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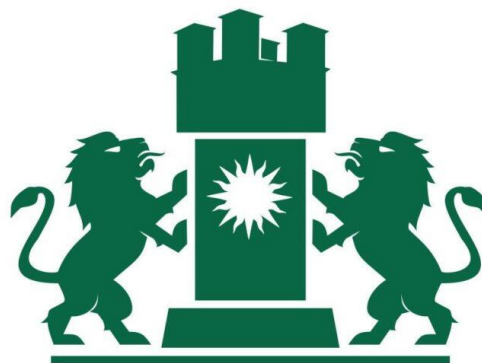
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**CENTRAL
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Mental Health Challenges of Refugee Children**

ABSTRACT: Worldwide, the number of refugee children and youth is staggering. It is well-documented that refugee children face various types and varying extents of mental health challenges. Providing an overview of the mental health challenges that this population faces, this chapter discusses the current mental health status of refugee children through the lens of prominent psychological theories. A psychosocial approach to human development is introduced, moving beyond the traditional approach of diagnosis and treatment of mental health symptoms, adopting a holistic ecological approach targeting both risk and resilience factors that promote sustainable mental health and well-being in refugee children. Through the motivational theory of human needs, refugee children's needs are outlined as their basic human rights, offering a rationale for comprehensive mental health services to be provided at the individual, family, and community levels. With the overarching aim of promoting complete mental health of refugee children towards a state of well-being, a system of interventions is outlined, which considers the complex needs of these children and their families. A family is a system of its own; however, it is also a subsystem within a larger societal system. A subsystem can thrive only if, at the societal level, an open-minded, prejudice-free, and tolerant approach is adopted towards refugee children and their families. Each child is primarily a child with human rights and deserves to thrive in a psychologically healthy environment to have a chance to achieve positive life outcomes.

KEYWORDS: refugee, child, mental health, ecological approach, human needs, intervention.

Over the past several years, the number of forcibly displaced people has been increasing, and by the end of 2022, it reached nearly 108 million,

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according to the United Nations Refugee Agency.¹ Nearly 40% of this population are children under the age of 18. Some displaced children are accompanied, while many others are unaccompanied, with the ratio differing by country. A refugee is ‘someone who is unable or unwilling to return to their country of origin with a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion’.² In this chapter, all children who are forcibly displaced from their homes, regardless of the country or legal status (e.g. seeking asylum, stateless, seeking recognition of refugee status), are considered refugee children.³

Forced migration has long been considered a salient risk factor to mental health, particularly to the mental health of children who are displaced during vulnerable stages of their development. Childhood and adolescence are developmental stages characterised by rapid physical, cognitive, emotional, and social development, and being displaced from home, potentially experiencing traumatic events, can trigger long-term mental health consequences. Many children, however, despite being exposed to multiple and severe stressors, display remarkable resilience.⁴ This chapter aims to discuss the mental health of refugee children from the perspective of several prominent psychological theories, promoting a comprehensive approach to mental health considering risk and resilience factors, psychosocial and ecological factors, human development, family functioning, and the role of the community. The discussion addresses the mental health challenges of refugee children, such as their traumatic experiences, daily stressors, individual and family characteristics, and societal specifics in the promotion of children’s well-being. The chapter concludes with a brief review of mental health interventions available for refugee children and their families and a proposal for an integrative approach towards supporting the mental health of this population.

¹ UNHCR, 2022. [Online]. Available at: <https://www.unhcr.org/globaltrends-report-2022> (Accessed: 10 February 2024).

² UNHCR, 1967, p. 3. [Online]. Available at: <https://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relatingstatus-refugees.html> (Accessed: 10 February 2024).

³ Dangmann et al., 2022.

⁴ Ibid.

1. Mental health of refugee children

The refugee status of children has been linked to a higher prevalence of mental health problems in this population. Many studies have focused specifically on post-traumatic stress disorder (PTSD), depression, and anxiety in refugee children six years and older. Results vary by age, gender, and country; for instance, PTSD prevalence in children from Afghanistan is twice as high as in children from Syria, because many children from Afghanistan arrive unaccompanied.⁵ Overall, even after considering individual and country-specific differences, the prevalence rates of these disorders are significantly higher in refugee children.⁶⁷ PTSD prevalence rates in refugee children in Europe range from 19% to 53%, in refugee children worldwide, it is approximately 23%, compared to 16% of children exposed to trauma worldwide. Rates of depression in refugee children in Europe range from 10% to 30%, compared to 14% in refugee children worldwide, and 3% prevalence in children from other populations. Rates of anxiety in refugee children in Europe range from 9% to 32%, in refugee children worldwide, it is 16%, compared to the 7% worldwide prevalence in children from other populations.⁸⁹ Although these numbers are worrying, one must note that individual differences can be observed among refugee children. It has been observed that while the majority of children recover with time, a smaller group experiences worsening of symptoms, and the smallest group develops chronic mental health problems.¹⁰¹¹ Other mental health problems commonly noted in refugee children are somatic complaints, mostly in the form of stomach aches and headaches, sleep disturbances, and behavioural and emotional problems,¹² particularly in younger pre-school children who display distress through changes in patterns of behaviour, and school-related problems as a consequence to

⁵ Dangmann et al., 2022.

⁶ Alisic et al., 2014.

⁷ Polanczyk et al., 2015.

⁸ Alisic et al., 2014.

⁹ Polanczyk et al., 2015.

¹⁰ Keles et al., 2017.

¹¹ O'Donnell, 2023.

¹² Jensen et al., 2019.

trauma exposure, such as working memory or emotion regulation deficits.¹³¹⁴

Research has shown that children exposed to traumatic events and catastrophes are likely to develop internalising behaviour problems, which are manifested internally in the form of anxiety and depressive symptoms that are considered a reaction to severe stress. Through proper social support from the child's environment, such family and school, children can bounce back from adversity and recover from these temporary symptoms.¹⁵ Despite challenging circumstances, the majority of refugee children have some source of resilience and recover to good mental health. Most research on mental health of refugee children to date has focused on negative indicators of mental health. From the perspective of the dual-factor model, mental health should be viewed as complete mental health, including attention to both ends of the mental health continuum, that is, mental ill-health and psychopathological symptoms on one end and well-being on the other end.¹⁶ These two ends work in tandem and complement each other; for example, a diagnosis of mental illness does not automatically mean loss of well-being.¹⁷ Mental ill-health indicates that an individual suffers from the presence of psychopathological distress of varying degree and intensity, either in the form of milder everyday conditions such as stress or worry or conditions that significantly impact the quality of daily life such as depression or anxiety.¹⁸ Well-being is considered a main indicator of positive mental, physical, and social functioning.¹⁹ To provide a comprehensive view of complete mental health, both positive and negative mental health indicators need to be considered.²⁰²¹ Therefore, in line with current trends in psychology, a shift in the area of research on the mental health of refugee children is proposed, transitioning the focus from the negative aspects of mental health towards a complex understanding of children's mental health considering positive indicators such as well-being, social-emotional health, social support, meaning, belonging, and others.

¹³ Mueller et al., 2021.

¹⁴ Mirabolfathi et al., 2022.

¹⁵ Danese et al., 2020.

¹⁶ Suldo and Shaffer, 2008.

¹⁷ Dowdy et al., 2015.

¹⁸ Allen and McKenzie, 2015.

¹⁹ Seligman and Csikszentmihalyi, 2014.

²⁰ Arslan and Allen, 2020.

²¹ Dowdy et al., 2015.

2. Psychosocial approach to the mental health of refugee children

The psychosocial approach to human development integrates interactions of three major systems: biological, psychological, and societal systems. The integration of these systems results in a complex biopsychosocial pattern of development. The biological system comprises biological processes related to genetically guided maturation and environmental experiences, known in psychology as the 'nature and nurture' dichotomy.²²

The psychological system refers to mental processes such as emotion, memory, motivation, perception, thinking, reasoning, etc. All these processes are dynamic and change over the lifespan as a result of interactions of genetic information such as intellectual ability, and environmental conditions such as access to education. However, change can also be prompted by an individual and her strengths and interests, known as self-insight, which has been associated with positive mental health.²³

The societal system includes all aspects related to culture, social roles, social support, social expectations, family organisation, religion, conditions of war and peace, exposure to discrimination, intolerance or hostility, economic prosperity, or poverty. For refugee children, several change factors exist within the societal system, such as moving from one culture to another, entry into new social roles in a new community and school, or unpredictable societal events.²⁴

In children, an example of mutual interactions among biological, psychological, and societal systems is the concept of child temperament, which represents the internal elements of emotion regulation and which serves as a genetically based set of individual differences in the domains of emotional reactivity and self-regulation.²⁵

Reactivity refers to endogenous arousability that accounts for individual physiological and emotional responses to the environment. It is indicated by frustration, anger, fear, approach tendencies, and positive affect and is evident from birth onwards. Self-regulation entails processes that regulate reactivity through executive processes that control attention and behaviour, and it is normally measured as attention focusing, attention

²² Newman and Newman, 2012.

