

THE SOCIAL PROTECTION OF THE FAMILY IN ROMANIA

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Abstract: *The spread of the violence inside the family constitutes one of the most serious social problems facing the contemporary society, including the Romanian one, too.*

Violence inside the family, by its seriousness and the serious forms of manifestation, put into danger even the existence of the family, as a social group. The violence inside the family represents any action physical or verbal one intentionally done by a member of the family, against another member of the same family, causing physical, psychic or sexual suffering or a material prejudice. It is also considered violence inside the family, preventing the woman to exercise the fundamental rights and liberties. The family which constitutes a ground for the manifestation of domestic violence becomes less transparent and open to the immediate social environment: the enlarged family, the neighbors, the friends, the colleagues. It is obvious the social isolation of such kind of families. They get a stigma in the eyes of the others and at the same time a stigma and guilty feeling which make them isolate themselves.

The violent husband does not want his wife to have social relationships within the framework of which she can confess her suffering and eventually receive a support. On the other hand, the violent men have as a characteristic of their personality the lack of the abilities and the joy of communicating. For the violent partners, communication in intimacy becomes an occasion to make a verbal attack towards the other person, while, at the working place remains a routine superficial relation with the others, a role played during the working hours.

Taking into consideration the serious results which the violence inside the family might have both upon the women but also upon children, I consider the present topic a very important one. In the theoretic approaches of this topic I have realized a rich documentation in order to identify the causes, the consequences, the types of domestic violence.

Thinking about the importance which is now given to this social problem in Romania, in its quality of European Union member state, the security of the citizen, under the perspective of the respect of the fundamental human rights, the preoccupation for the family protection becomes a national political matter. Within this context, the legislation, the strategies in the field and the intervention actions, but also those linked to the population awareness, are in a continuous evolution and concluding.

The history of the legal documents in the field, both at the national and international level, the dynamic during time of the institutional public system and of that initiated by the NGOs, constitute the basic arguments for the development of social services of a higher quality in favor for the victims of the violence inside the family.

The new supporting philosophy for the victims of the violence inside the family which is the base for the new social programs of family protection and assistance, is that of concentrating actively upon the family and community and it completely changed the approaching perspective in solving the problems confronting the victim. In time the communitarian network for supporting the victims will develop a proper model inside a civic culture of relating and collaborating among the community members, centered on social and moral values adequate for the real protection of the population and community stability.

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Keywords: *social protection, family, violence*

The terminology of social protection of the family

Being given the large variety of the social structures which can be taken into consideration, in certain circumstances, as constituting a "family", it seems futile the effort to make up a definition. At the same time one can say that, there has existed a multitude of definitions and a remarkable dynamics of the formulations as times has passed and from a society to another. Taking into account the

importance of the family unity in the interventions which make up, from the perspective of the social assistance, the definition appears to be necessary in its quality of the work framework of the interveners. At the same time, developing a social policy for the welfare of the family pretends a functional defining of the family. That is why, the largest definition, and especially that based upon the functions which the family accomplishes appears to be of maximum utility in interventions. The definition of the family in case of the interventions will delimitate what it constitutes “the norms” of what it appears to be “deviating” and which in this case will convey the objectives of the intervention plans and the building up of the professionals’ team asked to act, and also the policy of the family welfare.

A definition formulated by Burgers, Locke and Thomas which takes into consideration the links between the members of the family, is as follows: “a group of persons unified through wedding links, blood or adoption, developing household relations, interacting and communicating each other from the position of the social roles as husband and wife, mother and father, son daughter, creating and maintaining a common culture.”¹

For other authors the family within the modern society appears as being utile to interventions: “the family is made up of all sharing the same table”².

The sociological definition, taking into the functions of the family from the point of view of Hartman and Laird (the phenomenological definition) states that: “ a family becomes a family when one or more individuals decide that they form a family and this means that, at that moment which they were living together, they develop an intimacy inside which they share the emotional needs of being close one another, of living into a space called by them “their home” and inside which they define for themselves roles and tasks to be fulfilled in order to satisfy the biological, social and psychological.”³

The family, as it is designated in the Sociology Dictionaries, represents the family system which comprises the two wedding people and the children belonging to them. In such systems, because the social focus falls firstly on the marital relation, the families are relatively independent of the larger network of relatives. Consequently, the rate of the divorces tends to be at a high level. Within such a context the term began to be applied more and more to the partners implied in a long term relation, but which are not married in fact (the extended family)⁴.

