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THE MAIN FORMS OF CHILD ABUSE IN CIVIL SOCIETY

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ABSTRACT

In the current context, the child enjoys a special protection from the main institutions of the state, institutions that actively participate in the elaboration of normative acts regarding child protection. Also, the entire civil society is child-oriented, given that it is vulnerable to various actions or inactions of actors in their lives. The notion of abuse is an abstract one, and the literature and the legislation in our country tried to clarify it.

The statistical reports drawn up by the National Authority for the Protection of Children's Rights and Adoption are worrying because they show that, over time, it has been found that the number of abused and registered child abuses is steadily increasing. Thus, the problem of child abuse is not an isolated event, and institutions with attributions in this area must intervene in time to significantly reduce and even exacerbate these negative effects that can have a strong impact on the child's socialization process.

Keywords: abuse, child, civil society, vulnerable, institutions

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Introduction

As the notion of abuse is quite wide, both the specialty literature and the legislation in force tried a delimitation of it, so art. 94 par. 1 of the Law no. 272/2004 on the protection and promotion of the rights of the child defines the concept as: "(...) any voluntary action of a person who is in a position of responsibility, trust or authority in relation to him, which endangers his life , physical, mental, spiritual, moral or social development, physical integrity, physical or mental health of the child (...).

Also, the same normative act at art. 94 par. 1 classifies abuse as being physically, emotionally, psychologically, sexually and economically one. Thus, the legal framework in Romania highlights the child's position in society and offers legal protection regardless of the environment in which he / she is, namely the family, the community or even the educational institutions.

Among the international documents to which Romania has adhered is the Convention on the Rights of the Child, which contains a set of rules and socio-legal institutions for child care and assistance. The Convention by art. 19 itself requires the signatory States to undertake all legislative and social measures to achieve effective protection of the child against any form of abuse committed by any actor in his / her life.

The Convention on the Rights of the Child has been considered by the doctrine to be a true "Charter of Children's Rights" with a wide applicability, its provisions covering children from all over the world, without any discrimination. Considering that in less economically developed countries the cases of abuse are more and more frequent, this international instrument, namely the Convention on the Rights of the Child, is called to harmonize the internal legislation of the signatory states with the international child protection legislation.

At the same time, the importance of children's rights in various crisis situations (abused, abandoned children, etc.) was promoted and highlighted at

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the international conference on human rights (Vienna, 15-25 June 1993: www.unhchr.org.).

The institutions with attributions in the field of protection and promotion of children's rights located at the central level are the National Authority for the Protection of Children's Rights and Adoption and the People's Advocate Institution, whose aim is to highlight the importance of child protection in society. The National Authority for the Protection of Children's Rights and Adoption has the mission to create a favorable climate for the harmonious development of the child in society in accordance with international requirements and, last but not least, the People's Advocate Institution has the role of improving the social relations of the child with the central and local public authorities.

At the local level, the General Direction of Social Assistance and Child Protection is the main provider of social services in the field of child protection, and one of the most important missions of this institution is to reintegrate the abused child into society.

All these institutions with specific attributions have the role of removing the abused child from a negative environment that has long-term effects on his personality and to introduce him in an environment conducive to his mental development. One can easily observe when the child is subjected to repetitive abuses as a result of psycho-behavioral changes, adaptation disorders, and last but not least, the change in school performance.

"Neglected children have easy-to-read characteristics: they are very good, shy, they avoid facing aggresion of others , never try to assert themselves, they usually play alone, prefer to stay in large groups of children, but they do not make friends. Instead, the rejected children are very active, talking and quarreling, always trying to get closer to others, not cooperating when playing, not sharing the things they possess, often attracting attention by inappropriate behavior" (Schaffer, 2005, p. 118).

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2. Characteristics of the abused child and the forms of abuse

Some authors (Radulescu, 2001, p. 67) consider that when a child lives in a family environment in which violence prevails, he/she has certain characteristics:

1.the child often has aggressive behavior;

2.the child is isolated, passive, emotive;

3.the child has school difficulties: low performance, absent, is unqualified;

4. the roles are reversed: the child touts the adult;

5. night sleep disorders: sleeplessness, nightmares, nocturnal emissions, agitation during sleep;

6. somatic pain: headache, stomach, chicken, allergies;

7. self-destructive behavior, inclination towards accidents;

8. unexplained wounds or incompatible with the accident story;

9. fear of physical contact initiated by parents or other persons;

10. desperate crying or almost complete absence of crying;

11. seems to be pursuing safety by adapting to the situation rather than relying on parents; seems to be in a constant alertness to a potential danger, asking, by words and actions, what will happen next;

12. is constantly in search of food, of things, benefits, services;

13. has persistent evasive and deviant behaviors, especially in adolescents, such as vagabondage, alcohol or drug abuse, prostitution, early marriage, and the existence of a pregnancy.