²³ Wilson, 2009, cited in Newman and Newman, 2012.

²⁴ Newman and Newman, 2012.

²⁵ Rothbart and Bates, 2006.

shifting, inhibitory control, or attentional self-regulation at the end of an infant's first year of life.²⁶²⁷ Although temperament is genetically based and relatively stable, it is partially shaped by the environment.²⁸²⁹ Three broad dimensions of temperament in early and middle childhood have been identified: negative affectivity, surgency/extroversion, and effortful control, which have been associated with the Big Five personality factors of Neuroticism, Extraversion, and Conscientiousness, respectively.³⁰

According to the goodness-of-fit theory, the fit between a child's temperament and their environment is what influences individual development;³¹ therefore, not all children with difficult temperaments are predetermined to have negative outcomes. It is this good fit with their environment that shapes individual temperaments and vice versa, accounting for the bidirectional nature of the effect. Research has shown that a child's temperamental characteristics determine the child's individual reactions to environmental influences, such as family, societal, and cultural characteristics.³²³³

This trend has been reflected in recent years with the shift from an individual trauma-focused approach to a more comprehensive ecological model approach in the mental health care of refugee children. Ecological models consider both risk and resilience factors related to the stages of the refugee process.³⁴ The theoretical background is based on Bronfenbrenner's bioecological theory according to which individual development is influenced by several interconnecting systems, from the most immediate to the individual, such as family, to the broader societal environment such as culture.³⁵ Child development is thus viewed as a complex pathway linking these subsystems and their effect on the child from the microsystem, mesosystem, exosystem, and macrosystem, through to the chronosystem.³⁶

²⁶ Kiff et al., 2011.

²⁷ Rothbart, 2007.

²⁸ Thomas and Chess, 1986.

²⁹ Kiff et al., 2011.

³⁰ Rothbart, 2007.

³¹ Thomas and Chess, 1986.

³² Kiff et al., 2011.

³³ Morris et al., 2007.

³⁴ Arakelyan and Ager, 2021.

³⁵ Bronfenbrenner, 1979.

³⁶ Ibid.

The first level in direct contact with the child is the microsystem, which includes primary relationships and environments such as family, school, friends, or neighbours. The child is not a passive recipient but an active agent navigating these relationships and environments. The mesosystem involves interactions between different microsystems, such as the communication of the teacher with the child's parents. If these interactions are not functioning well, for instance, the teacher does not inform the parent if there is an issue at school, tension is created, and the child is affected negatively. The exosystem may appear to be remote from the child, yet these broader structures such as media, policies, and community resources shape the child's microsystem, for instance, a family receiving funding for the child's education or extracurricular activities. The macrosystem relates to cultural elements that establish norms and values in a society, which may be significantly different for a refugee child. The last level is the chronosystem, and it refers to transitions in the child's life, such as personal events, relocation, divorce, asylum seeking, historical events, etc. The child's response to these expected or unexpected life events is dependent on the support she has received from the other systems.³⁷

This model can serve as a good basis for understanding individual differences in children's reactions to coping with adversity. While some children demonstrate a very high level of resilience, others struggle when coping with adverse events and life challenges. Resilience is a complex construct defined as an ability to bounce back and to positively adapt to challenging life events and negative emotional or stressful experiences.³⁸³⁹ The protective role of resilience in mental health has been strongly established by research, and resilience has been positively associated with a variety of positive mental health outcomes such as belonging and supportive relationships,⁴⁰ optimism,⁴¹ life satisfaction, and positive affect.⁴²⁴³ On the contrary, low resilience has been negatively associated with adverse mental health outcomes such as loneliness, psychological distress,⁴⁴⁴⁵ depression,

³⁷ Bronfenbrenner, 1979.

³⁸ Lazarus, 1993.

³⁹ Masten, 2019.

⁴⁰ Yildirim and Arslan, 2020.

⁴¹ Sourì and Hasanirad, 2011.

⁴² Arslan, 2019.

⁴³ Hu et al., 2015.

⁴⁴ Kennedy et al., 2023.

⁴⁵ Zhang et al., 2018.

and anxiety.⁴⁶⁴⁷ Resilience is also a predictor of positive mental health, such as well-being,⁴⁸ while its lack is a predictor of mental ill-health, such as depression and anxiety.⁴⁹⁵⁰

Discussion on the ecological approach to risk and resilience would not be complete without considering some of the most significant factors affecting an individual child's level of resilience. Individual factors such as age, gender, personality characteristics, temperament, self-efficacy, and coping strategies; family factors such as family functioning and family support; community factors such as school, neighbourhood, environment, and peer relationships; and societal factors such as cultural attitudes to acceptance, discrimination, tolerance, and cultural differences,⁵¹⁵² all interconnect and form an individual as a unique human being with a unique level of resilience. Taken together, any child, either refugee or not, desires to be loved and accepted in family, school, peer group, and society. However, the success of this process depends on the interplay of a myriad of internal and external factors. Some important considerations on how to holistically support these children are discussed in the last section of this chapter. on interventions available for refugee children.

3. Human needs from the perspective of refugee children

Human behaviour is, according to Maslow, motivated by human needs.⁵³ Hierarchy of human needs is a motivational theory according to which human needs are ordered hierarchically in a pyramid. The five needs ordered from the bottom are physiological needs, safety, love and belonging, esteem, and self-actualisation. Maslow postulated that, first, the basic survival and short-term needs have to be met before moving up the pyramid to psychological longer-term needs, which are more challenging to satisfy due to interpersonal and environmental challenges.⁵⁴

⁴⁶ Beutel et al., 2010.

⁴⁷ Hu et al., 2015.

⁴⁸ Satıcı, 2016.

⁴⁹ Beutel et al., 2010.

⁵⁰ Hu et al., 2015.

⁵¹ Arakelyan and Ager, 2021.

⁵² Dangmann et al., 2022.

⁵³ Maslow, 1943.

⁵⁴ Maslow, 1943.

First is the level of the physiological needs, which are biological needs necessary for survival such as breathing, food, water, shelter, clothing, and sleep. These are the most basic needs and the human body cannot function without these basic needs being met. Many displaced refugee children find themselves in situations where even this first level of needs is not met. Therefore, only once these needs are satisfied can attention be given to fulfilling the second level of needs: security and safety.⁵⁵

The second level, safety and security needs, is fulfilled by family and society. Humans, especially children, naturally thrive when experiencing order and predictability in their lives. First, these needs in children are dependent on the most significant social units in their lives.⁵⁶ Unaccompanied refugee children are at a higher risk of exposure to traumatic events such as exploitation and mental health problems.⁵⁷ Parental physical and mental health have been repeatedly associated with children's health. Research has shown that in cases of parental distress, harsher parenting practices are used, such as verbal (reprimanding) or physical (e.g. spanking) abuse.⁵⁸ Emotional stability in a family is another aspect of the family environment that promotes children's need for safety and security. In children, the ability to manage emotions is known as emotional regulation. This concept is discussed in the next section.

At the third level, is the need for love and belonging, which manifests the innate human need for interpersonal relationships, connectedness, and group membership, experiences of affection, acceptance, trust, friendship, and love in family, peer groups, community, and other social units.⁵⁹ This need is salient in children who naturally strongly desire to belong and to be loved. The two primary environments of social interactions for children are the family and school.

Belonging, acceptance, and interpersonal attachment are concepts that have been the focus of psychologists for decades.^{60,61} These important concepts have inspired a lot of research on the topic of human motivation and well-being.⁶² For instance, Vygotsky dealt with the topic of social

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Höhne et al., 2018.

⁵⁸ Bryant et al., 2018.

⁵⁹ Maslow, 1943, cited in Slaten et al., 2016.

⁶⁰ Maslow, 1943.

⁶¹ Rogers, 1951, cited in Slaten et al., 2016.

