

# FORMS OF CHILDREN'S DISCRIMINATION IN ROMANIA

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## **Abstract**

*The study aims to highlight the most common ways of children's discrimination in Romanian society, without plan a comprehensive approach due to the complexity of the subject. Romanian educational environment in many situations, teachers and even some executives manifested discriminatory attitudes towards students or tolerate. Also, while some pupils from wealthier families manifest inappropriate attitudes towards their classmates or school using discriminatory or offensive language or to poor students from rural areas. Parents who physically and psychologically terrorize their children are guilty of discrimination because certain essential rights rob offspring. Guilty of discrimination are parents who abuse their children, forcing them to work at an early age. State social policies do not ensure equality between urban and rural areas.*

*The main forms and ways of children's discrimination in Romanian society are: discrimination child labour, discrimination HIV-infected children and those with disabilities, discrimination in education / education, offensive language, offensive, exclusion from health services, lack of opportunities personal development, domestic violence.*

*We believe that the school education of new generations of students in European values play an important role in changing mentalities, to combat discrimination against children and all forms of violence in the Romanian society. And social protection institutions are actively involved in combating violence and discrimination, as well as the National Council for Combating Discrimination. In Romania today are increasingly talking about the need to reduce inequalities of any kind between individuals. Also, public institutions, local government and media, by condemning domestic violence and sanctioning all forms of discrimination can contribute to crystallizing a civic attitude, democratic, in which children's rights are respected and discrimination, abuse and violence disappear.*

**Keywords: children's discrimination, education, society**

## **INTRODUCTION**

The study aims to highlight the most common ways of children's discrimination in Romanian society, without plan a comprehensive approach due to the complexity of the subject. Children are the future of Romania; so it is very important not to be discriminated against.

The complex issue of children's rights has captured the world's attention for the first time after the premiere World War. Thus in 1924 it was adopted the Geneva Declaration and the 1959 Declaration of the Rights of the Child. Both statements have supported the rights of children but do not recognize the right to participate in decisions that concern. In 1989, the United Nation adopted the Convention on the Rights of the Child, the Convention has been ratified by the majority of countries in the world. It was ratified in Romania by *Law, No. 18/1990*. In accordance with the principles and rights set out in the United Nation Convention was adopted by the Romanian Parliament, *Law, No. 272/2004 on the protection and promotion of children's rights*.

From the perspective of psycho - sociological, discrimination is a distinction (favorable or unfavorable), which became categorical intellectually by posting discriminated subject of context, thus creating a series of milestones for the person who discriminates. Discrimination involving injury to a person or group of persons; occurs in the individual or group address. Discrimination is conditioned by objective factors, but mainly on subjective factors. Ultimately, discrimination is an effect more or less directly antagonistic division of society into groups (Mediatori antidiscriminare, 2007, 3-4).

Prejudice and discrimination were widespread in human history and remain today, even in the most advanced societies and states. Prejudice refers to opinions or attitudes manifested by members of a group to another. As British sociologist Anthony Giddens underlines famous, preconceived opinions of a person are often based on verbal agreements, rather than on social records and are resistant to change, even in the face of new information. People can manifest positive prejudices about groups with which they identify and negative on the other. A person who exhibit prejudice against a particular social group refuses logical arguments (Giddens, 2001, 235-236).

Discrimination refers to actual behavior towards other one group. Although prejudices are often based discrimination, they can exist separately. Discrimination is not necessarily derived from prejudices. Prejudice operates mainly through stereotypical thinking, which means thinking in fixed and inflexible rules. Stereotyping is often closely linked to the psychological mechanism of substitution. People manifest their resentment over the issue and some "scapegoats" for things that accused persons not guilty.

From a legal perspective, government ordinance no. 137 of 2000 on preventing and sanctioning all forms of discrimination, Article 2, defines discrimination as follows: "*discrimination is any distinction, exclusion, restriction or preference based on race, nationality, ethnicity, language, religion, social, belief, sex, sexual orientation, age, disability, non-contagious disease, HIV infection, belonging to a disadvantaged group and any other criterion which has the purpose or effect of restricting, removing the recognition, enjoyment or exercise, on an equal , human rights and fundamental freedoms or rights recognized by law in the political, economic, social, cultural or any other field of public life* " (O.G., No. 137/2000).

Attitudinal discrimination as sources mention: eclecticism, intolerance, misanthropy, bias, suggestibility, negativism, vanity, victimization, volunteerism, cynicism, arrogance, disapprove, pessimism. The effects of discrimination can be grouped into two broad categories, to be more easily assimilated: effects on individual and group effects, each with its own subcategories, including positive and negative effects. We must not forget the negative impact of discrimination on society (*Mediatori antidiscriminare*, 2007, 5).

