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DOCTORAL THESIS

**CHILDREN RIGHTS' – A SOCIOLOGICAL
PERSPECTIVE**

Summary

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INTRODUCTION

The proposed research aims to position it stands Romanian protection system related the children's rights, especially to the right of expression and participation of children. I believe that these rights express the essence of modern society's attitude towards children: as agents of society, with some autonomy, not only as beings who must be protected, but as people who may be involved in defining their own becoming. The reform of child protection and adoption of the new legislative framework has brought some changes in how the child's right to free expression.

Research on the child protection system made so far have been concerned specifically on violence against children, prevention of maternal abandonment, institutionalization, and other aspects of organizations focused on child protection. This research approach a subject as important to quality of life and child development, namely analysis of the attitude of professionals in the child protection system and the children themselves on the right of the child protection system to its free expression. Interpretations of specialists in law concerning the right of the child to free expression and participation provided for in the UN Convention on the Rights of the Child have experienced different forms over time. Thus, in interpreting the Ordinance no. 26/1997 on the protection of children in difficulty, the child's right has been specified by the specialized public service for child protection obligation "to determine the opinion of child capable of forming his opinion on the proposed protection measure" (Filipescu, 2006, p.733). Manual for the Implementation of the Law nr.272 / 2004 is considering a different perspective and say, "the child's right not to be ignored whenever adults take decisions on his part." (ANPDC, UNICEF, 2006, p.30). Both interpretations are referred to a greater extent but the authorities need to consult and listen to children mainly in judicial and administrative proceedings. There shall be but child's right to express themselves freely and to be heard in various activities of daily life. The topic proposed for research has a social relevance of child care institutions and specifically for professionals in the General Directorates for Social Assistance and Child Protection in their

duties related to implementation of the UN Convention on the Rights of the Child and the Romanian legislation . At the same time, research results could be used by the experts responsible for drawing up strategies, policies on child protection. They could "contribute to understanding something that significantly affect" the lives of children in the child protection system because of their involvement in decision making in childhood it can prepare for important decisions in the future (King et al., 2000 , p.28).

The objective of this research is to examine employee perceptions of the child protection system on the child's right to exercise free expression of his opinion and participation. The specific objectives derived from the overall objective are: 1) to identify the child's right to free expression of opinion in the existing documents of the institution (regulations, organization and methodology, etc.), 2) to analyze the perception of employees (teachers, specialists, policy makers) with the child's right to exercise free expression; 3) to analyze the influence has specialized training for professionals in forming attitudes; 4) to analyze the children's perceptions and expectations toward their right to free expression.

The thesis comprises six chapters, structured as follows: to present the theoretical framework (development of adult attitudes towards children and childhood, the representation of children's rights in an international context), review of studies on children's rights and proper research which sought to review documents the existing child protection institution, qualitative analysis of the perception of children in the orphanage for the child's right to free expression of opinion and participation and qualitative analysis of the attitude of professionals in the child protection system relating to these rights.

In Chapter I, *Children and childhood in the actual society*, shows the development of concepts of child and childhood milestones marking the emergence of the concept of childhood in contemporary childhood. Chapter contains an overview of the traditional theories (sociological and psychological) on children and childhood, and the development of sociological thinking on these concepts. In this chapter we have attempted a definition of childhood through its two dimensions: space and time.

Conceptualizing children as inferior adult beings asymmetry legitimated relations between adults and children and the adults "natural" right to impose its authority over children as part of the social order (Alanen, 1994). Child protection policies have been considered as mechanisms for institutionalization of this asymmetry evident in child protection practices. Thus, the concept of

interest of the child reinforces paternalistic model of decision making and legitimize adults authority over children. This power of adults is justified by children biological immaturity and dependence, ignoring the fact that children's biological dependence diminishes gradually being replaced by a dependence on socially determined, based on economic and other factors (Kitzinger, 1998, Morrow, 1994).

Greater participation of children in the light of new legislation on child protection gave new impetus to the construction of the new paradigm of childhood (James and Prout, 1990) that children are beings, actors that influence their own making.