⁶² Baumeister and Leary, 1995.

environment in schools, while Erikson conducted studies on the topic of social identification in education.^{63,64}

A significant contribution to the research on the need to belong was the belongingness hypotheses by Baumeister and Leary, who proposed that ‘human beings have a pervasive drive to form and maintain at least a minimum quantity of lasting, positive, and significant interpersonal relationships’.⁶⁵ According to this theory, the need to belong is innate and evolutionary as group membership has always produced more options for how to survive and secure more resources and affection. While the need to belong motivates individuals to establish and maintain relationships, its absence is related to psychological distress and physical health problems. The prerequisite for belonging is the need for frequent interpersonal interactions and the establishment of stable and meaningful social relationships. A significant contribution of this theory is that the need to belong is an inevitable precondition for individual well-being.⁶⁶

In children’s lives, the need to belong in a community is manifested by the construct of school belonging. In the literature, the most commonly used concepts referring to this need are school connectedness, school membership, school belonging, or school belongingness, which are used almost interchangeably, referring to affective and cognitive relationships of students and school employees and the school as an institution.⁶⁷ School belonging has been most widely defined as connectedness to school and feelings of acceptance and appreciation from peers as well as the whole school community.⁶⁸ The most commonly cited definition of school belonging is that it is ‘the extent to which students feel personally accepted, respected, included, and supported by others’.⁶⁹ The basic feature of school belongingness is the component of social support in school from the teachers, who are available to support students both academically and emotionally.⁷⁰ For refugee children in a new country, fulfilling the need to belong and establishing a strong sense of school belonging are crucial for their well-being. Children start to navigate their social environment from

⁶³ Vygotsky, 1962, cited in Slaten, et al., 2016.

⁶⁴ Erikson, 1968, cited in Slaten et al., 2016.

⁶⁵ Baumeister and Leary, 1995.

⁶⁶ Baumeister and Leary, 1995.

⁶⁷ Goodenow, 1993.

⁶⁸ Chan et al., 2019.

⁶⁹ Goodenow, 1993.

⁷⁰ Osterman, 2000.

scratch, often exposed to a new culture, language, and everyday challenges connected with finding their place in already well-functioning school communities. Therefore, interventions at the school level aiming to support and integrate refugee students in classrooms are essential to satisfy this need in refugee children.

The fourth level of needs, esteem needs, is closely related to experiences the child gathers from the levels below. A child's experiences in school and community, and the level of satisfaction of the need to belong, are manifested in self-worth and esteem for oneself in the form of dignity, achievement, mastery, and independence.⁷¹ The second category within the esteem needs is manifested in the desire for respect from others, which for a refugee child is to be respected, accepted, and valued as an equal member of a classroom or peer group. The underlying desire is to experience a sense of value and dignity about oneself.

The fifth and the highest level in the hierarchy of needs is the need for self-actualisation, which falls under self-fulfilment needs, meaning that the individual is aiming to achieve her full potential.⁷² This need, if fulfilled, is generally satisfied later in human development. However, to attain it, lower-level needs have to be met first. Therefore, healthy pathways of development in childhood are crucial for maturing into a mentally healthy and fully functioning adult.

4. Role of the family in the mental health of refugee children

Family, as the primary social environment in a child's life, is normally the source of closest interpersonal relationships. In discussing the role of family in the mental health of refugee children, this section emphasises emotion regulation within the family context, parenting styles of primary caregivers, and the psychological outcomes of the child. Since the most commonly diagnosed mental health disorders in refugee children involve emotional symptoms, the emotional climate within the family can buffer the effect of negative and traumatising refugee experiences.

Emotion regulation is one of the most important social and developmental competencies that children acquire in their preschool years.⁷³ It develops over time as a set of 'extrinsic and intrinsic processes

⁷¹ Maslow, 1943.

⁷² Maslow, 1943.

⁷³ Bariola et al., 2011.

responsible for monitoring, evaluating and modifying emotional reactions, especially their intensive and temporal features, to accomplish one's goals'.⁷⁴ Emotion regulation is a complex process that evolves across the life span and is therefore not limited to the developmental period of early childhood. Nevertheless, early childhood has been the focus of most of the research in the area of emotion regulation owing to its importance for the development of essential regulatory skills that are used throughout childhood, adolescence, and adulthood.⁷⁵ Poor emotion regulation contributes to a range of externalising and internalising behavioural problems, manifested through behaviour, emotional problems, such as depression and anxiety,⁷⁶⁷⁷ and later psychopathology,⁷⁸ which is included in most of the Axis I and all of the Axis II disorders, according to the Diagnostic and Statistical Manual of Mental Disorders.⁷⁹

Emotion regulation in infants is dependent on their caregivers. Eisenberg and Morris identified three stages in the development of emotion regulation from early to late childhood: first, the child changes the locus of reliance from extraorganismic to intraorganismic and, by the end of the first year of life, begins to actively control their arousal; second, as the executive functioning and the internal cognitive coping strategies develop during toddlerhood, the child becomes able to better grasp the meaning of emotions; third, the child develops the ability to regulate his/her emotions autonomously in a variety of situations.⁸⁰⁸¹

According to Calkins, two sources account for individual differences in emotion regulation – internal and external. Internal sources include three factors innate to the child, which are neuroregulatory elements, behavioural traits, and cognitive components.⁸²

At the neuroregulatory biological level, each child is born with a certain level of biological reactivity that is dependent upon the physiological activity of their body. According to the polyvagal theory,⁸³ the control of the

⁷⁴ Thompson, 1994.

⁷⁵ Cole, 2014.

⁷⁶ Gartstein et al., 2012.

⁷⁷ Karreman et al., 2010.

⁷⁸ Kim and Cichetti, 2010.

⁷⁹ Bariola et al., 2011.

⁸⁰ Calkins, 2004.

⁸¹ Eisenberg and Morris, 2002.

⁸² Calkins, 1994.

⁸³ Porges, 2007.

heart by the vagus nerve – termed vagal tone – is a measure of differences in emotion regulation. Research has shown that children with increased vagal suppression demonstrate better emotion regulation than their peers with lower vagal suppression.⁸⁴⁸⁵ Increased vagal suppression is therefore related to better emotion regulation abilities, and those children who are not able to regulate, physiologically rely on their parents for guidance and help in acquiring the emotional competence necessary for their social and emotional development.⁸⁶⁸⁷

Behavioural traits, such as attentiveness, adaptability/reactivity in response to novelty, and resistance in response to frustration and soothability, develop depending on the level of biological reactivity displayed by the child.⁸⁸ The combination of behavioural traits and biological reactivity indicates a temperamental disposition in the child, which may either foster or hinder the development of emotion regulation, for example, if the child displays extreme distress in a particular situation, they may not be able to acquire the regulatory skills that will enable them to cope with such a situation in the future unless effective assistance is provided by the parent.⁸⁹

Cognitive components, for example, beliefs and expectations about others and the environment, ability to apply strategies, and awareness of the need for regulation, which emerge gradually throughout the process of cognitive maturation, contribute to a child's ability to create an understanding of the world. The child thus forms an 'internal working model' of the world; for instance, it understands that it is not appropriate to display anger in public, and thus gradually learns to apply the appropriate emotion regulation strategies to particular situations.⁹⁰

This combination of internal factors closely interacts with external factors represented by parenting styles and behaviours involved in child-rearing, such as modelling, induction, reinforcement, and discipline.⁹¹ For example, behaviourally inhibited children, who are highly reactive and fearful in novel situations, benefit from warm and sensitive parenting, which

⁸⁴ Perry et al., 2011.

⁸⁵ Vasilev et al., 2009.

⁸⁶ Perry et al., 2011.

⁸⁷ Vasilev et al., 2009.

⁸⁸ Calkins, 1994.

⁸⁹ Ibid.

⁹⁰ Eisenberg and Morris, 2002.

⁹¹ Calkins, 1994.

teaches them effective methods of emotion regulation. Therefore, the interaction of internal and external sources, dependent upon both the child and the parent, shapes individual differences in emotion regulation.⁹²⁹³

Next, safety and security in family is manifested by parenting strategies. Two dimensions that represent different approaches to parenting are acceptance-responsiveness and demandingness-control.⁹⁴⁹⁵ Acceptance-responsiveness, as an expression of parental warmth, support, sensitiveness, and understanding, is an important predictor of positive outcomes in various domains, including interpersonal relationships and emotion regulation.⁹⁶⁹⁷ Accepting parents are affectionate and involved with their children and provide them with a secure and warm family environment. Parental acceptance fosters well-being and is particularly important for young children. Children of accepting and responsive parents generally do not experience high levels of emotional and behavioural problems and show good social competency.⁹⁸⁹⁹ Responsiveness refers to the way a parent reacts to a child in terms of general needs, emotions, or other cues. Maternal responsiveness to negative emotions in young children is related to higher expression of positive emotions as opposed to negative emotions such as anger.¹⁰⁰ The role of maternal responsiveness in a child's well-being has also been demonstrated by physiological measures; for example, infants of responsive mothers have vagal tones that indicate good emotion regulation. Maternal responsiveness in older children is related to high levels of prosocial behaviour, lower incidences of behaviour problems, and better emotion regulation.¹⁰¹¹⁰²

Demandingness-control refers to the extent of control that a parent imposes upon a child. While consistent control combined with a strong acceptance-responsiveness orientation on the part of the parent is generally beneficial for the child, power-assertive type of control can have negative

⁹² Bariola et al., 2011.