Within the field literature, there are known several family terminologies among which: *the family having class different characteristics, the nuclear family, the problem family, the symmetric, the strain family.*

Assisted child – is the person aged until 18 who is the beneficiary of social services having a primary character based upon a services plan or of specialized social assistance services based upon an individualized plan of protection (*individualized social integration plan, personalized intervention plan* – for the unaccompanied Romanian children, being in difficulty on the territory of other states).

The history of violence against women

From the recorded facts there results that the domestic violence appeared within the societies where woman was subordinated to the man. According tot the professor Virginia Winstanley, the historians mark four fundamental concepts according to which the woman was subordinated to man. The first two are the authority systems:

The hierarchy – refers to a system in which few people are situated in the top of the pyramid and lead controlling the basic resources such as food, properties, sanitary centers, education, money and jobs. As long as those persons control these vital resources, they also control the population which is in need of them. The way to penetrate in such a leading group so powerful in society was usually assured by being borne into a superior class. Very few pass from the low classes or the medium ones (blue collars) to a superior one and to the rules imposed by it.

The patriarchy – is an authority system which introduces the male persons to be in leading positions insisting that only those borne in a superior class on a male line are capable to control the basic resources. The system does not allow the woman to have access to any basic resource or to have rights or privileges, limiting even the possibility to get custody of their own children.

¹ *apud* Muntean Ana in *Tratat de asistență socială*, Editura Polirom, Iași, 2003, p. 668

² *Idem*, p. 669

³ *Ibidem*

⁴ Marshall, G., *Dicționar de sociologie*, Editura Univers Enciclopedic, București, 2003, p. 234

The two concepts shaping the subordination of the woman are the genre ideologies:
Misogynist – The idea according to which the attributes of genres needs the subordination of the woman based upon her negative character, such as distrust, irrationalism, irresponsibility, naivety and disobedience.

Polarity – the idea according to which the woman and the man are opposed. From this point of view, if the men are powerful and fair, the women are weak and they do not care much about justice.

The combination of the authority hierarchic system with the patriarchic one made the bases of the idea according to which the subordination of woman to the man is fair. Unfortunately, this patriarchic ideology and domestic violence continued until the present days in one parts of the world.

The patriarchic authority system and the idea according to which the subordination of woman is correct had no effect until The Movement for Woman Liberty in the United States. In 1849, a small group of American women afterwards knew under the name of “Suffragettes”, having as model the Britain women which fought for the right to vote, provoked the patriarchic system of authority asking the possibility to express their opinion as citizen through vote. They were aware of the fact that the other rights and privileges will result from the vote exercise. After a long fight, the women in the United States won the right to vote in 1920. The first country in which the women won the right to vote was the New Zealand, from 1893. In Great Britain, the women won the right to vote in 1918, but it was still necessary another ten years for the women to be considered equal to men in front of the law.

As long as the fight for women fight for being equal to men continued, the women and children’s rights to security became very important. Until then this social problem frequently met was hidden, because women were afraid or ashamed to discuss about their victimization in public. But once the term “domestic violence” spread, it was clear that many women were forced to continue relations because they had no legal support, nothing to rely upon, no money or jobs in order to take care of their families.

Conceptual delimitations of the term *intra-family violence*

The scale of the family violence constitutes one of the most severe social problems confronting the present day society, including the Romanian society.

The researches that had as a theme the aggression within the family environment defined the phenomenon using one of the following phrases: violence inside the family, intra-family violence, (term specific to the continental Europe space), domestic violence (especially within the English language cultural areas). Each of these phrases have specific connotations suggesting that:

- the family is a private space, relatively isolated from the public space and having specific problems;
- the violence inside the family is a way to reproduce, but also to enlarge within the private space the climate marked today by tensions and violence within the public space ;
- the family is treated as a domestic group, using the criteria of cohabitation and common residence, meaning to share the same life space.

