Objective 5. Creating work tools that can be easily transferred to any EU country

Exchanges of good practice need to be permanently encouraged, the interventions used should be similar, and this would definitively eliminate the differences between the EU states in terms of child protection against child maltreatment.



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