⁹³ Calkins, 1994.

⁹⁴ Holden, 2010.

⁹⁵ Rathus, 2014.

⁹⁶ Holden, 2010.

⁹⁷ Rathus, 2014.

⁹⁸ Kiff et al., 2011.

⁹⁹ Orta et al., 2013.

¹⁰⁰ Kiff et al., 2011.

¹⁰¹ Kiff et al., 2011.

¹⁰² Orta et al., 2013.

consequences for the child.¹⁰³¹⁰⁴ Research has identified two components of negative parenting in terms of control: hostility or behavioural control and psychological control. Hostility or behavioural control refers to apparent aggressive strategies used by the parent such as coercion, physical or verbal aggression, and strict monitoring, whereas psychological control is a type of indirect aggression intended to manipulate the child through unwarranted demandingness and criticism, inconsistent affection, guilt induction, and autonomy restriction.¹⁰⁵¹⁰⁶ Both types of control have negative effects on child outcomes throughout childhood to adolescence resulting in a range of behaviour and emotional problems.¹⁰⁷¹⁰⁸¹⁰⁹ Although parenting strategies may differ cross-culturally, negative and hostile parenting is particularly harmful to young children across different cultures.¹¹⁰ Negative, power-assertive parenting, however, does not identically influence children's psychosocial development. Children with particular temperamental characteristics are more resilient than others towards the adverse effects of the different degrees of hostility and control imposed by their parents.¹¹¹

Notwithstanding the temperament a child displays, parents may, directly and indirectly, affect the development of emotion regulation in children in many ways.¹¹² First, children internalise emotion regulation skills through observing and modelling their parents in emotional situations, thus learning about emotions and appropriate ways of handling them.¹¹³ Research suggests that already during toddlerhood, children learn to model their parents' emotion regulation strategies at an age-appropriate level, starting with passive strategies such as distraction, and then applying more active strategies such as attention refocusing as they cognitively mature.¹¹⁴¹¹⁵ The preschool period is a critical period for the acquisition of

¹⁰³ Manzeske and Stright, 2009.

¹⁰⁴ Rathus, 2014.

¹⁰⁵ Kiff et al., 2011.

¹⁰⁶ Morris et al., 2002.

¹⁰⁷ Karreman et al., 2010.

¹⁰⁸ Kiff et al., 2011.

¹⁰⁹ Manzeske and Stright, 2009.

¹¹⁰ Olsen et al., 2002.

¹¹¹ Yagmurlu and Altan, 2010.

¹¹² Kiff et al., 2011.

¹¹³ Morris, 2007.

¹¹⁴ Morris et al., 2011.

¹¹⁵ Stansbury and Sigman, 2000.

emotion regulation skills, with parenting serving as the primary source for children. Once a set of strategies has been acquired from the parents in early childhood, it tends to be used into middle childhood and adolescence.¹¹⁶¹¹⁷

If, however, the parent often displays intense negative emotions, such as anger, the child becomes overwhelmed with fear and is less likely to learn how to regulate their emotions as a response to similar situations. Overly negative emotionality in the family environment elicits emotion contagion, a transfer of negative emotion onto the child.¹¹⁸

Second, parents use a variety of emotion-related parenting practices by which they induce an understanding of emotions in their children. They engage in specific parenting behaviours as reactions to particular situations that affect the emotion regulation skills of their children. Children thus learn to regulate their emotions through the pathway of emotion coaching. Warm and responsive parents often engage in emotional coaching of their children, that is, they discuss their emotions, label them, and advise their children on how to handle them, acting as ‘emotion coaches’ to their children.¹¹⁹

Parental reactions to a child’s emotions are also important. If a parent punishes or minimises a child’s negative emotions, the child’s emotional arousal is increased. Consequently, the child experiences an increase in negative affectivity and displays more intense anger or sadness – seen particularly in young children.¹²⁰ Nonsupportive parental reactions to children’s negative emotions¹²¹ are related to problems in emotion regulation and consequently to impaired social functioning.¹²² On the contrary, if a parent reacts positively and acknowledges a child’s emotions, the child learns to effectively cope with negative arousal and to apply various emotion regulation strategies in various contexts. Supportive parents may also encourage and control the expression of negative emotions in children by remaining calm and understanding, allowing the child to express himself within an ‘optimal’ level of expression.¹²³ Another emotion-related parenting practice is to explicitly teach children about emotion regulation strategies by providing them with specific instructions, for example, on how

¹¹⁶ Bariola et al., 2011.

¹¹⁷ Morris et al., 2011.

¹¹⁸ Morris et al., 2011.

¹¹⁹ Morris et al., 2011.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Orta et al., 2013.

¹²³ Morris et al., 2007.

to cognitively reframe a frustrating situation to change its meaning or how to redirect attention to something more pleasant, thus reducing the child's expression of negative emotions.¹²⁴¹²⁵

Third, emotion regulation is influenced by the 'emotional climate' of the family, which refers to the quality of relationships between family members, that is, parent-child attachment, parenting styles, marital relationships, and the overall emotional stability and expressivity of the family (such as the level of expressed positive and negative emotions as well as the predictability of expressed emotions). The quality of parent-child attachment, as the first interpersonal relationship experienced by the child, is associated with effective emotion regulation from infancy through adulthood.¹²⁶ Parenting styles, particularly individual variations in responsiveness and negativity, are important components of the 'emotional climate' of the family that contribute to effective emotion regulation in children. Whereas maternal responsiveness predicts good emotion regulation skills from childhood through adolescence and young adulthood,¹²⁷¹²⁸ maternal hostility contributes to emotional dysregulation and, later, possibly to psychopathology, particularly in traumatised children.¹²⁹ For example, children regularly exposed to intense parental anger displayed higher levels of internalising symptoms such as fear, stress, anxiety, and tension, than children from more positive family contexts.¹³⁰ Children who live in a conflicted family environment experience 'background anger', which, even if it is not directed at them, endangers their emotional security and thus makes them more vulnerable to emotion dysregulation.¹³¹ The negative effects of parental conflict are accentuated among children high in negative emotionality, making them more vulnerable than children with other temperamental characteristics.¹³²

The final component of the 'emotional climate' of the family is family expressivity, which reflects the level of emotions expressed by family members. Children benefit not only from positive emotions but also from an

¹²⁴ Morris et al., 2007.

¹²⁵ Stansbury and Sigman, 2000.

¹²⁶ Morris et al., 2007.

¹²⁷ Manzeske and Stright, 2009.

¹²⁸ Morris et al., 2007.

¹²⁹ Kim and Cicchetti, 2010.

¹³⁰ Robinson et al., 2009.

¹³¹ Cummings and Davies, 2002.

¹³² Morris et al., 2007.

appropriate level of negative emotions, which helps them learn how to regulate them without being exposed to high levels of distress.¹³³¹³⁴

Connecting to the psychosocial approach, negative parenting and children high in negative affectivity suffer the most from the adverse consequences of harsh parenting.¹³⁵¹³⁶ These children generally require more parental assistance in regulating their emotions and appear to elicit parenting higher in control and lower in warmth. Moreover, they react more sensitively to negative parenting practices and learn to regulate their emotions more effectively in the presence of warm and responsive parenting.¹³⁷

Apart from the family context, the development of emotion regulation skills in children is affected by the interplay of other parent characteristics (e.g., reactivity, regulation, mental health) and child characteristics (e.g., temperament, gender, development) interacting with each other in different combinations and various directions.¹³⁸¹³⁹¹⁴⁰

This section has been discussed in length to provide a rationale for the implementation of a multi-tiered system of interventions, where the mental health symptoms of refugee children are not treated individually but the needs of the child's family are acknowledged and addressed in terms of mental health care. Therefore, interventions targeting parental mental health including strategies for healthy emotion regulation, coping skills, and parenting skills are introduced in the next section.

5. Mental health interventions for refugee children

Refugee children, same as any other children, have basic human rights and, therefore, have the right to receive professional support and services. Referring to the psychosocial approach and ecological models as holistic frameworks that address both risk and resilience indicators at individual, family, and societal levels, the interventions are divided according to a

¹³³ Bariola et al., 2011.

¹³⁴ Morris et al., 2007.

¹³⁵ Bariola et al., 2011.

¹³⁶ Kiff et al., 2011.