Violence inside the family by its scale and the severe forms in which it manifests, put into danger even the existence of the family, as a social group. Violence inside the family represents any intended physical or verbal action from the part of a member of the family, against another member of the same family, provoking physical, psychic or sexual suffering or a material prejudice, as it is stipulated by the Law no.217/2003⁵. It also means violence inside the family to stop the woman exercise her fundamental rights and liberties.

In the direction of the present law, by family member one may understand the husband, a close relative and the persons who settled resembling relations to those between the wedding persons or between parents and their children, proved at the end of the social inquiry.

In the dictionary I find the definition of the phenomenon under the name of home violence, as being the violence specifically to men (physical or psychological) addressed to women. The term became popular after the feminist movement in the years 70’ – one of them set up shelters for the aggressed women – and stating that home violence would be a reflex of the inequity between sexes as power is concerned, but also of woman oppression. In a large sense, the term comprises any violence

⁵ MONITORUL OFICIAL nr. 557/23 June 2004

appeared inside the couple, although the violence addressed to children is usually described as children abuse. Usually, the police hesitate to interfere in home violence, prefer to consider family as a private field.⁶

Violence inside the family is a systematic manifestation of some behaviors, acts, gestures, attitudes through which a person intends to dominate, to impose and control another person with which develops a close relation, intimate and/or conventional.⁷

From a clinical point of view a largely accepted definition of the domestic violence is that formulated by Stark and Flitcraft: "The domestic violence is a threat or a challenge, happened in the present or in past, a physical harm within the framework of a relation between social partners, irrespective their legal status or their domicile. The physical or sexual attack can be accompanied by intimidations or verbal abuses; the destroying of goods belonging to the victim; isolation from friends, family or other potential support sources; threats to the address of other persons which are significant for the victim, including children; thefts; money control, personal things of the victims, food, movements, telephone and of other sources of care and protection."⁸

It is called "violence inside the family" any harming act, physical or emotional which takes place between the members of a family. The abuse inside the family can take many forms: the verbal abuse, the refuse of the access to financial resources, the isolation from friends and family, threats and attacks which in many cases can lead to the death of one of the partners. Although, until recently it was supposed that the woman is frequently the victim of the violence inside the family, as a result of some researches it has been discovered that the number of aggressed men is quite big. The experts researching this matter agree that violence is a phenomenon largely spread, much more than it is shown in the surveys, for the simple reason that some facts are not reported to the police or hospitals.

The family which constitutes a field of manifesting the domestic violence becomes less transparent and open to the immediate social environment: the enlarged family, neighbors, friends, colleagues. It is obvious the social isolation of these families. They get a stigma in the eyes of the others and at the same time a feeling of culpability which makes them isolate in front of the others.

The violent husband does not want that his wife develop social relations and in this way confess her suffering and eventually get a support. On the other hand, violent men have as characteristics of personality the lack of abilities and joy to communicate. For the violent partners, communicate, in the intimacy of their homes, becomes more an occasion to attack verbally the other person, while at the working place there exists a routine of communicating, a role played during the working hours.

Violence can be defined shortly as a general violation of the human being rights, the right to life, to security, to dignity and to physical and mental integrity⁹.

At the same time, by abuse I can understand any act through which certain physical harms are produced, or psychological or emotional disorders or exposures to dangerous situations or other perceived as dangerous one by the abused person. It is abuse when an adult person uses the trust, innocence, dependence or the impossibility to defend of another person. One can also use the term abuse of girls and women considering the subordination status of women in society.

In most cases the violence, the violence inside the family includes forms associated to physical, sexual, psychological, economic violence and to social isolation. In case in which the violence is manifested during long periods of time, there exists the risk of a growing frequency and of the diversification of the associated forms of violence listed below.

One can speak thus of physical, psychological, sexual or social abuse.