Chapter II, *Children's rights in international context* we have presented aspects of intercultural understanding regarding the child and child's rights with reference to the particularities of the child protection system. The chapter presents new trends in the conceptualization of children globally under the influence of the UN Convention on the Rights of the Child which sets standards of children's rights worldwide and a new approach to children's skills by introducing the concept of "evolving capacities".

Under the influence of the UN Convention on the Rights of the Child children have acquired the rights and freedoms guaranteed by the signatory states. The Convention is a single document internationally established rights as universal for all children. Putting discourse in practice is dependent on many factors related primarily to the specific local economic situation and not least on how adults understand and interpret these rights and they value the skills of children. Children in the child protection system is also experiencing a specific situation. They live in a small institutional space, with strict rules that guides his life, having few options. Chapter III, *Theoretical and epistemological perspectives of research*, includes a summary of studies that have shown children's ability to formulate opinions and to participate in decisions on matters which concern them. Chapter contains an overview of studies on child development, the epistemological and methodological parts of the research and, respectively, methods and techniques used in studies with children. There are also presented issues related to ethical issues and difficulties encountered in research with children. This chapter presents two models of assessment and child participation: Ladder of Participation (Hart, 1992) and Pathways to Participation (Shier, 2001).

Analysis and conclusions of the research literature leads us to recognize that first childhood is not a constant phenomenon, and the child must be examined within a broader cultural context (James

et al., 1998). Due to the universality of childhood and the child's identity status, childhood can be not considered a "historical invention" (James et al., 1998) and as a result, children may also be a unit of analysis as the other structural classes of society.

The second part of the thesis contents the proper research. Research is to analyze the perception of children and professionals in institutions (specialized educators, social workers, psychologists, person responsible for the decision) to the child protection system needs to be heard and to participate in making decisions on matters concern them.

Chapter IV - Research Methodology - summarizes aspects of the research (research context, methods and tools for research and analysis of data obtained) and presents a synthesis methodology that includes research purpose, research objectives and research questions. Children's rights are a subject of debate and research around the world because their social practices implementation requires significant institutional effort. Promoting children's rights to the child care institutions has implications for their staff, creating a conflict between the child's right to be protected and his right to self-determination, opinion and participation.

Research is focused on the theoretical work of James et al. (1998), Prout and James (1997) that, in today's society childhood is conceptualized as a social construct distinct from biological immaturity, children are seen as active social agents shaping the world they live in structures and processes around them, in their lives and the lives of those around "social relations and culture are worth studying children themselves, regardless of adult perspectives and concerns' (Prout and James, 1997, p.8). At the same time, the attitude persists in today adult perception of children as being reminiscent of becoming, incomplete, precursors of adult status, capabilities evolving beings that do not have the power to participate in society as citizens.

Participation of children, according to researchers (Smith et al., 2003) depends more on the availability of adults to create the necessary framework for expressing the views of the child than the child's capabilities. Starting from the adult perspective of child protection professionals have followed the attitude of employees in the child protection system to the child's right to free expression of opinion and participation and the limits of this attitude.

Participation of children in the orphanage was pursued both in the eyes of children and staff in the institution. Research questions formulated for the study children were as follows:

1. What are the situations where children have choices in placement?
2. What is the implication of children from the placement centers in decisions?

3. What is the level of participation of children in care in their perception?
4. What is the children need to be involved?

To explore the attitudes of professionals in the protection system were made following research questions:

1. What are the problems affecting children in the employees opinion?
2. What factors determine the involvement of children in decision making?
3. What is the children level of participation according to the employees?
4. What are the children issues involving employees?
5. What are the benefits / risks of involving children?
6. How do employees assess the child's right to free expression and participation?

Research on child rights conducted so far have focused on the child's right to express opinions in judicial and administrative procedures (Stativa, 2000). The study revealed that the child's opinion is listened only in isolated cases (6%), although there are clear legal provisions which establish the obligation of professionals to listen and consider the views of children.

Researchers exploring children's rights at national level have revealed a poor representation of the right to an opinion children, parents and specialists discourse, it is mentioned only 14.9% of respondents, while 43.7% consider that this right is respected very little or not, and the organizational forms of children like children councils are little know by respondents.

