



Acquiring knowledge and
raising the quality of services
targeted to minors victims of violence

WP 2 CONTEXT ANALYSIS

- PARADA FOUNDATION -
- ROMANIA -

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Introductory note

Legislation and institutions for child protection set up after 1990 provided the framework to define children specific needs and support actions to protect them against ill behaviours and crimes.

Despite the fact that general statistics are available at the level of public agencies, they are difficult to access and some of them are not available as data series related to the requirements in the project (e.g. families with minors).

Methodology

In order to define terms as: protection, violence and ill treatment of minors, it was performed literature analysis, mainly searching for the legal acts which provide the most accurate and used definitions on the mentioned terms. However, this search did not exclude documents, reports done by specialists in the field of child protection, where use of child protection terms were checked against legislation which applies in this field. The conclusion was there is an informal agreement of the experts on mostly using the terms defined in the specific legislation rather than defining these terms in the context of their work.

In what concerns statistics regarding population, families with minors and violence/ill-treatment against children, there was performed documenting on the main statistical data available on the National Institute of Statistics and EUROSTAT web pages, other websites using the Google website. Complementarily, there were discussions with experts in the field of child protection, probation and judicial system. Discussions focused on finding out more information about the existence and relevance of statistics related to population, families and violence. Moreover, there were submitted formal requests to the National Authority on Child Protection, Superior Council of Magistrates, and General Inspectorate of Police at the Ministry of Administration and Internal Affairs and National Institutes of Statistics.

Definition of the following terms: protection, violence, ill-treatment / abuse, omission / negligence, witnessed violence

Terms such as protection, violence, abuse, neglect, witnessed violence, ill treatment of children are defined or used in the main legal framework on child protection which is represented by the Law no. 272/2004 on the protection and promotion of child rights and secondary legislation related to it. The Law no. 272/2004 - *Child protection against exploitation* observe not only the provisions of the UN Convention on child rights, the Optional Protocol to the Convention of the Rights of the Child, the provisions of ILO Convention no. 182/1999, as well as other international documents ratified by Romania.

Secondary legislation promotes and details the main legal framework, emphasizes on measures to protect children and responsibilities of institutions in applying the

regulations regarding child protection.

Despite its comprehensive approach on child protection, the Law no. 272/2004 does not explicitly define certain terms such as violence, ill treatment, but provides complementarily legal actions on protection of children against the effects of the abuse and ill treatment. Definition of ill-treatment is provided in the Penal Code, which is more comprehensive in terms of behaviours that affect the rights of persons and threat people's life.

Child protection is defined in the general context of the **the Law** no. 272/2004 which „*regulates the legal frame concerning the observance, the promotion and the guarantee of child rights*” (art. 1). Children have the right to protection and assistance in fully taking advantage of their rights (art. 5).

Special protection of a child represents a comprehensive plan of measures, services and actions to ensure care and development of a child who, temporarily or permanent, lacks the protection and nurturing of its parents or , when the case, the best interest of the child requires not to be under the supervision of its parents.

In the section 3 of **the Law** no. 272/2004 concerning child protection against abuse and neglect, **term of abuse against children** is defined as „ any voluntary action of a person who is in a relation of responsibility, trust or authority over the child, through which the child's life and his/her physical, mental, spiritual, moral and social development as well as the physical integrity and physical or mental health are endangered” (art. 89, paragraph no. 1).

The **neglect of a child** is defined as the omission, voluntarily or involuntarily, of the person that has the responsibility of raising, caring and educating a child to accomplish his/her obligations (taking any responsible action) towards the child, resulting in endangering the life, physical, mental, spiritual, moral or social development, as well as the physical integrity and physical or mental health of the child (art. 89, paragraph no. 2).

Violence against children is defined in the frame of the UN Convention of Children Rights as „any type of violence, damage or physical or mental abuse, abandonment, neglect, maltreatment or exploitation, including sexual abuse” (art. 19). The Convention concerning Children Rights was ratified by Romania in 1990 through adopting the Law no. 18, subsequently followed by the progressive adoption of the new international and European Conventions concerning children rights.

The **Law** no. 272/2004 provides regulations concerning protection of a child against **any forms of violence, abuse, ill treatment or neglect**. The ill treatment is

defined in the context of applying the regulations to protect the child. A more specific definition of „**ill treatments against the minor**“ are provided by the art. 306 of the Penal Code such as: “the cases where the child’s physical, moral and psychological development are seriously endangered by his/her parents or by a person under whose care and education he/she was placed through any types of measures or treatments”.

Additionally, it is important to reflect on terms as child and minor, since further information is related to number of minor in the general population, the exposure of minors to violence and ill-treatment, and social-financial situation of the families with minors. In Romania, definition of “minor” dates back in 1954, when it was adopted the Decree no. 31 of January 30 regarding physical and juridical persons published in the Official Journal no. Nr. 8 DIN 30/01/54 . According to this legal document, „A person becomes an adult when reaches its 18”, in contrast with the use of the term of minor throughout the content, as the opposite of an adult.

