

VISIONS OF HEALTH IN THE XXI CENTURY

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Abstract: *The global strategy to fight against domestic violence, adopted by the Committee contains three directions: preventing the deeds of violence, signalling the deeds of violence and the State's intervention as a result of the deeds of violence.*

Keywords: *health, visions, XX century*

Rezumat: *Strategia globală de luptă împotriva violenţelor familiale conţine trei direcţii: prevenirea actelor de violenţă, semnalarea actelor de violenţă şi intervenţia statului în urma actelor de violenţă.*

Cuvinte cheie: *sănătate, viziuni, secolul XX*

INTRODUCTION

The phenomenon of violence inside the family remains less known, despite the efforts made especially by the European Council and WHO to get to know it as much as possible. The reasons, even though they are multiple, are due to the fact that everything happens, as a rule, behind closed doors, and the victims rarely make complaints. Some women do not know their rights, others are afraid of the uncertain consequences, others wish to keep their family, especially because of the children, and finally because of psychological, affective or cultural reasons. Regarding the children, they are not often able, do not know or are afraid to express their opinions, or they do not realize yet their situation because they do not have a comparison term. On the other hand, in the democratic societies, the State respects more the family life, because it can comprise the private sphere of the family life, without evident and solid reasons, in order to research the hypothetical acts of violence. With regard to the third parties, it is not only the preoccupation of respecting the private life, but also the indifference and poor knowledge of problems specific to this phenomenon that prevent them from giving the signal. For both of them, the reason for their silence is represented by the absence of certain support agencies or due to the fact that they do not know about their existence. Unfortunately, this scourge, so widely spread, affects in a very particular way the children, especially those of young age, and the women.

First of all, a family should solve the problems of violence arising inside it, but as long as people are not able to find a solution to such problems, it is normal for the third parties to interfere. In such cases, the State, the

public and especially the organizations in the field become responsible for finding a solution. Family is the basic cell regarding the organization of our democratic society and it is developed with a dynamics specific to the group. This evolution could hardly be perceived by others, reason for which the intervention of third parties should be avoided in order not to trouble even more the balance which is difficult to establish and which, in extreme circumstances, is likely to harm even more certain people in group than the evil other people in the group are suffering from and who benefit from help from third parties.

The Committee within the European Council has estimated that a systematic, direct and immediate intervention of the criminal authorities in cases of domestic violence, when this violence refers to the criminal law, is not necessary unless in extreme situations. As a result, the conceptual rigidity that characterizes any intervention by the criminal code, and its consequences, meaning the sanctions, badly adapts to these situations. Taking these into consideration, except for the extreme cases, the intervention of the criminal courts should be preceded, or even replaced, by the intervention of the private assistant associations and by specialized services and commissions. Mention must be made of the importance of the social measures.

The global strategy to fight against domestic violence, adopted by the Committee contains three directions:

- Preventing the deeds of violence;
- Signalling the deeds of violence;
- State's intervention as a result of the deeds of violence.

Preventing

1. The hidden character of the phenomenon of domestic violence does not allow the public opinion to be aware of its amplitude. On one hand, it results that the public opinion is not ready to contribute to its prevention, and on the other hand, if a person is victim, she is marginalized, confused, what makes her searching for advice or refuge in society.

If the consent of the public opinion is necessary to any policy of criminal prevention, then it becomes almost mandatory in preventing domestic violence. As a result, the intervention of neighbours, teachers work

colleagues, support and assistance associations in this domain becomes an indispensable function according to circumstances. As a matter of fact, associations do not exist unless supported by the public.

2. The ignorance or the insufficient preparation for life, especially when it comes to social relations, the capacity to prevent or identify the situations and behaviours that risk to lead to conflicting situations, as well as the forms and techniques to solve these conflicts are at the basis of violence situations and lead mostly to a dead end in which they are stuck. The training or at least the transmission of the information in this filed could complete the action of raising the public awareness recommended in the first part.

3. The briefing proposed in the two previous recommendations should be completed by the professional training of all those who are in a position to detect cases of domestic violence (physicians, nurses, teachers, social workers etc.) or those who can take over the victims (medical staff, social workers, police, judges etc.)

4. The lessons learnt by a number of countries regarding the agencies that offer help and assistance to the victims of domestic violence through the so-called receiving homes or refuge homes are generally thought to be very positive. These agencies are able to offer assistance which is at the same time specialized and non-mandatory, as long as the decision to benefit from it belongs to the victims.

The Committee estimated that these agencies need an active support from the part of the State, especially as long as the public opinion is still not enough informed and sensitive to this phenomenon. It is important to mention that the aim to offer help and assistance does not represent the only purpose of these agencies.