The proposed research has opted for a qualitative approach to exploration targeting adults' attitudes and understanding from the child protection system rather than its explanation, qualitative research, in this case offering a more "profound" than the topic studied the correlations made between specific variables of quantitative studies (Silverman, 2004). And qualitative research model "relies on human subjectivity, on the social built and interpreted by interacting symbols, motivations, expectations and individual representations of a group, knowledge has comprehensive and idiographic type (Iluț, 1997, p. 41). Also, qualitative research is essential and authentic, the target is generally followed that of "genuine understanding of human experience", the most effective way of achieving that aim to be considering the use of open questions (Silverman, 2004 p.29).

The main method used during data collection was the focus group interview. This method was chosen considering being the most appropriate for research purpose which is to learn how individual views belonging to several different groups (children, educators, professionals,

decision makers) are differing. The aim was to explore attitudes of respondents in a situation of interaction. Focus group was preferred over individual face to face interview being more concerned about the situation of respondents expressing specific interaction of team work in social care. If an individual interview respondents were under pressure this is diminished or even nonexistent for the group interview. Also, research theme aims at a group level existing (center, institution). Even if the attitudes expressed in the interview were made by individual respondents reflecting their own systems of values has an impact across the whole system aimed at "understanding human subjectivity behind the external facts" (Iluț, 1997, p. 41). Recorded material obtained from group interviews were transcribed and subjected to content analysis.

For the analysis and interpretation of data obtained in the interview a qualitative analysis was chosen using the theoretical resources to achieve an in-depth analysis on the data obtained in field research. It watched how the theory is associated or defined elements relate to each other. It made a detailed analysis of the data by extracting a set of data more compact.

For the analysis and interpretation of data obtained through focus group interview, I opted for a thematic analysis. In that I approached the assessments made by the subjects relating to the themes discussed in the interview. Then we calculated the frequency of different evaluations by the subjects, but also the direction (positive, negative or neutral) of them. So, I cut the text obtained in several units of analysis. Units of analysis consist of statements made by children on specific topics.

Chapter V contains the analysis and interpretation of data obtained from interviews with children. The main objectives pursued in the group interview with children were: a) identify situations in which children perceive their involvement in decision making, b) assessing the level of participation of children under Hart's ladder of participation (1992) c) exploring children's attitudes towards their participation, c) assessment of perceived need for the involvement of children in relation to the situation.

To express different levels of involving children in decision making, Hart (1992) created the scale of participation of children and young people - that can be used as a tool in our research to assess levels of child participation in decision-making based on the statements of participants the focus group. Hart described the participation scale having eight levels that characterize the extent to which children are informed, consulted or active participants in the projects and activities in

their living environment (for our child care center study) contained within "the issues that concern the children."

The obtained corpus from group interviews with children were subjected to thematic analysis which gave rise to following systematic categories:

- Children's favorite activities,
- Situations in which children have elections
- Level of involvement - reflected in its own decision or the other roles (leader or a subordinate position in relation to adults, other children, parents)
- The need for listening and free expression
- Perception of children's rights.

The lives of children in the child protection system is governed by social institutions in both the center and at school. Also, the lives of children in institutions differs from that of all children by the fact that many have multiple placement experience and the many changes that mark their existence irreversible.

Types of children's favorite activities resulting from focus group research are similar to those of Thomas and O'Kane (1999). Thus, children are mainly concerned by aspects of leisure trips in the city, time to return to the center.

In the interview, the children presented a diverse range of experiences involving the exclusion from decision-making information, tokenistic involvement, consultation and information to active participation. From that children exposed to their inclusion or exclusion from decision-making depends on the interaction of factors related to child and adult in which the actual situation. Children say they are treated differently in different situations and by different people (teachers), determining the level at which children are perceived by the powers that provide daily care. Children also say they are treated differently as they grow, they are given more explanations, gaining the confidence of adults who become less protective of them. The children responses shows that the adult perception of children skills increase as they age. However, according to Thomas and O'Kane (1999) we are facing a circular process in which skills training participation and self-confidence are determined by the extent of involving children in decision making.