The dropout rate in the last decades of the communist regime in Romania was significant. Summing up the numbers of children in various institutions of "protection", arrive at the overall figure of 125 000 juveniles abandoned (consequence of demographic policy promoted by Nicolae Ceausescu), a value that confirms some of the figures by Romanian media and foreign immediately after December 1989. the high number of children in need by surprise communist state institutions, incapable of ensuring institutionalization in good conditions all minors abandoned for the most part because of economic difficulties. Chronic underfunding of the social welfare system led to the gradual deterioration of conditions offered in institutions of "protection". The direct consequence was a disease and mortality rate than the European average weather. The main causes of infant mortality associated dystrophy and respiratory infections, stresses depreciation living conditions not only in the institutions of "protection" but also of many Romanian families (Jinga, Soare, 2011, 248-249).

Discrimination against children during the communist regime is a fact known by the lack of decent living conditions, in schools and in homes through cartelization of commodities, schools and apartments in the absence of heat, frequent power outages etc. In winter 1984-1985, according to sources from hospitals Capital, it was learned that 30 children had died over due to unannounced power outages that affected incubators (Bulboacă, 2008, 91-92).

#### WHO DISCRIMINATES AGAINST CHILDREN?

Romanian educational environment in many situations, teachers and even some executives manifested discriminatory attitudes towards students or tolerate. Also, while some pupils from wealthier families manifest inappropriate attitudes towards their classmates or school using discriminatory or offensive language or to poor students from rural areas. Parents who physically and psychologically terrorize their children are guilty of discrimination because certain essential rights offspring take away. Guilty of discrimination are parents who abuse their children, forcing them to work at an early age. State social policies do not ensure equality between urban and rural areas.

Discrimination is largely due to a misinterpretation of relationship between I and the other, interpretation leading to the erroneous idea that I am superior to the other and, consequently, have the right to exercise authority over me to (Toderici, 2014, 12-13).

## **Forms of children's discrimination.**

### *Child labor discrimination*

The right to work does not mean "right" minors to work in difficult conditions as an adult. A child may be discriminated against even by his own parents if forced to work in agriculture, to lead the animals to pasture etc. According to international regulations, no one can be forced to work before the age of 16, the minimum age required by law. It is a sad reality that many children between the ages of 10 and 16 in rural areas, are forced to work because of poverty and material difficulties and some are even forced to work by their parents, having a child. Work at an early age has negative consequences on physical and mental development of viitorului adult and may even lead to the emergence of certain diseases (Bulboacă, 2010, 28-29).

Some children were economically exploited by their parents since the age of 5 years, seasonal work in agriculture. The phenomenon is due to the climate of social disorganization came amid persistent poverty of these families (Tompea, 2007, 292-293). In rural households it is customary for minors to work at an early age, in total disagreement with the physical capabilities they have and the laws in force in our country (Buzducea, 2005, 108-109).

### *Discrimination against HIV-infected children*

Children with AIDS are deeply discriminated against in our country despite legal equality that exists in theory for all Romanian citizens. It primarily school and educational discrimination, HIV positive because students can not learn in regular schools with all students. 'Parents and even students themselves do not accept to sit on the same bench in the same class, to teach in the same school with students seropositive, does not want to play together, play sports together, to learn foreign languages etc. Therefore, HIV-positive children in our country are learning in special schools, which is discrimination, as long as AIDS is not transmitted by air, by touch. When, in a school in Alesd (Bihar county) in 2009, to be delivered 3 pupils infected with HIV, her parents threatened school board and the city that he will withdraw all children of that educational institution (Bulboacă, 2010, 95).

Children with disabilities are discriminated against daily Romania, distrusted, pushed aside, put on the bar or unacceptable in ordinary schools. Because these situations can not be overlooked, anti-discrimination Coalition in Romania offers legal advice online free of all discrimination and encourages you to refer cases of discrimination based online portal: [antidiscriminare.ro](http://antidiscriminare.ro).

Discrimination can manifest itself early, as happens in schools. Although the law guarantees them equal education, children with disabilities experience difficulties to access an ordinary school. Faced with the reluctance of the teacher and then prejudices other parents who, for lack of information, condemns disability. Finally, the father is powerless against a system that discriminates child and appeal to institutions or special schools closed and the child loses his chance to grow naturally, alongside other children. Discrimination is the worst memory that I

can let a child. Leaves deep scars in their souls and fragile, no matter how much love they show parents, it's hard to delete.