5. Besides the agencies with a vital role in preventing domestic violence and in assisting the victims of domestic violence, it is desirable that the State's intervention be institutionalized at the level of services or commissions that could ensure in a professional and specialized manner the first contacts with the victims, as well as their help and assistance. These services or commissions will have the special mission to serve as a pivot in signalling such cases. The facts would be communicated, according to the situation, by the victim or by the third party (protected by the rules of secret), and once everything is known, the services and commissions will help and assist the victim, will study the case, gather supportive documents for the victim, eventually they will intervene along the author of the violence and, finally, will send the cases to the criminal, civil, medical, social and other authorities.

6. Imposing strict rules to these services or commissions in order not to reveal the information they have access to, represents a method to give trust to those who give them that information. According to these rules, people do not denounce them, but share the information with an agency that will know how to use it prudently in the victim's interest.

These rules have two purposes: on one hand, they will prevent the public from disclosing information, and on the other hand, based on such information, the services or commissions will send the case to other authorities.

Signalling

7. Taking into account the hidden character of this phenomenon, signalling domestic violence becomes the essential element of any policy that focuses on fighting them and, as a result, it must be encouraged.

8. Professionals, especially physicians and paramedics are well-placed in order to detect cases of domestic violence. However, the obligation imposed to keep the professional secret and the fear for an awkward intervention from the repressive agencies, prevent them from transmitting the information to those able to provide assistance to the victim. The Committee estimated that the social and judicial value of the professional secret stays untouched if those who have it should be allowed to share it with an agency (services or commissions) that will also keep the secret. Having in view that these agencies are not repressive but specialized in providing help and assistance to victims, all the concerns to get the criminal justice system work, prove to be diminished.

9. The fact that the victim and the aggressor live together favours the risk for a new aggression. As long as this risk is serious or imminent, the authorities, especially the judge of the civil cases, must be able to take certain measures, even temporary, focusing on the protection of the victim.

10. It is not necessary to resume the repressions once we can take into consideration other possible alternatives, taking into account the victim's and children's interests. This principle should become the proceeding norm of a psychological and social investigation, through which the situation of the family and its members would be clarified.

11. The prosecution or the court instance in close dependence of the judicial system of each Member State and according to the principles specific to its judicial system, would be proper to implement a non-penal measure with a view to avoid the aggravation of such situations.

12. Corporal punishment of the children is a disciplinary and educative method that persists in many countries. It reflects educative, legal, social, moral and philosophical concepts, which are often well established.

This negative phenomenon must be discouraged and forbidden!

At global level, more than 40 million children under the age of 15 become the victims of the domestic violence every year; despite this, 97 % of them do not benefit from the same legal protection against violence as adults do. Thus, millions of children from all over the world become the victims of physical and psychological abuses from the part of those who share the responsibility of caring them. Despite the results and conclusions of the research done by experts regarding the consequences of violence, only 17 countries from all over the world have

forbidden by law any form of physical punishment or humiliating treatment against children. Physical punishment in school has not been cancelled yet in 106 countries in the world, but even in the countries where it was forbidden, the implementation and monitoring the enforcement of the law often proved to be insufficient. Also, in 147 countries, physical punishment is not restricted in the alternative care institutions. As a result, we can say that physical punishment and the humiliating treatment applied to children are used in almost all societies.

Only 17 countries in the world have forbidden to use violence against children: Sweden (1979), Finland (1983), Norway (1987), Austria (1989), Cyprus (1994), Italy (1996), Denmark (1997), Latvia (1998), Croatia (1999), Germany (2000), Bulgaria (2000), Iceland (2003), Romania (2004), Ukraine (2004), Hungary (2004), Greece (2006), The Netherlands (2007). In 153 countries, physical punishment is allowed, meaning that over 1.5 billion children live in countries where this phenomenon is legal.

Sweden was the first country in the world that forbid in 1957 all forms of corporal punishment applied to children. This country's experience shows that a considerable change in the attitude and disciplinary methods applied by parents and teachers to children and by reducing the physical punishment cannot be exclusively based on prohibitive laws, but especially on campaigns of educating the public, which were developed along decades. In 1980, studies showed that 51 % of parents had used the physical punishment as a means of correction. Twenty years later, their number decreased to 8 %.

Even though Romania is among the few countries in the world in which the legislation forbids the use of physical punishment on children, specialists think that we still have to work on this chapter because a large part of the Romanians still agree that physical punishment is heaven sent. Half of the Romanian parents use physical punishment as a disciplinary method. Contrary to this law, according to statistics published in the study "Child abuse and neglect" (carried out in 2001 by the National Authority for the Protection of Child Rights, World Bank and WHO) show that 47, 2 % of parents use physical punishment as a method to educate their children, while 84 % of the children declare that they are beaten by the parents. Physical punishment applied to children has the biggest weight in rural areas. Thus, 87 % of the parents living in the rural area who have children aged 6-7, declared they used the physical punishments. In urban areas, physical violence has a smaller weight (52, 6% on children aged 6 and 7 and 50, 2 % for those aged 3 and 5).

BIBLIOGRAPHY

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