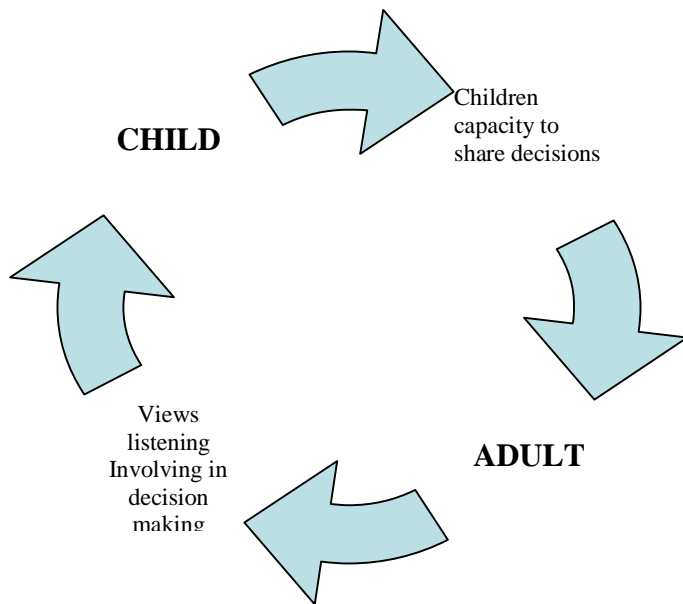


Fig.4. Circular model of involving children in decision making

Some children say they feel underestimated by adults because they are too small, wishing to have more to say. They think it's unfair to be treated by adults in an overprotective manner, the criteria related to age they have, is considered discrimination against older children. Other children understand and accept limits aimed at protecting them. But as they grow, children believe that they will be treated with more respect and consideration by adults and will be given more freedom.

Children describe their daily lives as structured by the limits imposed by adults, they are forced to always ask permission to do what adults want to go where they want, etc. Although I think it should be given more freedom at the age you have children believe that certain limits, for example: time to return to the center, bedtime or permission of the city to be settled on age and are ready to set limits for the younger children, keeping the association status with age. Results of group interviews with young children (aged 10-12 years) reflects their concerns and preferences for leisure activities conducted in groups, especially for sports. They are satisfied with the relationship they have with teachers.

Conclusions group interviews with children aged 14-16 years reveals an ambivalent attitude towards the existing practices that facilitate the hearing and advice level, consultation and participation in decision making in matters which concern them.

There were differences of opinions in the interview between boys and girls favorite activities carried out in groups or individually. Also, the situations in which the election is declared quasi-happy faces of their ability to choose between activities that can be carried out while the boys

raised the discontent expressed their inability to decide on organizational changes which took place at the center of investment and affecting their daily lives. The boys say they can do that will be acceptable provided that educators.

Children say that decisions are taken without their consultation concerning the organization of institutions, rules, daily schedule and educators related to age and assessments of their skills. They like that educators, older children in the center and head of the center are those who take decisions without the involvement of children.

The educators perception towards children skills is seen by them as discrimination based on age. They are unhappy that they are treated as a group of children the same age and not as individuals who have acquired certain skills.

Discussing the problems of children in working meetings with the head of the center and decisions are made between staff and children over 18 years, which is acceptable for children's opinions.

Children statements reflects their need to be heard. Children give different answers to different questions.

The lack of child rights in children's speech reveals their lack of concern, but the adult protection system to raise their standard of compliance. This is reinforced by their failure reflected in the Centre's official documents (regulations, methodologies). Although researchers argue that the child's right to an opinion is one of the most important children's rights, children in the orphanage do not know the meaning of this right.

Comparing the results of interviews with levels of participation (Hart, 1992), we can say that in general, statements reflecting the participation of children in the fourth rung of the ladder: "Assigned, but with informed." This level, according to Hart (1992) requires that projects and activities are initiated and run by adults and children are invited to meet some specific roles within them, but they do not know the influence they have in reality in these projects. Life of children in child care center is run under a certain program regulations and decisions taken by the center management. Children say the activities are initiated by teachers or the head of the center and they are invited to take part in these activities, but are not sure if what they express in their development has any influence or change decisions in any way.