*Discrimination in education* refers to any distinction, exclusion, restriction or preference which is based on criteria such as race, color, sex, language, religion or other opinion, national or social origin, economic condition or birth, aims destruction or compromising equal treatment in education (according to the *UNESCO Convention against discrimination in education*, 1960).

Discrimination in education is a form of reporting Others The which requires different treatment, unfair to certain students or teachers, because of their membership of a social group who have certain features (race, nationality, ethnicity, language, religion, social status, disability, etc.). There are several forms of discriminatory behavior but all have in common that involves a certain degree of exclusion or rejection, which affects the education and moral education contrary to the principles promoted by the school. The effects of discrimination can be seen from the restriction / limitation of the rights of students in different aspects of teaching activities, preventing the participation, on equal terms, some activities formal or non-formal, treating offensive in various educational contexts or teachers, either pupils.

The main forms have discrimination encountered in schools in Romania and other countries of the world are determined by the existence of real differences between students in terms of economic status and / or intellectual family membership, in terms of the level of their development psychophysical and / or intellectual, because of ethnicity (children from Roma families) or because the area of residence (rural) from which Learners. Discriminatory behavior is the fact that, in practice, a number of teachers in secondary education are influenced Romanian sometimes ded differentiation criteria above, applying unjustified preferential treatment of certain pupils. The effects of this behavior are long-term, because students tend to take discriminative attitudes of teachers, which affects the degree of cohesion of school groups and the quality of interpersonal relationships established between pupils elevi (Bocoş, 2016, 346-347).

In order to prevent discrimination in education in Romania in Article 77 of the *Rules of organization and functioning of pre-university education*, the *OM EN Annex no. 5115 / 15.12.2014*, the constitution provided at the schools in secondary education from the Committee on preventing and combating discrimination and promoting interculturalism, which values cultural diversity and aims to ensure the equal treatment of all learners. Article 139 of the same Regulation states that "*It is forbidden to students and young people from pre-university education to have offensive behavior, intimidation, discrimination and attitudes flashy and provocative*". Article 268 of the Regulation provides that "*schools shall ensure the fundamental right to education, and prohibits any form of discrimination ante / preschool / children / pupils and staff unity*."

*Discrimination is also achieved through educational exclusion of children from education services in our country.* Poor segments (massively present in rural areas) have less access to secondary and higher education. Dropouts, often in

primary school, through its effects serious is a serious problem. Many children in rural Romania, are functionally illiterate due to poverty, families who send them to work in the fields and not in school.

There is no equality between students in urban and in rural areas. Secondary education enrollment rate of primary school graduates is lower in rural than in urban areas, and students' school performance is lower. Rural school infrastructure is poor given that a number of students studying in buildings with problems in classrooms heated with wood tiles, a modern education in poor (Zamfir, Preda and Dan, 2007, 246).

There is no equality between normal students and those with special educational needs. Equal access to education, facilitation of equal opportunities to all students, taking into account individual features can not lose sight of and the integration of people with disabilities, those from multiple possible reasons have special educational needs and normalization integration and their acceptance in their groups assimilate them. Equalization of opportunities and successfully blurring means fighting all forms of discrimination known to inclusion-integration unit equitable to all pupils (Toderici, 2014, 2).

*Functional illiteracy* is considered a useful indicator to measure the results of the education system. From the perspective of social policy, numerous studies examines the positive effects of education on poverty removal of children (longitudinal studies) and inequalities in access to education between boys and girls, between urban and rural pupils (Lazăr, 2010, 168).

*Child exclusion of health services discrimination*

In Romania, children from poor families, low income, were marginalized from access to health services. Poor inhabitants of remote rural areas do not have the money to travel to cities at distances of tens of kilometers, where the system is better organized medical and health services are more diverse and more efficient. Availability of health services is affected by distance to the nearest medical facility / hospital and / or remote access for ambulances in rural areas and lack adequate road infrastructure. Also available specialized medical personnel matters, especially pediatricians, rural areas being disadvantaged in this respect. Parents who do not work and do not have health insurance for their children only have access to emergency medical services (Zamfir, Preda and Dan, 2007, 247-248).

In Romania, many children are deprived of opportunities for personal development because they lack decent living conditions, housing or not it is dirty or Inappropriate: shacks cardboards, plastic, tin, huts, etc.). Because food and nutrition deficiencies, children from poor families have poor health and inadequate biological development (Tompea, 2007, 294).