Forms of family violence

In case of the family violence one may also speak about the mistreatment as referring to all the bad treatments whose victims can be the children, social phenomenon which caught the attention only at the end of the 19th century.¹⁰

⁶ *Dicționar de sociologie*, Oxford – Editura Universul Enciclopedic, București, 2003

⁷ Enăchescu, C. – *Tratat de psihosexologie* Editura Polirom, Iași, 2003

⁸ *apud* Enăchescu, C. - op, cit

⁹ Grieger, K., Rabe, H., Kavemann, B. - Împreună împotriva violenței domestice: cooperare, intervenție, cercetare, în : Ana Muntean (coord.) - *Practici în asistența socială*, Editura Polirom, Iași, 2007

¹⁰ Ionescu, Ș. *Copilul maltratat. Evaluare, prevenire, intervenție*, Editura Fundația internațională pentru copil și familie, București, 2001, p. 13

Family violence can be defined as a pattern of coercive control characterized by the use of abusive physical, sexual or emotional behaviors. Family violence includes: psychological violence, bad treatments applied to minor, the limiting of the partner independence, failure in respecting the partner's rights, feelings, opinions, expectations, violence between brothers, abuse of the old members of a family, etc. Some authors speak about a series of techniques for avoiding aggressiveness.¹¹

Treating the partner in a violent way but also the abuse relation inside the family have become a very phenomena in many social environments characterized by a socio-economic deprivation (poorness and unemployment etc.). Studies reveal that violence inside the family presents all the above mentioned characteristics, but in addition: uncontrolled behavior, unrealistic expectations, and isolation tendencies, mutual blaming, violent manifestations, the use of force and verbal admonition. As a result, family violence represents a social problem but also a health one.

Many researches and studies illustrated the causes and the factors which are present in case of an abuse relation, realizing different classifications. One of these classifications aims the effect upon the manifestation of the phenomenon:

1) *The anticipative factors*

- Economical inequity between man and woman, considered to be the most influent factor
- The habit to use the physical violence in order to solve the conflicts
- The man's authority and control in taking family decisions
- A socially accepted masculine ideal of domination and toughness accepted

2) *The limitative factors* – the existence of which can reduce the degree of family violence. These factors have been defined by Lado¹² as being factors tending to limit the violence against woman, including the power of woman outside house, the economic and political power, the active implication within the community, the presence of some working groups or solidarity groups formed only by women and the existence of some places where women can be far from violence, such the shelters and the friends' homes or of the family members.

3) *Risk factors and protective ones* - as Bergman and Plum call them¹³. The conclusions of the researches and the statistic data set certain time, space, affective states etc. coordinates, influencing the appearance and the evolution of the family abuse. Usually, the unlucky events happen in the evening, during dinner, when all the members gather home, around the table. In poor families it appears that the existence of a second child determines a growth of the violent incidents, and the presence in the family of a person having deficiencies or a chronic disease represent an aggravating factor. As well as the holidays are moments when violence can grow.

Gelles and Straus shown that at Christmas and on New Year there happens an escalation of the incidents of domestic violence determined by the financial stress associated with free time, when all the members of the family are together. The weekend is also a violent period because any member of the family is not away in another social environment such as school, or working place.

From the statistics study¹⁴ it results that the majority of committed facts between the members of the family are those of crime, hit causing death, infanticide, physical injury, rape, sexual act with a minor, sexual perversion, sexual corruption, incest, theft, family abandon, bad treatments of the minor and put into danger a person unable to take care of him/herself. As a conclusion I can say that there are many types of violence inside the family, depending upon the member upon whom the abuse is committed: violence upon women, upon man, children, old people.

The design of the research

In order to realize of this paper there have been asked a series of data to the Direction Of Labor and Social Protection in Tulcea. Within this institution there functions a department regarding the control of family violence, set up in 2004 according to article 8 of the Law 217/2003. The main attributions of the department regarding the family violence according to the article 7 of the G.D. (Government Decision) 1624/2003 aim to monitor and report the family violence cases.

¹¹ Neamțu G., Stan D. *Asistența socială. Studii și aplicații*, Editura Polirom, Iași, 2005, pp. 106 – 114

¹² Grieger, K., Rabe, H., Havemann, B. - *Împreună împotriva violenței domestice: cooperare, intervenție, cercetare*, în: Muntean, Ana (coord.) - *Practici în asistența socială*, Editura Polirom, Iași, 2007

¹³ idem

¹⁴ Study reported by Ministry of Administration and Interior/05.03.2003

The mentioned institution assures the secretariat of the Department commission for Control of violence inside the family. Taking into consideration the fact that this institution is the only responsible to offer relevant data about the phenomenon of domestic violence I solicited this information, which were made at our disposal in order to realize this paper.