¹³⁷ Ibid.

¹³⁸ Bariola et al., 2011.

¹³⁹ Kiff et al., 2011.

¹⁴⁰ Morris et al., 2007.

pyramid approach known as the Inter-Agency Guidelines for Mental Health and Psychosocial Support (see Figure 1).¹⁴¹

The first level is represented by the basic services and security, depending on the country and current societal situation. In the context of Maslow's pyramid of needs, in a humanitarian crisis, these are steps towards securing basic needs in the form of food, shelter, water, etc. In stable countries, this level includes services related to resettlement. Overall, many interventions can be offered at this level. Most positive outcomes in terms of mental health care and education are achieved when refugee children experience a low level of discrimination in their new country of residence.¹⁴²

The next level is represented by the community and family support with a focus on supporting positive environments, particularly family and school. Viewing family as a system where each member interacts with other members, parents and families benefit from interventions targeting the mental health symptoms of parents and providing appropriate psychological interventions such as parent-training programmes.¹⁴³ These programmes teach parents how to create psychologically safe home environments for their children, how to handle negative emotionality, and how to avoid ineffective parenting strategies. In schools, interventions could target the topics of tolerance, acceptance, individual differences, discrimination prevention, and the development of intercultural competencies of teachers and students, as well as activities promoting positive relationships, positive school climate, and school belonging of refugee children.

The third level is the level of the focused, non-specialised support aiming to provide psychosocial interventions including elements of psychotherapy, art therapy, relaxation techniques, psychoeducation, and counselling, to strengthen individual coping strategies, stress management, well-being, and other positive outcomes.¹⁴⁴ These are non-clinical interventions offered in families and schools in a group setting, and their

¹⁴¹ IASC. Mental Health and Psychosocial Support in Emergency Settings, [Online]. Available at: <https://interagencystandingcommittee.org/sites/default/files/migrated/202011/IASC%20Guidelines%20on%20Mental%20Health%20and%20Psychosocial%20Support%20in%20Emergency%20Settings%20%28English%29.pdf> (Accessed: 11 February 2024).

¹⁴² O'Donnell et al., 2022.

¹⁴³ Dangmann et al., 2022.

¹⁴⁴ Bennouna et al., 2019.

effectiveness varies depending on many factors, for example, age of children, method of delivery, professional qualification, etc.

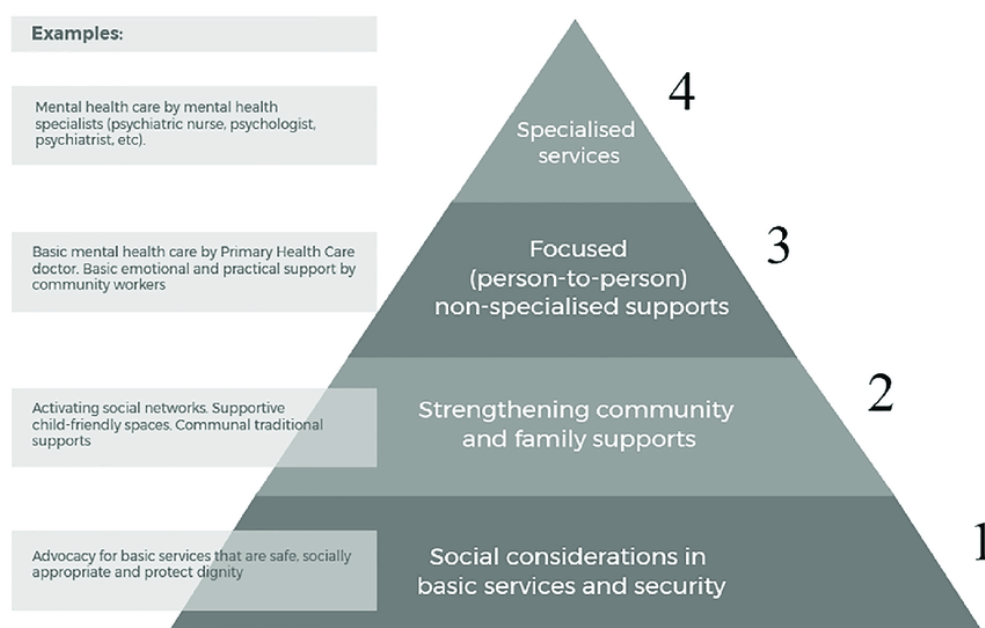
The final level is the level of specialised support with individual clinical interventions, for example, trauma-focused cognitive-behavioural psychotherapy (TF-CBT) as the treatment of first choice for PTSD and complex trauma, or narrative exposure therapy (NET). NET has been effective in the reduction of PTSD symptoms in adults as well as children and adolescent refugees.¹⁴⁵

These levels, however, should not be considered as separate levels in a hierarchical order. Referring repeatedly to the family as a system, the family system of a refugee family has been disturbed by many significant, even drastic, changes in their daily functioning. Depending on the level of psychological distress of individual family members, the interventions may be offered in a carefully considered combination targeting multiple symptoms within the family such as mental health symptoms of the parent and the child, parenting programmes for parents, and psychosocial support for children at school.¹⁴⁶

¹⁴⁵ Dangmann et al., 2022.

¹⁴⁶ Gillespie et al., 2022.

Figure 1 Inter-Agency Standing Committee (IASC) intervention pyramid for mental health and psychosocial support in emergencies (2017).



6. Conclusion

This chapter discussed mental health challenges faced by refugee children, through the lens of the psychological aspects of human behaviour. According to the United Nations Convention of the Rights of the Child (UNCRC), refugee children have rights to personal life and development, normal family life, health and well-being, safety and protection, and participation in the community.¹⁴⁷ Refugee children, however, are generally susceptible to and experience higher prevalence of mental health problems and mental health diagnoses due to the traumatic experiences that they have faced. Although many of them recover, some continue to suffer, leading to long-term mental health problems. Traditionally, the focus in psychology has been on alleviating mental health symptoms to help individuals recover. In line with the psychosocial theory that considers several systems of human functioning, an ecological approach to risk and resilience factors was

¹⁴⁷ Suldo and Shaffer, 2008.

introduced. This approach provides a framework for a holistic mental health care support system for refugee families considering individual, family, school, and societal factors that play significant roles in the lives of refugee children. Through the human needs theory, the importance of contributing to the support and development of refugee children as whole individuals was outlined. The significant role of the family in human development, with a focus on emotional development in children, was discussed at length. For children, it is primarily parents and/or primary caretakers who consciously and unconsciously transfer their behavioural and emotional patterns on them; thus, in addition to genetics and nature, parents and/or primary caretakers contribute to individual children's resilience and well-being. The interactions between biology and environment and their impact on individual human development served as a framework for the introduction of the mental health psychosocial support system. The need to integrate a comprehensive approach to mental health support for this population was reiterated, particularly stressing the involvement of family and the community of refugee children. From the perspective of the dual-factor mental health model, mental health is viewed as complete mental health comprising both ends of the mental health continuum, from ill-health to well-being.¹⁴⁸ Thus, a proposition is made to consider the mental health of refugee children from an ecological psychosocial perspective, with an emphasis on alleviating negative stressors and enhancing positive mental health indicators such as well-being, social-emotional health, social support, meaning, and belonging.

¹⁴⁸ Lawrence et al., 2019.

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EDIT FRIVALDSZKY*

Our right to life comes from being human: Perception of the child before birth**

ABSTRACT: More than 70 million abortions take place worldwide every year. There is no other topic so divisive today as the recognition of the human being as human while in the mother's womb. And there is no other issue where the world of law is so disconnected from biological reality as for the beginning of life.

Our times see a cultural dissonance where due to historical and technological developments men and women turn against each other at the expense of the conceived new life, where mothers and fathers become the number one enemy of their unborn children. Recognizing the importance of our genetic heritage might lead to the rearrangement of responsibilities for the sake of the next generation.

Although on the surface, the cultural acceptance of the unborn is not widespread in the Western world, the roots of recognizing the human being as human can be found in international documents and national legislation. While the rights of the child before birth is under attack, mothers must also be strongly protected in the vulnerable period of pregnancy.

KEYWORDS: abortion, unborn, conception, motherhood, beginning of life, human being.

Introductory reflections

Is there any other topic in the world as divisive as the recognition of the human being as human from the beginning of life? Is there any other subject on which the world of law is so disconnected from biological reality? Even feminists fighting for the 'right to abortion' do not question¹ the fact that human life begins at conception; then why is it that we cannot accept and legislate for this at a social and legal level? Present-day Western societies

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¹ Konopás, 2019.

sacrifice their children at the altar of comfort in the name of freedom,² leading to an increase in the number of their elderly fellow citizens.³ Every year, 73 million induced abortions are performed,⁴ the majority of which are carried out in welfare societies.⁵ A society where more than two-thirds of its people consider abortion acceptable⁶ is practically saying ‘no’ to its own future. This is clearly reflected in the phenomenon known as “demographic winter”.⁷ It is in this twisted context of law, biology, and culture that we ask the question: if a child is human before birth, why is his life terminable?