On the other hand, they recognize that sometimes they can choose themselves where to go or what activities will take place. But, the adults who set initiative work program in the framework of a day children can choose one or other of the activities.

Chapter VI contains the analysis and interpretation of data derived from interviews with professionals.

The main objectives in the interview with professionals were: a) to identify issues considered by professionals concerning children, b) to identify factors that determine children's participation in decision making, c) assessment of professional attitudes towards the participation of children in accordance with the Pathways to Participation (Shier, 2001) d) to explore the benefits and risks of participation from the perspective of professionals.

In analyzing data from interviews with three categories of professionals in the child protection system (teachers, specialists, decision makers) we have used Pathways to Participation Model created by Harry Shier (2001). This model was designed as a chart with 5 levels and can be used as a practical tool for assessing and planning in all areas of activity with children.

The main systematic categories resulting from interviews with professionals (educators, professionals, decision makers) were as follows:

- Issues affecting children in the view of employees,
- Applicability of this right at the placement center
- Facilities and constraints of the application child's right to free expression of opinion in their work,
- The age criteria in children listening
- The benefits of children listening and why they should be involved.

Within each sub-themes will form the subjects were employees from the speech.

Conclusions

Child's right to free speech and participation is multidimensional and approached differently by different categories of professionals in the child protection system.

Depending on the specialization of each and, depending on the area in which they work, their perception on this issue is different and limited to specific tasks that they have to meet. Thus, educators, as children, says the group predominant means of consultation, while specialists and policy makers are most often related to children's individual consultations.

Professionals consider that the young children can be involved in decisions "small" such as what they wear, what they eat, but not in some "big", such as where they live. Also, the professionals say the need to impose limits on the options that the child may express this limitation for the benefit of children.

Professionals consider that the child's right to freedom of expression is applicable in the child protection system, but to ensure its effective participation is necessary to provide material and human resources training, individualized approach to each case and each child develop skills to voice their opinions and participation.

Professionals agree that in most cases you can negotiate with children between the options that you have (for example, spending holidays and leisure time, time to return to the center or sleeping, school choice or form of schooling that will follow the child, etc.). There are also situations in which adults are entitled to take decisions without consulting the children. They are listed here and where forced child violation of rules, according to professionals, can not be violated (case of a child who does not wish to attend school or when the child is ill and must undergo medical treatment), and no decisions can leave the child instead of negotiating. Professionals refer to choices that children have in the protection system by children in the family analogy when talking about children's participation in decision-making in certain situations that are limited by existing resources, or on the child's ability to anticipate consequences long-term decisions.

The criterion of "age" in listening and consulting the child has generated discussion among professionals, each of them expressing views on the age at which a child may be involved depending on their experiences with children. Thus, some believe that a child can communicate non-verbally what he likes or not, while others relate strictly to communication with the child. Besides age, professionals considered that the degree of maturity and intelligence of the child, but the nature of opinion or statements are important practical consideration of those expressed by the child. Professionals, however, tend to remain in legal and administrative proceedings involving child predominantly based on age which he has - from 10 years. Professionals consider that some children in the placement center have a degree of judgment more developed than children of the same age raised in the family. This is due to the special experiences that they have compared to children in the family (separation, abuse, street life, etc.),

experiences that matures them quickly and somehow force them to be more concerned about what they happens, which the children in the family leaves the care of parents.

Opinions children can be influenced by their parents or other children in the group, according to professionals. Individual work with children and in-depth knowledge of the capacities and concerns of each child could lead to the elimination of these assumptions, but currently not enough resources to exit the protection system for these steps.

Professionals believes that ensuring participation of the child protection system is an ideal stage of development to be achieved, but now, children's participation is ensured only in the responsibilities that professionals have.

Participation of child has benefits both for children and for professionals in the protection system, saying that listening to her child can learn some necessary information to solve the case that otherwise might not learn, and also by consulting the child have the opportunity of notice some of the various information regarding the situation.