There is not a clear definition about minors in the actual legislation, but term of minors is of common use instead of term of child. Child is defined as “a human being below the age of 18, who has not acquired full capacity of using the civil rights” as results from the Law n°. 272/2004

According to the Romanian dictionary, term of minor refers to the person who does not have the age of taking full advantage of the civil rights. Child is defined in a more ambiguous way, referring to a person in her/his early ages of life or to an adolescent/youngster. Therefore, minor refers more to the legal aspects related to a physical persons under age of 18 and is more comprehensive.

POPULATION

- *National and regional population for the years 2009/2015*

Data from the EUROSTAT (*EUROPOP2008 convergence scenario*) reveals that population of Romania, similar to population in Europe, will decrease from 2008 to 2020. In Romania, population projection shows a decrease from 21 423 4 00 in 2008 to 20 833 800 inhabitants in 2020.

- *National and regional data on minors for the years 2009/2015*

The estimated population in Romania (aged 0-17) was 4 340 000 in 2006 and represents almost 20% of the total country population, as results from the research on “Fighting poverty among children and promoting social inclusion of children” (Radu, M. and Smith, I., 2007).

FAMILIES WITH MINORS

In 2006, 10 % out of the total number of children in Romania lived in families/

households where nobody worked (Eurostat cited in Radu, M. and Smith, I., "Fighting poverty among children and promoting social inclusion of children", 2007).

Children that live in households where the reference person is:	% out of the total number of children	Poverty rate	% out of the total number of poor children	Extreme poverty rate	% out of the number of children living in extreme poverty
An employee	46.4	9.4	17.9	1.6	9.1
Owner of a business	1.19	0	0	0	0
Self-employee worker (excluding farming)	7.47	32.7	10	12.8	11.7
Self-employee worker (farming)	15.5	46.9	29.8	17.2	32.3
Unemployed	8.81	48.6	17.5	21.5	23.1
Retired	18.7	27.6	21.1	8.6	19.6
Student	0.07	31.1	0.09	28.9	0.3
Housewife	1.25	43.7	2.24	19.2	2.9
Other	0.61	54.5	1.37	15.3	1.1

Data source: Zamfir, Catalin, "Poverty and risks for child development", Romanian Academy, Research Institute for the Quality of Life, Bucharest, 2005.

The analysis of poverty rate among children in relation to occupation of the reference person in the family indicates that families living in rural areas where the reference person does not have a well defined occupational status (farmers or workers doing farming) are more exposed to the risk of extreme poverty.

According to the last census, performed in 2002, families with one parent represented 856 600 (in number) out of the total of 6 369 500 (13,5% out of 100%). Most of the single parent families are headed by women, and represents 84,9% from the total number of this type of families. From the total of single parent families, 53.3% are headed by adults who are not active on the labor market: they are either unemployed or doing farming (which do not provides them with the status of employed and a regular income), housekeeping, retired or have other status. This situation is reflected in the financial situation, where almost a quarter (23,8%) of the single parent families have difficulties paying monthly debts. In 2007, 19% of the single parent families lived on income support¹. In the total of single parent family revenues, salary represents one of the most important income (accounting for 55,8%), while other sources include: income support, revenues from farming, other incomes –including from the second parent).

¹ National Center for Specialisation in Statistics, "Single parent families, financial insecurity and governmental policy", 2009

At the same time, an increasing number of children in the families represents a condition for a lower financial status; comparing the medium income/ person in single parent families, in percentages: the income in families with one children accounts for 129.1% (100% represents the medium income/person at the national level), in families with two children reaches 86,5%, in families with three children accounts for 57,9%, while in families with four and more children reaches 38%.

An increasing number of single parent families live in rural areas, where opportunities for employment are limited, therefore single parent family income is reduced compared to those of families living in urban areas.

According to statistics from the National Census (2002) single parent families accounted for 11.72% out of the total number of families in the country.

CRIMES FOR ILL-TREATMENT AND VIOLENCE

The National Authority for Protection of Child Rights has elaborated a data **collecting instrument** concerning cases of abuse, exploitation and child neglect. Based on the related methodology, data is collected from the General Directorates for Social Assistance and Child Protection (DGASPC) available in each district (41) and Bucharest. Thus, it resulted that in the year 2007, there were 9737 reported cases of abuse and other ill behaviors against children:

Cases of:	Total cases	Urban	Rural	Number of children who remained with their family	Number of children taken in care by the social services under the child protection legislation	Number of active cases	Number of closed cases
a) Physical abuse	1424	666	758	1035	175	569	779
b) Emotional abuse	1379	799	580	1140	84	519	763
c) Sexual abuse	335	122	213	250	55	149	181
d) Neglect	5976	2387	3589	3927	1188	2016	3511
e) Exploitation through labor	490	249	241	394	43	239	229
f) Sexual exploitation	66	31	35	54	13	20	46
g) Exploitation to commit crimes	67	47	20	54	9	37	30
Total	9737	4301	5436	6854	1567	3549	5539

- Each case of abuse/exploitation was considered according to the most prevalent type of it.