*Offensive language against children* is a form of discrimination and domestic violence. Domestic violence, based on Romanian traditional precept that "*the fight is broken in heaven*" is a form of discrimination against children in the family, usually the father assaulted, often on alcohol consumption. In terms of physical manifestations, domestic violence exerted on children is production mechanisms: hitting with the palm or fist, foot, with various objects, strangling,

biting, stabbing, burning, choking, pushing, spanking and hair pulling, disfigurement, burns, hitting walls or furniture or even shooting (Irimescu, 2005, 151-153).

### **INSTITUTIONS TO COMBAT DISCRIMINATION AND PROTECTION OF CHILDREN'S RIGHTS**

It is ideal to design a world a world without gender discrimination and without stereotypes and prejudices in the current generation. Call to a world free of discrimination and stereotypes of compensation is justified given out to reach the level they would have in a world without injustice (Bernard R. Boxill, 2006, 370-371). Anti-Discrimination Coalition is a non-governmental structure informal lobbying and advocacy, consisting of ten organizations active in human rights in Romania. Coalition ran a *legal aid program online, aimed at people who face discrimination in Romania in the period June 2014 - April 2016*. The service offered is part of the access to justice and adequate redress for persons who are victims of discrimination, financed through *grants Romanian-Norwegian, SEE 2009 - 2014*, in the NGO Fund in Romania, *www.fondong.fdsc.ro*.

#### *Advocate of the people*

In Romania, an important role in defending human rights and freedoms it has Ombudsman institution, established by the Constitution of 1991. In 2003, the Romanian Parliament, as constituent power, brought some improvements advocate of the people. The Ombudsman is assisted by four deputies, each having distinct area of expertise as human rights, equality between men and women, religious cults and national minorities; children's rights, family, youth, pensioners, persons with disabilities; army, justice, police, prisons; property, labor, social security, taxes (Bulboacă, 2010: 99-100). It stressed that the petition can be addressed only if the infringement Ombudsman (discrimination) was committed by a public authority. So if a natural person or a legal person, other than the public administration sector, violates individual / group petition to the ombudsman should not, but other authorities.

#### *National Council for Combating Discrimination (NCCD)*

National Council for Combating Discrimination is an independent state authority, under parliamentary control, which operates in the sphere of discrimination. National Council for Combating Discrimination operates under Government Ordinance no. 137/2000 on preventing and sanctioning all forms of discrimination and Government Decision no. 1194/2001 on the organization and functioning of the institution. NCCD and began operations in August 2002 with the appointment of the first Board members –Prime Minister - Director and then President of the Council appointment, from the members of the Board of Directors. Composition of the Board of Directors of the NCCD was modified by increasing the number of members from 7-9 in 2006 and introducing a new procedure for appointment by the two chambers of parliament, the election of a vice-president from among the Board of Directors. Regional offices are being established and

expanded the NCCD employees liable to streamline its work at local and national level.

The role of the NCCD is to combat and punish all forms of discrimination in Romania, including on grounds of ethnicity, nationality, age, religion, sex, sexual orientation, HIV status, social status, disability etc. NCCD has received increased powers by the 2006 amendment to the law against discrimination. NCCD has duties in the following areas: prevention of discrimination by conducting information campaigns, awareness on human rights, the effects of discrimination in society, equality, training, information, programs and projects at local, regional and national studies, reports etc; mediation acts of discrimination against parties involved in the case of discrimination, in the presence of representatives NCCD, which aims to reduce and eliminate acts of discrimination and not to impose fines; investigation, finding and sanctioning discrimination; monitoring cases of discrimination after a finding of discrimination by the NCCD, the further supervision of the parties involved; specialized assistance to victims of discrimination in explaining the law to those concerned by the legal advisers of NCCD, assisted by the guidance regarding the activity of filing the petition and additional information resulting from this procedure (*Law no. 324/2006 amending and supplementing Government Ordinance no. 137/2000 on preventing and sanctioning all forms of discrimination*, published in the Official Gazette of Romania, Part I, no. 626 of 20 July 2006).

According to Law no. 217/2003, local government institutions have an obligation to intervene and to take specific measures against domestic violence (art. 13). Units to prevent and combat domestic violence, the law (art. 15) are: a) reception centers in an emergency; b) rehabilitation centers for victims of domestic violence; c) assistance centers for aggressors; d) centers to prevent and combat domestic violence e) centers for information and sensitization of the population. Units to prevent and combat domestic violence provides free social services for victims of domestic violence.