1. Cultural dissonance

1.1. Denying biology and human nature

Based on common sense, technological advances, ultrasound scans, and our knowledge of the genetic background of humans, we can say that we become human from the moment when two gametes meet. It is now scientifically accepted that the meeting of the sperm and the egg is the origin of new human life, a new human being.⁸ From this moment on starts the development of a human being into a child, an adult, an elderly person: whatever the label we give him is only a linguistic matter and the human system of rules associated with it, such as how we name him and what qualities, opportunities, and prohibitions we attach to him. The decisions on whether to let it (the human being) live and, if so, for how long are up to the individual and the community.

Presently, the life of a human being concealed in the womb is subject to regulations established by well-organised international fora, with loud slogans raised by people making demands, mostly at the expense of new

2 Eurostat (2023) Legally induced abortions by mother's age, Eurostat Data Browser, [Online]. Available at: https://doi.org/10.2908/DEMO_FABORT (Accessed: 28 January 2024).

3 Buchholz, 2022.

4 World Health Organization (2021) Abortion, [Online]. Available at: <https://www.who.int/news-room/fact-sheets/detail/abortion> (Accessed: 29 January 2024).

5 Johnston, 2010.

6 Ipsos, 2021.

7 United Nations Department of Economic and Social Affairs, Population Division (2022) World Population Prospects 2022, [Online]. Available at: <https://population.un.org/wpp/Graphs/DemographicProfiles/Line/900> (Accessed: 29 January 2024).

8 Condic, 2014.

lives.⁹ The world outside the womb, which often dictates what happens within the womb, has created a culture that turns a mother against her child, one where the woman is first and foremost a resource factor and not a mother, and the man responsible for this can lead a carefree and irresponsible life. As part of this emerging culture, in Hungary alone, 22,000 pregnancies are terminated every year for various reasons, among people from diverse backgrounds,¹⁰ contributing greatly to the demographic ‘ice age’¹¹ and psychological distress.¹² However, despite the abortion culture, women still want to have children. The desire for a child is reflected not only in the mental health problems that follow abortion, but also in the number of parents who are waiting for adoption.¹³

1.2. Mothers against children

The world wars brought about a transformation, which had previously seemed unimaginable, in women's lives. In the absence of men, women joined the labour ranks, shouldering a significant share of the labour market burden. A change in the role of women in the family was observed. First, the representatives of the so-called weaker sex were no longer seen as mothers, but as an integral part of the workforce, of the world of work, and this was reinforced by culture. The working woman drew appreciation from the society,¹⁴ while the social status of motherhood declined rapidly. This was also visible in the lack of family support benefits, which until then had seemed unnecessary.¹⁵ Since those fighting for equality between women and men have increasingly placed an equal sign between the two sexes, women have found themselves trapped in the ‘8 hours work, 8 hours rest, 8 hours childcare’ box. This gave entertainment barely any room to fit in between

9 World Health Organization (2022) Abortion care guideline, [Online]. Available at: <https://www.who.int/publications/i/item/9789240039483> (Accessed: 1 February 2024).

10 Nyírády, 2023, pp. 101–111.

11 MTI (2023) Demográfiai csúcs - Novák Katalin: A családpártiság legyen nemzeti minimum’, [Online]. Available at: <https://kormany.hu/hirek/demografiai-csucs-novak-katalin-a-csaladpartisag-legyen-nemzeti-minimum> (Accessed: 1 February 2024).

12 Gebeyehu et al., 2023.

13 Központi Statisztikai Hivatal, 2023.

14 Kiss Eszter (2019) Elvtársnő, a magyar szocialista építés ereibe friss vért traktorral vigyél!, [Online]. Available at: zala_projekt_mi_videkunk_elvtarsno_a_magyar_szocialista_epites_ereibe_friss_vert_traktorral_vigyel (Accessed: 1 February 2024).

15 Központi Statisztikai Hivatal, 2010.

the two shifts of work, that is, child-rearing and housework. In the Western culture, which prioritises individual well-being, entertainment and the need for personal comfort have been given precedence over and, at the expense of, child-rearing. Women are faced with a choice: either live a busy life working two shifts a day (8 hours at work, 8 hours raising children) or settle for a life of parenting with tighter belts. Far worse is the situation of a huge number of single mothers (or fathers), who have no choice between working or raising children. One does not need a university degree to realise that full-time women find it difficult to be 100% available to fulfil the maternal role. Although the situation is improving with the growing use of machines in the home and the increasing involvement of fathers who value their wives enough to take on household chores in addition to raising the children, the value of invisible work is still to be recognised. Besides, the responsibilities of motherhood and fatherhood are difficult to monetise, and perhaps it would be unwise to compensate for them financially.

It is up to the family, first, and society, second, to resolve this tension and turn the anti-motherhood and anti-fatherhood culture of recent decades into a pro-mother-father-parent culture. Since the family is the basic unit of society, as defined by the United Nations, the family is the natural and fundamental unit of society, entitled to the protection of society and the state,¹⁶ the cells and networks between them form the very fabric of society, which provides a source of support for individuals in vulnerable situations. Until this cultural shift takes place, the pressures of family, social, and workplace expectations, or the lure of comfort rather than working two shifts a day, will push women (and men) toward childlessness.

In fact, childlessness can be intentional or unintentional. Today, one out of six couples in the world who want to have children are infertile, implying that they do not conceive naturally within a year or two, despite regular attempts.¹⁷ They do not deliberately choose to be childless, at least at this stage of their lives. In the face of this, just in Hungary, my country, around 60 abortions are performed every day, including on Christmas and public holidays. These abortions, paid for by taxpayers, are performed in

16 United Nations, (1948), Art. 16.

17 World Health Organization (2023) 1 in 6 people globally affected by infertility: WHO, [Online]. Available at: <https://www.who.int/news/item/04-04-2023-1-in-6-people-globally-affected-by-infertility> (Accessed: 1 February 2024).

hospitals, ironically named after saints, terminating human life that has already been conceived in the womb.¹⁸

“Freedom” and women's empowerment is achieved at the cost of human lives. Since this serious contradiction is difficult to digest, vague phrases are used to alleviate the weight of conscience. The operation is called termination of pregnancy or abortion, and the child is portrayed as a burden that must be protected against. Doctors have started prescribing contraceptives and even post-event contraceptives (morning-after pills) – supporting a huge industry – while some components of these contraceptives deny the conceived life access to nutrients.¹⁹ Contraceptives taken after the event (conception) – obviously – do not prevent conception either. Abortion, which for decades has been called family planning, sometimes a condition for receiving international aid,²⁰ is neither about the family nor about planning, because neither is (or will be) the case. This is supported by the Programme of Action of the International Conference on Population and Development, held in Cairo in 1994, which states that in no case should abortion be promoted as a method of family planning.²¹

A way to disguise the reality (i.e. what happens during an abortion) is to dehumanise the person. A planned child is usually a wanted child and an unplanned child is often an unwanted child. In the former case, it is given a name immediately after the first positive pregnancy test, while in the latter case, it is ‘just a lump of tissue’ to be removed. However, in reality, there is no difference whatsoever between the two developing human beings. If the mother, who is carrying the life she has conceived, has no supportive environment – from the father, parents, workplace, society – from the very first moment,²² she can easily fall into a crisis, and the child can easily

18 Központi Statisztikai Hivatal (2022) Magzati veszteségek száma és aránya, [Online]. Available at: https://www.ksh.hu/stadat_files/nep/hu/nep0013.html (Accessed: 1 February 2024).

19 ‘They can also prevent pregnancy by changing the lining of the womb so it's unlikely the fertilized egg will be implanted’, Benisek, 2023.

20 Oas, 2016.

The current and proposed indicators for family planning within the global development agenda are based on assumptions that are inextricably wedded to an advocacy agenda, which in turn unabashedly misconstrues them in an effort to direct funds toward meeting a demand that barely exists.

21 United Nations, 1995, p. 58.

22 Szent István Intézet, 2022.

become unwanted. This is how, almost unnoticed, in the name of freedom, mothers become their children's greatest enemies.