I precise that these data are transmitted by all the institutions at the level of the department Tulcea, which can registered data about this phenomenon, and they are centralized and transmitted to the Labor , Family and Social Protection Minister, a national organism with specific attributions for the control of family violence.

The data furnished by the Labor and Social Protection in Tulcea¹⁵, keep the confidential character of the victim persons.

The offered data are registered starting with January 1 2006 until December 31 2008 that is why our research is a longitudinal quantitative research stretching on a period of three years, the gathered information having a statistic character.

After centralizing the data I have preceded to the statistic analysis of them with the help of a statistic program SPSS. The *Statistical Package for the Social Sciences* is a program which due to the registered progresses in the field of informatics, can be used on personal computers. In present, the statistic analysis made with the help of the program SPSS, has become indispensable especially in the researches of the social field and not the only.

As I can not talk about a rescheduling of the investigated population because the study relies upon a series of statistic data, I will present only the variables independent upon sex, age and residential environment of the analyzed subjects.

From the total of 431 of researched cases, 83.06% are represented by female people, while the male percentage is represented by only 16.94%. It is thus confirmed the suppositions according to which women are more exposed to this phenomenon.

From the point of view of the environment the family violence victims are as follows: family violence cases in urban environment prevail in proportion of 62.88% compared to those in the rural environment the proportion of which is of 37.12%. The low level of education, the lack of information, the lack of the institutional structures implied in such a phenomenon and not in the end the mentality of the people living in a rural environment, determines such proportions in which the rural environment is less represented.

As concerns the age of the family violence victims there predominate the cases of the people aged between 25 and 35 years old, these being of 24.835 representing 107 cases. It follows in a decreasing order the people aged between 45 – 55 years with a percentage of 21.81% representing 94 cases, then those aged between 35 and 45 with a proportion of 21.11% representing 91 cases. One should mention the fact that these three categories of age are the most exposed to the risk of aggression representing 67.75% of the total cases registered during the last three analyzed years.

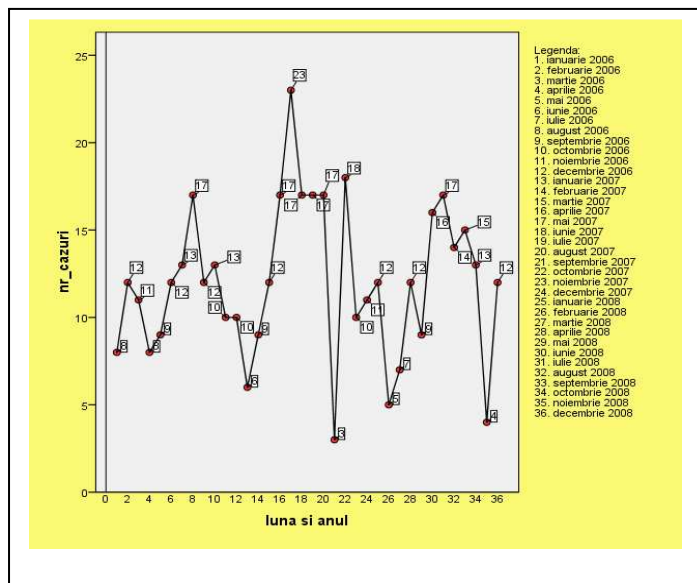
At an equality there are situated the people aged between 18 – 25 years old with those aged between 55 – 65 years old, these ones being in a proportion of 11.14% representing 48 cases. On the last places there are situated the people aged more than 65 years old in a proportion of 5.57% representing 24 cases. A gratifying thing is that the violence cases directed on minors are on the last place being in proportion of 2.09% both for children aged 14 – 18 and those aged 0 -14 years old, the number of these categories being in both cases of 9 subjects.

The analysis of the independent variables

The use of the frequencies distributions and of the graphic techniques of presentation enables the reveal of the global forms of distributions of some scores registered about the family violence. The analysis of the variables offered by the statistic reports will help us identify some of the causes which determine this phenomenon.