Out of these, 8888 cases of abuse took place in the family, 55 in residential services, 68 in educational units, and the rest in other locations.

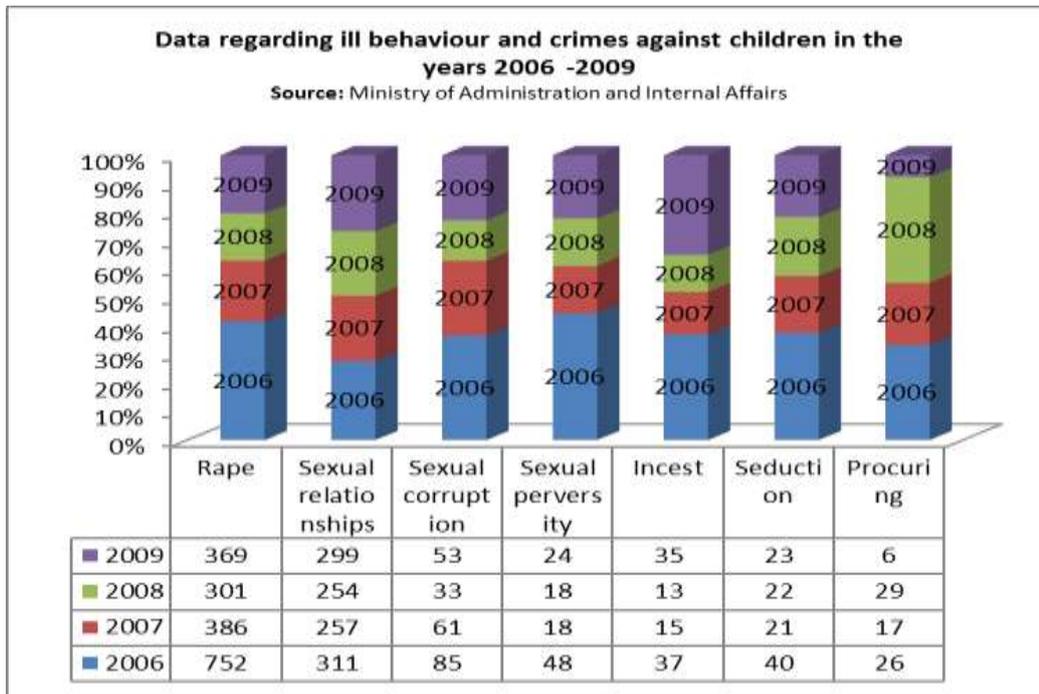
In 2009, a number of 11686 cases of abuse/ neglect of children at the national

level were reported to the National Authority for Protection of Child Rights, out of which, 369 were proved and there was initiated the legal action against the aggressors.

Cases of:	Total cases	No. of cases where the aggressor is under judgement
a) Physical abuse	1326	102
b) Emotional abuse	1151	18
c) Sexual abuse	572	206
d) Neglect	8101	29
e) Exploitation through labor	412	1
f) Sexual exploitation	35	13
g) Exploitation to commit crimes	89	0
Total	11686	369

Data from the records available at the Ministry of Administration and Internal Affairs showed that in 2005, 11400 accusations under the Penal Code out of the total number of 59105 (19.%) were formulated for the ill behavior and crimes against children. A number of 2188 of these accusations were formulated for violence against children.

Concerning type of ill behavior and crimes against children (minors), most of them were related to rape and sexual relationships with minors (girls). Other acts against children are related to sexual corruption and perversity, incest, seduction and procuring. Comparing data from 2006 to those in the next three years, there is a decreasing in number ill behavior and crimes against children which might also be explained by change and enforcement of the child protection legislation in 2007.



One particular aspect of the violence against children, that requires special attention, is the ill treatment in the family – domestic violence. This type of violence against children can vary from abandon, rape, bad treatment to murder; in general, there is more than one behavior against children that occur at once (for example beaten and abandonment of the child). Data from the Superior Council of the Magistrates provides information on the cases that are judged in court for the domestic violence involving children. According to the data for 2003 to 2005, most of the minors who suffer from domestic violence are abandoned or ill-treated.

Minors, victims of the domestic violence - No. of cases -	2003	2004	2005
Abandoned	3544	3067	2711
Ill treated	26	24	42
Raped	22	16	29
Murdered	30	16	18
Others (sexual relationships, incest, a.s.o.)	40	18	30

Source: Superior Council of the Magistrates, 2010

In conclusion, terms related to ill behaviors and crimes against children are better defined considering their use in the legislation regarding child protection and Penal Code.

Domestic violence affecting children remains one of the biggest problems in terms of ill behaviors and crimes against children.

Children living in rural areas are more affected by poverty, as well as children where the reference person in the family is doing farming or is unemployed.

Population in Romania will decrease in the following years due to a decrease in medium number of children in the families.