1.3. Fathers against children

With the rise of feminism, we have created a world in which it is often assumed that fathers do not want to be involved in child-rearing. Only the mother can decide on the life of the children she conceives; the father's genetic contribution carries no obligation until birth, and perhaps not even after that. If the mother gives up her child through abortion, the father has very little say – legally speaking. He is excluded from the loop, even someone who wants to be a part of the decision, who wants to raise the child, and who wants to pursue fatherhood. This is an issue that must be addressed as soon as possible, not only to protect children, but also to protect women

1.4. Protecting our genetic heritage is our common responsibility

A clear vision is needed at both the individual and social levels on the transmission of our genetic heritage. Worldwide, the practice of selling gametes and commoditising children through surrogacy,²³ alongside the rapid pace of globalisation, has set in motion unforeseen processes that call into question parenting and children's right to know their origins.²⁴

At the individual level, while women, with the support of legislators, leave it to doctors to terminate pregnancies, men are not even consulted on the matter, nor are they obliged to face the consequences. Neither do they have to attend pre-abortion counselling, nor do they have to contribute financially to the abortion, which is 50% the result of their genetic contribution.

A woman who decides to have an abortion often faces, in addition to the physical and psychological hardship, existential insecurity (loss of her home, income, employment), threat of abandonment, and even loneliness. All this with a new life on the way. In this situation, a large number of men – who may also find it difficult to come to terms with the reality of the new

23 Frank, 2009.

24 Commission President von der Leyen, in her State of the Union speech in 2020, said that, 'If you are parent in one country, you are parent in every country'. With this statement, the Commission President referred to the need to ensure that parenthood established in a Member State is recognised in all other Member States for all purposes. European Commission, 2022.

life – just give up and run away. This leads to a situation in the woman's life where she cannot choose to say 'yes' to the new baby. A life situation can be improved, but the child's life cannot be brought back. Therefore, living conditions must be improved so that women have the opportunity and even the right to say 'yes' to motherhood. The sooner the right not to abort is established,²⁵ the fewer will be the number of victims each year.

The distribution of responsibilities around the mother (and her child) is best illustrated by concentric circles. First, the father (and mother) of the child are responsible for the new life they have created. This is followed by the families of the two parents, then by their relatives, their local community, and finally their country.

The first circle of responsibility could be strengthened by the protection of genetic heritage, through which everyone would take responsibility not only morally but also financially for their genetic heritage at an individual level. 'I have a dream' – to quote Martin Luther King – of a world where fathers no longer question their responsibility for their children, where they cannot disappear from the scene in fear or in pursuit of comfort while the child is 'invisible', where they have to pay alimony not only for children already born as a result of lengthy negotiations, but also from the very beginning, by default, for their children, their future. If there is any question about paternity, concentric responsibilities imply that the wider environment (municipality, nation) provides the material security necessary for the mother's existential stability – for roughly the first two years of the child's life – in order to keep the child alive in the womb. Further, at birth, genetic testing would verify whether the named father is liable financially or whether the mother might be liable for causing bad reputation.

It is clear that this is only a dream at the moment, but it is also clear that in the coming years a solution must be found to address the difficult situation of women who are considering abortion and who are often unable to cope with it. Until this dream comes true – just as Martin Luther King's dream was later realised – let us examine how we relate to the developing child in the womb at the national and international level.

25 European Center for Law and Justice (2022) *The Prevention of Abortion: Guaranteeing the Social Right Not to Abort*, [Online]. Available at: <https://eclj.org/abortion/eu/la-prevention-de-lavortement--garantir-le-droit-de-ne-pas-avorter> (Accessed: 3 February 2024).

2. Social perception of the unborn child

In the next section, considering the legal recognition of the human being before birth, we examine relevant sections of Hungarian and international legislation; apparently, legislators, under cultural pressure, are reluctant to voice what science has already stated: humans are human from conception. At the same time, there are clear signs that the laws will eventually 'catch up' with the established facts of science. We are on our way, but we are not there yet.

2.1. The right to life is 'inherent' rather than a right that 'comes with birth'

The human being is human from the moment of conception: human life begins at conception, and the life of the foetus shall be protected from the moment of conception, according to art. II of the Fundamental Law of Hungary.²⁶ This protection is reflected in the original text of the Convention on the Rights of the Child, while in the official Hungarian translation it is linked to birth instead of being an 'immanent', 'inherent', and 'natural' right: States parties recognize that every child has the inherent right to life.²⁷ Earlier, Tamás Lábady, a constitutional judge, wrote on the subject, in which he makes it perfectly clear that birth does not change the human nature of a human being:

Human development is a continuum from conception, it is not divided into 'subhuman' and human phases. The genetically defined criterion of 'human' thus encompasses both prenatal (foetal) existence as an integral part of the coherent, indissoluble biological process, and the dimension of existence from birth to death. The foetus is therefore biologically human, not a thing, not an object; it is a genetically completed individual: an individuum; and individual human life is the continuous process between conception and biological death. Foetal life before birth (in utero and out of utero) does not (cannot) have a separate legal status because birth is an artificial, yet arbitrary normative boundary compared to biological continuity. ... If the law could distinguish between

²⁶ Fundamental Law of Hungary.

²⁷ United Nations, 1989, Art. 6.

the postnatal and pre-natal stages of human life, and even further articulate within the latter, for example, whether or not the foetus is already capable of life outside the womb, how far or close the foetus is to birth, whether it is genetically healthy or disabled, etc., it could, in principle, make the same normative distinction, even on the basis of the same criteria (viability of the infant, postnatal time limit, quality of life, state of consciousness, health, etc.), in relation to the person already born. This would lead to an apartheid normative concept of the person.²⁸

János Frivaldszky further analyses the question and the use of words in his article 'Towards a Constitutional Concept of the Human Person':

The concept of the 'innate' right to life, which, in our view, is necessarily inherent in the right to legal personality, means, according to the correct interpretation, that it is not the society or the political power that grants legal personality, still less the right to life, but that these are – together with the dignity of the human being – an immanent part of human nature, rights deriving from its ontology, and thus they are only recognized and declared by the legislator and the states that have signed the convention. 'Innate' thus obviously means 'immanent', 'natural', 'belonging to the human essence', and not 'arising by birth'.²⁹

The Hungarian translation has yet to be corrected to reflect the original text and to make it clearer: humans are human beings from conception who are entitled to protection.

2.2. Humans cannot be 'fabricated' for research purposes

The technological revolution has vastly improved our knowledge of humans. We are able to create humans outside the womb. Current regulations allow these procedures so long as the human being created can presumably be born and raised in a family. For many, this practice raises ethical questions for which there are no widely shared clear and definite

28 Hámori, 2015 and the dissenting opinion of the judge: Lábady, 1998.

29 Frivaldszky, 2010.

answers. One thing is certain, however: no human being should be “fabricated” for research purposes. The Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, signed in Oviedo on 4 April 1997, in its art. 1, states in the formulation of its purpose that Parties to this Convention shall protect the dignity and identity of all human beings and guarantee everyone, without discrimination, respect for their integrity and other rights and fundamental freedoms with regard to the application of biology and medicine.³⁰

It also puts the interests and welfare of human beings above social and scientific interests: the interests and welfare of the human being shall prevail over the sole interest of society or science.³¹

The already conceived human being is given additional protection in the Convention, which is much needed in the present ‘over-medicalised’ times. The Convention prohibits the creation of embryos for research purposes in what is commonly referred to as “IVF”: Where the law allows research on embryos in vitro, it shall ensure adequate protection of the embryo. The creation of human embryos for research purposes is prohibited.³² The Oviedo Convention clearly promotes protection of human life from conception. However, much is required to be done at the national level to implement the ideas underlying these legal sections.

2.3. Human beings are not commodities – embryos cannot be commercialised

A video series exposing the practice of foetal organ harvesting, released in 2015, caused a huge stir around the world.³³ Interviews with executives of one of the largest and most influential abortion providers revealed details of how the foetal organs are harvested. The globally circulated footage has certainly given impetus to the legal changes that are still underway in the United States today. But what about European regulations?

A lawsuit brought by Greenpeace against Oliver Brüstle resulted in a judgement by the Court of Justice of the European Union in 2011. In its

30 Council of Europe, 1997.

31 Ibid., Art. 2.

32 Ibid., Art. 18.

33 The Center for Medical Progress (2015) Human Capital: Planned Parenthood's Black Market in Baby Parts' Documentary Web Series (Episode 1), [Online]. Available at: <https://www.centerformedicalprogress.org/human-capital/documentary-web-series/> (Accessed: 3 February 2024).

ruling, it recognises the dignity of human embryos and respect for that dignity, and consequently prohibits their commercial use: the human body at the various stages of its formation and development cannot constitute a patentable invention [...] It follows that the concept of ‘human embryo’ within the meaning of Article 6(2)(c) of the Directive must be understood in a wide sense.³⁴

According to the judgement, there is no boundary in time that can be used to divide human life, the development of a human being inside or outside the womb.