¹⁵ Social Benefits Agency, Tulcea

The Analysis of the evolution the identified family violence cases



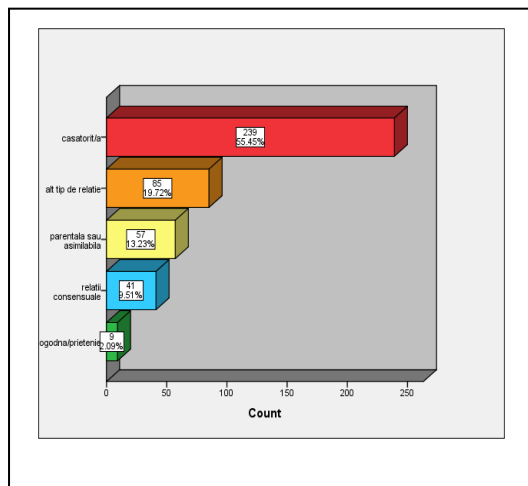
I observe that the evolution of the cases has not an ascendant or descendent trend, the registered cases having a random frequency. Relevant in this direction is the period May – October 2007 when there were registered 23 cases in May, then in June, July and August of the same year there were registered 17 cases and in the following month, September being registered 3 cases. It follows next October when there were registered 18 cases.

Fig. 1. The evolution of family violence January 2006 – December 2008

As I have already mentioned, for the analysis there were taken into consideration a number of 431 subjects (N=431). From the analysis of the main statistic indicators, I observe that the average $M = 13, 52$. If I compare this average with the fact that in 2004 there were registered a number of 9400 cases at the national level¹⁶, representing an average of 18.65 cases per month, I can say that the department of Tulcea is situated on a position giving it the status of a department with a low aggressive behavior. At the same time the median $Me = 13, 00$ being lower than the average, indicates the fact that the relatively small values prevail for this statistic series.

The analysis of the variable « the relation with the aggressing person »

It is evident that, in most analyzed cases there a wedding relation legally constituted, their share is of

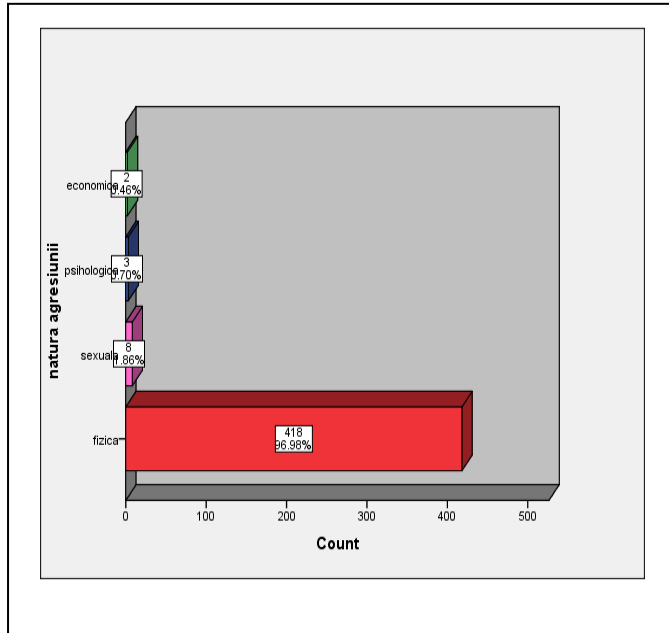


55.6% representing 239 cases of the total $N = 431$. At a great distance there are situated the cases of family violence which result from another type of relation (brother/sister or other close relative) these being in a proportion of 19.72% followed by the cases resulting from a parental relation or a similar one in a proportion of 13.23%. On the last places are situated the cases which emerge from consensus relation, in percentage of 9.51% and also from an engagement or friendship relation in a proportion of 2.09%. I can say that the most exposed categories to violence inside the family are the married persons and those less exposed are those emerging from a consensus relation (concubine relation).