Risks related to children's participation in decision making on issues that concern them requires, according to professionals in many decisions to limit the involvement of children in order not to overload them with the responsibility of the decision. But children can be ensured by a desire to participate in matters in which they want to be involved in adult duty being to only provide the necessary framework in which the child can express their opinion.

Professionals say that the rights of the child's opinion and providing choices in certain situations can come in contrast with other legal principles, and putting them in an ambiguous situation. There are times they must decide what will be considered with priority when the child's interest is in the sense of law, both the child and respect for the views, for example, keeping children's relationships with parents, the child refuses to see them.

In making decisions on matters relating to children in the orphanage, professionals tend to take into account the interests of the child depending on how they understand its significance. They know the importance of listening to the views of children and their obligation to consider the views of children, but they allow the participation of children at different levels depending on the nature of decision-making situation and how they appreciate the skills of children.

In accordance with the law, professionals have an obligation to listen to the views of children aged 10 years old, but not to let the children participate in the decision or to take decisions.

Professionals make decisions taking into account the views of children.

Depending on the nature of the decision and the degree of maturity of the child participation of children are at different levels of participation platforms chart Shier's (2001). Thus, there are situations in which decisions are taken by professionals without taking into account the views of children (child health, school attendance, child's entourage) and decisions of the children's opinion is taken into account (establish protection measures in case of placement divorce, etc.). Also, there are situations in which children's participation is at higher levels (the simple things in everyday life of children, school choice that will follow the child, maintaining natural family relations, etc.). We can, thus, appreciate that depending on the situation and the perception of the child's maturity level professional attitude are at different levels of participation platforms chart (Shier, 2001). In some cases professionals tend to act to protect and take decisions based entirely on how they perceive the child's best interests and the potential risk to health or child development, in other cases they are trying to involve children by agreeing to share some of the power and responsibility to decide, but they do not agree to let children full responsibility for decisions making.

To overcome many problematic situations that may arise relating to compliance with child rights protection system to free expression is necessary in the opinion of professionals, setting the working methodologies of clear provisions relating to situations in which children can or should be involved, who provides consulting the child, the arrangements for consultation, training issues related to children's abilities to participate in decisions and become familiar with aspects of participation.

Like children and professionals recounts various situations involving child to exclusion from participation, consultation and information, tokenistic involvement and active participation. However, unlike the findings made by children and educators in an interview with noted experts and decision makers are much more elaborate approach regarding the participation of children and their greater concern for the meaning and implications of this law in the lives of children and professionals alike.

Following interviews with professionals can be appreciated that the attitude expressed by them during the interview reveals that the participation of children in the placement center can be located between levels 5 and 6 on the scale of participation by Hart (1992). According to him, the 5 - Consulted and informed - requires that projects and activities are outlined and directed by adults, but children understand the process and their opinions are taken seriously. In most

opinions and attitudes expressed by professionals need to inform children about the prevailing situation and the decisions to be taken in matters relating to him and also emphasizes the importance of taking into account the seriousness of child opinions.

The 6th level of Participation Scale (Hart, 1992) - adults initiated shared decision with children - is a level of genuine participation of children in decision making. At this level projects are initiated by adults, and making decisions is "shared" with the children. There are activities of children in the placement center presented at the interview that are initiated by adults (arrangements for leisure and holidays are offered by educators) and decisions regarding activities to be carried out with children are taken individually or in groups and then the decision belongs to the group majority.

Adults construction on childhood have a major influence on the extent to which children are heard and how much their views are taken into account.

The specialists and decision makers consultation in this research has brought attention to policies and strategies need to adapt to the needs of child in care institutions in the protection system. It is also necessary that each of the institutions to work towards creating the necessary legal and practical respect for child rights. This requires supplementing regulations and methodologies for working with specific issues and practices on how to listen to the views of children, consultation and participation in decision making in matters which concern them.

The study revealed the need to develop practices to address individual children who may ultimately lay the foundation for effective enforcement of the right to an opinion.

Otherwise, the problem child's right to free expression of opinion remains a matter of discourse more investment is needed related the number of specialists and their training - to ensure implementation of social discourse into institutional practices.

Research ends with the final conclusions, limitations and recommendations of the research.

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