

## CHILD AND WOMAN PROTECTION IN ROMANIA AS A MEMBER OF THE E.U.

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### Abstract:

The protection of child and woman rights in Romania has become an increase concern for the authorities, giving the membership capacity that our country has in the E.U. The social aspects of the citizen's life must be regulated by a set of legal provisions that covers all the situations in which the less favored persons are vulnerable.

Keywords: Child abuse, protection services, placement system, legal principles, promotion of the rights.

### Introduction:

In Romania, the protection of the child is in the present times a constant preoccupation for the state authorities sin our society confronts itself every day with problems such as: domestic violence, child abuse, lacks regarding freedom of thought or freedom of religion for children and even women or lack of financing in studying or cultural activities.

In the past five years, the Romanian authorities have started to show their concern regarding those social problems, as the number of domestic violence and abuse cases have increased.

The Romanian legislation in this area has evolved in time, reaching a European level through the provisions of the Law no.272/2004 on the protection and promotion of the rights of the child.

### 1. A short statistic view regarding child and women abuse.

Every year in Romania, over 3 000 cases of child abuse are reported to the authorities. The age of maximum risk is between 10 and 14 years. In 2007, The Romanian Institute for Research and Prevention of Criminality reported 197 cases of child abuse in the first two trimesters regarding physical punishments and 36 cases of serious injuries. In 5 cases, the ill treatment related to the death of the victim.

In reality, it is estimated that aprox. 1 million children are battered of otherwise abused in Romania on a daily basis. Moore that 80% of the children in Romania have received physical punishments. Worldwide, the number is 40 times greater.

One out of every ten schoolchildren faces violence in school. Some of those victims are so traumatized by the school violence that decide to commit suicide.

At least 15% of women across Europe have experienced physical acts of violence at least once during their adult lives. More that 10% of European women have suffered sexual violence involving the use of force.

Regarding human trafficking, the estimated number of trafficking victims in the E.U. is over 100 000 per year and 80% of human trafficking victims are young women and girls.

## 2. Aspects regarding the Romanian legislation regarding child protection.

The main legal tool in the area of child abuse in Romania is Law no. 272/2004 regarding the child protection and promotion of the child. This law has the merit of protecting not only Romanian children, but also children without citizenship located on the territory of Romania, refugee children and children with foreign citizenship that are located on the Romanian territory and are in emergency situations.

The Law no. 272/2004 stated principles as:

- Observing and primarily promoting the best interests of the child.
- Equal opportunities and non – discrimination.
- Protecting the dignity of the child.
- Providing stability and continuity in caring, raising and educating the child, taking into account the child's ethnic, religious, cultural and linguistic background.

Another important aspect regarding this law is that through it, the Romanian state has created the National Authority for the Protection of the Rights of the Child. The mission of this institution is to put into force all the legal texts contained by the Law no. 272/2004.

The law in discussion provides all the legal procedures in practical, social situations such as the abandoning of a newly born in the hospital by the mother. According to the law, in this case, the hospital (or healthcare institution) must report the situation to the General Department of Social Security and to the Police within 24 hours after the acknowledging disappearance of the mother.

The next step is a Report made by the hospital, Child Protection Department and Police within 5 days after the initial notification.

If the child health permits it, he or she will be put into emergency placement until the mother is identified. For the identification of the mother, the Police has to conduct an emergency investigation within 30 days from the Report date. The identification of the mother is important in declaring the child and release his or hers birth certificate.

Last, but not least, Law no. 272/2004 contains a Chapter regarding Liabilities and Sanctions (Chapter XI). There are stated punishments for actions such as forcing a child to work or using a child in requesting charity from the public. The punishments are greater if those illegalities are committed by the parents or legal guardians of the child.

## 3. The National Authority for the Protection of Child's Rights - Types of services.

The Law 272/2004 establishes both the types of services for prevention of the child separation from parents and the services for special protection of the child temporarily or definitively separated from parents. The following types of services have been implemented and have become operational: day care services, family-type services and residential care. At present, there are 1718 public services for child's protection operating in Romania, of which 1140 are services of the residential-care type.

### DAY CARE

This type of services insures maintenance, recovery and development of the child's capacity, as well as of his parents, to overcome any situations which might lead to separation of the child from his/her family. This type of services includes: day-care centers, counseling and assistance to parents, assistance and support centers for reintegration of children with mental and social problems and monitoring, assistance and support for pregnant women at risk of abandoning their children.

The beneficiaries of such services and the obligations assumed by administrators of the respective service are: children and parents benefiting of services aiming to prevent separation; children who have benefited of a certain type of special protection and have been reintegrated in their families; children who benefit of a certain measure for special protection; parents of children who benefit of a certain measure for special protection; children unaccompanied by parents or legal representatives asking for a certain type of protection under the legal provisions concerning the statute and regime of refugees.

### FAMILY-TYPE SERVICES

This type of services insure bringing up and caring for the child who is temporarily or definitively separated from parents; such services are provided at the home of a natural person or a family (extended family, foster parents, and other family/person). The beneficiaries are (e.g.) children for which legal tutelage is going to be instituted, in conformity with the law; children who have been given away for adoption, in conformity with the law; children who are temporarily or definitively separated from their parents, as a result of application of the placement solution, in conformity with the law;

### RESIDENTIAL CARE

The role of residential-type services is to insure protection, raising and caring for the child who is temporarily or definitively separated from his/her parents as a result of application of the placement measure, in conformity with the law. Such services include placement centers (including family-type modules), emergency shelters for children, as well as maternal centers. The beneficiaries are (e.g.): children who are temporarily or definitively separated from parents as a result of institution of the placement measure in such conditions, in conformity with the law; children for whom emergency placement solution was applied, in conformity with the law; Teenagers over the age of 18 who benefit of special protection, in conformity with the law.

#### 4. The Daphne III Programme against Violence.

Daphne III Programme is a part of the General Programme called "Fundamental Rights and Justice" initiated by the European Union. It was adopted on the 20<sup>th</sup> of July 2007 by the European Parliament and published on the 3<sup>rd</sup> of July 2007 in the Official Journal L 173.

The object of the Daphne III programme is preventing the violence against children, young people and women. It regards all forms of violence.

The Daphne III Programme follows the Daphne II Programme, made for 2004 – 2007 and the reason for which the European Commission decided to continue with this project is that the cases of violence are still present in our lives in a great number.

The programme covers the 2007 – 2013 period with a budget of aprox. 116 million euro. It is opened for participation for all the E.U. member states, for local public authorities and institutions and even for candidate states to E.U. membership.

The programme achieves its objectives by means of transnational actions (grant funding).

The aims for the Daphne III are assisting and encouraging NGOs and other organizations to be active in this field, raising actions, studying phenomena related to the violence and its impact, developing support programmes for victims and people at risk and intervention programmes for perpetrators.

Romania has developed a number of 14 projects in this programme regarding young perpetrators, child sexual abuse and violence against women, among others. There are 8 organizations acting in Romania's largest cities and developing activities mostly in child protection area.

#### References:

- <http://www.copii.ro>.
- <http://ec.europa.eu>.
- Law no. 272/2004 published in the Romanian Official Gazette no. 557 on 23.06.2004.