In some European countries, the children mediator is an independent administrative authority appointed under the same conditions with the mediator country. Watching children's rights and fight against discrimination, the mediator sends mediator republic complaints (received from children or their legal representatives) - not his competence (Șoitu, 2004, 304).

## **CONCLUSION**

The main forms and ways of children's discrimination in Romanian society are: *child labor discrimination, discrimination of HIV-infected children and those with disabilities, discrimination in education, offensive language, exclusion from health services, lack of opportunities for personal development, domestic violence*. We believe that the school education of new generations of students in European values play an important role in changing mentalities, to combat discrimination against children and all forms of violence in the Romanian society. Institutions for



social protection are actively involved in combating violence and discrimination, as well as the National Council for Combating Discrimination. In Romania today we are increasingly talking about the need to reduce inequalities of any kind between individuals. Also, public institutions, local government and media, by condemning domestic violence and sanctioning all forms of discrimination can contribute to crystallizing a civic attitude, democratic, where children's rights are respected and discrimination, abuse and violence disappear.

## BIBLIOGRAPHY

1. BOCOȘ, M.D. (coord.), Ramona RĂDUȚ-TACIU, et al., *Dicționar praxiologic de pedagogie*, Vol. I, Editura Paralela 45, Pitești, 2016.
2. BOXILL, B. R., *Egalitate, discriminare și tratament preferențial*, in *Tratat de etică*, coord. by P. Singer, Editura Polirom, Iași, 2006, pp. 365-374.
3. BULBOACĂ, S., *Drepturile omului și discriminarea*, Editura Vasile Goldiș University Press, Arad, 2010.
4. BULBOACĂ, S., *Introducere în demografie*, Editura Vasile Goldiș University Press, Arad, 2008.
5. BUZDUCEA, D., *Aspecte contemporane în asistența socială*. Editura Polirom, Iași, 2005.
6. GIDDENS, A., *Sociologia*, Editura ALL, București, 2001.
7. IRIMESCU, G., *Violența în familie și metodologia intervenției*, in *Asistența socială. Studii și aplicații*, coord. by G. Neamțu, D. Stan, Editura Polirom, Iași, 2005, pp. 131-182.
8. JINGA, L. M.; F. S. SOARE (coord.), *Politica pronatalistă a regimului Ceaușescu. Instituții și practici*, Vol II, Editura Polirom, Iași, 2011.
9. LAZĂR, F., *Introducere în politici sociale comparate. Analiza sistemelor de asistență socială*, Editura Polirom, Iași, 2010.
10. ȘOITU, G.D., *Medierea conflictelor*, in *Sociologia populațiilor vulnerabile. Teorie și metodă*, coord. by V. Miftode, Editura Universității Al. I. Cuza, Iași, 2004, pp. 297-338.
11. TODERICI, O. F., *Egalitatea de șanse în sistemul educațional preuniversitar din Regiunea Vest. Studiu de caz*, Arad, 2014
12. TOMPEA, A., *Grupuri/societăți/zona aflate în criză/dificultate*, in *Enciclopedia dezvoltării sociale* coord. by C. Zamfir, S.M. Stănescu, Editura Polirom, Iași, 2007, pp. 291-299.
13. ZAMFIR, E.; M. PREDA, A. DAN, *Excluziunea socială*, in *Enciclopedia dezvoltării sociale*, coord. by C. Zamfir si S.M. Stănescu, Editura Polirom, Iași, 2007, pp. 240-254.
14. \*\*\*Consiliul Național pentru Combaterea Discriminării, *Mediatori antidiscriminare* (course support), București, 2007.
15. \*\*\*Coalitia anti-discriminare Page, <http://www.antidiscriminare.ro>
16. \*\*\*Fondul ONG Romania Page, <http://www.fondong.fdsc.ro/>

17. \*\*\**Legea nr. 217/2003 pentru prevenirea și combaterea violenței în familie, republicată cu modificări, republicată în 2014, în Monitorul Oficial, Partea I, nr. 205, din 24 martie 2014.*
18. \*\*\**Legea nr. 324/2006 pentru modificarea și completarea Ordonanței Guvernului nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, publicată în Monitorul Oficial al României, Partea I, nr. 626 din 20 iulie 2006.*
19. \*\*\**Ordonanța Guvernului nr. 137/2000 din 31.08.2000 privind prevenirea și sancționarea tuturor formelor de discriminare, text actualizat la data de 23.07.2006 avându-se în vedere următoarele legi: legea nr. 48/2002; O.G. nr. 77 /2003; legea nr. 27/2004; legea nr. 324/2006.*