The forms of abuse in the view of some authors (Belsey, 1996, pp. 71-72) are classified into four categories:

- Physical abuse consists in any action / inaction of physical violence committed with direct or indirect intent on the child unable to defend because of his age, the violence that causes him social inadaptability, but also the consequence of his physical harm. Forms of physical abuse are: hitting,

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injuring,tying up, kneeling, threatening, burning with cigarettes, sleep deprivation;

- Emotional abuse usually occurs alongside physical abuse and has a much more serious effect on the personality of the child, consisting of actions of distancing from the other people in his life, but also in actions of personality degradation;

"Various forms, easily identified in the child, are part of the repertoire of emotional abuse: distrust, hostility, aggressive manifestations, social inhibition, adaptation difficulties, inability to play or express in the game." (Gheorghe & Puscas, 2008, p. 388)

-Sexual abuse means the child's involvement in sexual activities at an early age, which does not give the child the opportunity to give a perfectly valid consent. The most significant forms of sexual abuse are: prostitution, a phenomenon concerning the whole society today and child pornography. The term pornography comes from French ‘pornographie’ and is an allegedly artistic work (writing, drawing, etc.) that features obscene scenes intended to be communicated to the public.

-Child deprivation of care and protection is the situation in which the child is temporarily or permanently deprived of family protection, protection that should give him a favorable climate for his development. Thus, the main forms of neglect are: neglect of child supervision, neglect of school education, neglect of emotional needs and, last but not least, neglect of his / her health.

Another form of abuse that we can analyze and highlight alongside what has been presented so far is psychological abuse, which emerges as a new concept in Romanian legislation.

Thus, according to a draft normative act for amending and completing the Law no. 217/2003 on the prevention and combating of domestic violence, currently in public debate, the psychological abuse will be regulated by the criminal law and, at the same time, sanctioned with imprisonment of up to 1 year

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or fine. But in order to be able to take shape and produce legal effects, this project must go through both the Government and the Parliament, the institution of the President of Romania has to issue a decree in agreement with this project and finally to be published in the Official Gazette.

Those under the umbrella of these legal provisions are both family members and those who have established relationships similar to those between spouses or between their parents and children, including former concubines.

According to the draft normative act, the definition of psychological abuse will be the following: "imposing will or personal control, causing tension and psychological suffering in any way and by any means, by verbal threat or in any other way, blackmail, demonstrative violence on objects and animals, ostentatious display of weapons, neglect, control of personal life, acts of jealousy, constraints of any kind, unwarranted pursuit, supervision of the home, workplace or other places frequented by the victim, making phone calls or other types of communication by means of remote transmission which, by frequency, content or timing, create fears, and other acts of similar effect. "

Another form of child abuse, practiced this time in environments that are less likely to be expected, are educational institutions that, through school curricula, load children's activities up to 7 hours a day. It should be noted that an adult works about 8 hours a day in accordance with the legislation in force. Thus, through a very large school curriculum, the child is under great pressure in order to be able to meet the obligations arising from didactic activity, and thereby negative consequences on time or rest, on social life and even on its health may appear as a result.

3. Conclusions

Concluding, the problem of child abuse in society is quite current, being known by all the institutions that operate in the field of child protection, both at central and local level, and last but not least by parents or legal representatives of the child.

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The whole society must be aware that repeated child abuse transforms it over time into a person who is isolated from others, from society in general, and when he becomes an adult he will in turn abuse others, reaching even to commit anti-social acts criminalized and punished by criminal law. We can also see that the media has played an important role by sending an alarm signal through excessive media coverage of various cases of child abuse. We believe that it would be necessary to establish an institution at the central level that would have attributions only in providing social services to children that are abused or that are in different crisis situations.

Therefore, Article 90 (1) of Law no. 272/2004 on Protection and Promotion of the Rights of the Child stipulates that "the parents of the child or, as the case may be, his / her other legal representative, public authorities and private bodies have the obligation to take all appropriate measures to facilitate physical and psychological rehabilitation and social reintegration to any child who has been the victim of any form of neglect, exploitation or abuse, torture or punishment or cruel, inhuman or degrading treatment."

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