Fig. 2. Presentation of the variable “relation with the aggressing person”

¹⁶ *Buletin informativ*, Ministry of Labor, Family and Social Protection, National Agency for Family Protection, March, 2007

The analysis of the variable “ the nature of the aggression “



As it is illustrated in the picture, I can notice that most cases denounce the fact that they have suffered a form of physical abuse. Only a percentage of 1,86% denounce the fact that they suffered a sexual abuse, while the two other types of abuse are under 1% respectively the psychological abuse being present in a percentage of 0.70% and the economic abuse being represented only in a percent of 0,46%.

I may say that the type of Romanian aggressive person is brutal, using force in order to brutalize the life partner. A normal question can be formulated when I try to find out what can be the limit of the physical aggression. In order to find the answer to this question I may see several of the analyzed cases in which the victim is dead.

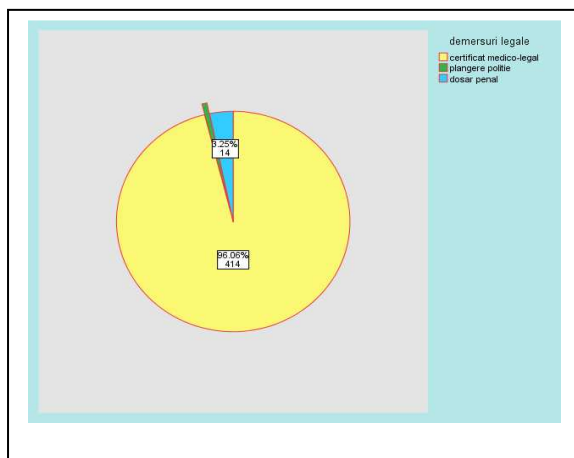
Fig.3. The graphic representation of the variable “the nature of the aggression”

The analysis of the variable « the death of the victim »

According to the statistic report I can see that luckily only 3,02% of the total cases of family violence ended with the death of the victim, that means 13 cases during a period of three years.

It is interesting to identify which is the category most affected by such cases. In order to find out I will realize Fig.4. The graphic presentation of the variable “death of the victim”, a graphic combined of the variables “death of the victim: and the “age of the victim”, which I shall present hereinafter.

The analysis “legal steps”



Although the persons exposed to family violence may appeal to state institutions in order to solve this problem, most of them refuse to do it, the registered cases being only of those asking a medical certificate (414 of cases representing 96,05%) or asking the setting up of a criminal record (14 cases representing 3.25%). Only three cases made a complaint to the police, representing 0.70% of the total cases.

Fig.5. The graphic variable « legal steps »

I may say that the persons confronting with this phenomenon do not appeal to the specialized institutions of social care, being taken into evidence just in extreme situations.

The conclusions of the study

As a result of the statistic data analyzed in the present study several conclusions are to be considered.

Thus I may state that the family violence is favored in most cases because of the values and beliefs acquired through social learning, leading to a rigid split of roles and expectations which I have from the part of the male gender and feminine also. It is wrongly believed that woman (because

women are in a large proportion the victims of family violence, and also the children) should obey unconditionally to the man and that “a stitch in time saves nine”. These stereotypes maintain the spirit of shame and culpability and consolidate the feeling of helplessness of women. Thus the vicious circle of the family violence can hardly be broken. In most cases the victim blames herself admitting even as being guilty of misconduct.

Anyone should know that he or she has the right to have a safe life in his/her own house, and that violence has no justification and the guilty is entirely of who is aggressive.

Although it is shown in the statistics that women are most of the victims there are considerable cases when men are also victims. Children, old people or the person with special needs can represent other categories extremely vulnerable.

Another constant aspect in this study is the fact that persons which are victims of the family violence do not accept a specialized social work program, because of the belief according to which in anyway nobody will do anything for them, and also because the special services of social work are very few, local authorities considering them too expensive to be developed.

The approach of any specialist in the field must be supported in the first place by re-establishing security and trust to the victims in their own resources and in the external ones also. The victim can address to the police or to the specialized centers.

The analysis of the 431 cases of family violence, monitored by the Labor and Social Protection Direction in Tulcea, show that the intensity and the frequency of family violence actions can be reduced if the victim makes the first step in order to broke the vicious circle and solicit the support of a specialized institution having the role to fight against family violence.

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*** MONITORUL OFICIAL nr. 557 din 23 iunie 2004

*** Law 217/2003