From the moment of conception, when a human being is called an embryo, through foetal development, to birth and beyond, a human being is a member of the human family. In order to ensure consistency in the legislation, in the light of this judgement and the related directive, all human ovocytes are considered to be human embryos from the fertilisation stage onwards.³⁵

This is also in line with Recommendation 1046 of the Parliamentary Assembly of the Council of Europe, which states, human embryos and fetuses must be treated in all circumstances with the respect due to human dignity.³⁶

We can thus observe that protection of human life beginning at conception, whose human dignity must be treated with respect, is also reflected in international documents.

2.4. Human beings are not commodities – the ban on surrogacy

At the beginning of the pandemic, images of a Ukrainian surrogacy company appeared on the Internet, assuring foreigners using their services that their children would not suffer shortages until they could come to pick them up after the closures.³⁷

34 Case C -34/10, *Oliver Brüstle v. Greenpeace e.V.*, 18 October 2011.

35 ‘uses of human embryos for industrial or commercial purposes [...] shall be considered unpatentable’, Official Journal of the European Communities, C 229, 22 July 1998. Date of document: 22/07/1998.

36 Parliamentary Assembly of the Council of Europe (1986) Use of human embryos and fetuses for diagnostic, therapeutic, scientific, industrial and commercial purposes, Recommendation 1046, [Online]. Available at: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=15080&lang=en> (Accessed: 4 February 2024).

37 BioTexCom (no date) Center for Human Reproduction, Blog. Available at: <https://biotexcom.com/surrogacy-babies-are-waiting-for-their-parents/> (Accessed: 08 November 2024).

Surrogacy refers to the agreement between the client and the woman (surrogate mother) in which the surrogate mother carries the newborn child in her womb and hands it over to the client shortly after the birth of the child. The practice of surrogacy raises serious concerns about the human dignity and fundamental human rights of both the newborn and the surrogate mother.³⁸

For the surrogate mother, the practice of surrogacy violates her right to autonomy, as her body and herself are subject to the will of others. The content of surrogacy arrangements dehumanises women and commodifies their fertility, exploiting them for money or other gains. Poverty, lack of income prospects, discrimination, and other economic factors push members of the weaker sex into the role of surrogate mothers. These factors raise questions about the ‘validity’ of the role of surrogate mothers in a power structure that is already imbalanced.

A further concern is that surrogacy contracts also commodify the child, who is sold on the ‘surrogate market’.³⁹ It is true that in all surrogacy agreements, the mother gives up the child according to the prior plan with the contractor (parental rights to unborn children cannot be given up before birth).⁴⁰ By this action, the child not only loses the birth mother but is also exposed to the risk of statelessness and the possibility of being eventually rejected by the contracting party. Surrogacy arrangements make it difficult to know the identity of the biological parents; there are often secrets surrounding the birth, revealing these secrets can often lead to mental health difficulties.⁴¹

Surrogacy contracts subject the child and his or her rights to the wishes of the contracting parties, overshadowing the relationship with the birth mother and her family, making it impossible to raise the child in the biological family.

Most women who apply to become surrogate mothers come from vulnerable backgrounds, are usually poorly educated, and are financially dependent. Women who struggle financially have no real freedom of choice or are not on an equal level in terms of financial differences with the parties that employ surrogates. We cannot forget the further children of surrogate

38 ADF International, 2019.

39 Ibid.

40 ‘the consent of the mother, where required, has been given only after the birth of the child’, Hague Conference, 1993.

41 Burke, 2021.

mothers. There is not enough evidence on the impact of surrogacy on the other children of the surrogate mother in her own family.

Unlike in the case of adoptions, surrogacy contracts do not have any screening processes to determine the suitability of the prospective parents to raise the child. This puts the child at additional risk.

Despite this, in recent years, there have been attempts to regulate surrogacy internationally. In 2014, the Parliamentary Assembly of the Council of Europe voted on a report that wished to regulate and institutionalise surrogacy.⁴² The majority of MPs – including Zsolt Csenger-Zalán, Zsolt Németh, and Bence Tuzson from Hungary – voted against it, as surrogacy undermines the human dignity of the woman carrier as her body and its reproductive function are used as a commodity and the practice of surrogacy also disregards the rights and human dignity of the child by effectively turning the baby in question into a product.⁴³ By its very nature, surrogacy is contrary to human dignity.

2.5. Discrimination in the womb - Eugenics in practice

According to art. II of our Fundamental Law human dignity shall be inviolable. Every human being shall have the right to life and human dignity; the life of the foetus shall be protected from the moment of conception.⁴⁴

Every human being – including people with disabilities – has the right to life. In our country, the law does not allow doctors or parents to choose between human lives; we must accept the child with his or her abilities. Different tests carried out at different foetal stages should not be used for eugenics, the unspoken genetic breeding. Yet, the practice of selection involving the destruction of human life continues and persists in several European, including Hungarian, gynaecological institutions.

As per our law on the protection of foetal life, the practice of eugenics appears in the term ‘teratological damage’, in a very dissonant way to its title: Pregnancy can be terminated up to 20 weeks – 24 weeks if the diagnostic procedure is delayed – if the probability of genetic, teratological damage to the foetus reaches 50%.

A human being developing in the womb is also a human being, and his dignity is inviolable under our Constitution. By protecting the unborn

42 Parliamentary Assembly of the Council of Europe, 2016.

43 Parliamentary Assembly of the Council of Europe, 2014.

44 Ibid.

child, we include the possibility of life outside the womb. This is particularly true in cases where a child is placed from a ‘wanted’ status to an ‘unwanted’ status as a result of a medical diagnosis.

It should be noted that medical diagnoses are made by some kind of image technology, which does not give 100% certainty. In addition, quoting Dr Tibor Verebely: many life-threatening conditions can be corrected by medical intervention immediately after birth, leading to up to 100% recovery within the first few years of the child's life.⁴⁵

The previously mentioned Oviedo Convention of the Council of Europe, ratified by Hungary as well, states that any form of discrimination against an individual on the basis of his or her hereditary genetic make-up is forbidden.⁴⁶

One of the most violent forms of discrimination is to take a person's life. Abortion is a clear example of this discrimination.

3. Protection before birth

3.1. Protecting the child before birth is the obligation of the state

The state has an obligation to avoid abortion and to guarantee the right to avoid abortion.⁴⁷ This duty stems from the protection of the family, motherhood, and human life.

One of the most important international documents mentioned earlier, which plays a key role in international conventions, is the Universal Declaration of Human Rights, which starts its preamble with the recognition of ‘the dignity and equal and inalienable rights of every member of the human family’.⁴⁸ Human rights therefore apply not only to people who have already been born, but also to those who are to be born, as stated in the preamble to the Convention on the Rights of the Child: the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.⁴⁹

45 Gyermekjogi Napok 2. Budapest, 30 November 2023–01 December 2023.

46 Council of Europe, 1997.

47 European Center for Law and Justice (2022) The Prevention of Abortion: Guaranteeing the Social Right Not to Abort, [Online]. Available at: <https://eclj.org/abortion/eu/la-prevention-de-lavortement--garantir-le-droit-de-ne-pas-avorter> (Accessed: 3 February 2024).

48 United Nations, 1948.

49 United Nations, 1989.

Any harm, including the taking away of the life of the child, contradicts this language. States are similarly bound by paragraph 7.24 of the Programme of Action of the International Conference on Population and Development (ICPD), which states that governments should take appropriate steps to help women avoid abortion, which in no case should be promoted as a method of family planning.⁵⁰

Hence, governments should help women avoid abortion, not facilitate it. One person's situation in life (which can be improved) is not comparable to another person's life (which cannot be given back once it has been taken away.) Therefore, protective fortifications must be built around mothers to avoid abortion.

3.2. The right to avoid abortion

Mother and child are united as one before birth. It is probably beyond human reason to comprehend the harshness of separating mother and child surgically during this fragile period.

The right to avoid abortion is based on the fact that abortion is violence against the woman and the child. A woman undergoes an abortion, not because of the pregnancy – which is only a triggering factor – but because of particular circumstances, and the same woman, placed in other circumstances, would not necessarily resort to abortion. Abortion is thus the result of a combination of circumstances for which society is in part responsible.⁵¹

This basically means that every woman must be protected from violence caused by circumstances that force her to take this step. It is a question of not only protecting women from the actual execution of an abortion, but also preventing the risks that put them in a situation that leads to abortion. Preventing abortion involves helping pregnant women to resist any pressure to undergo an abortion or coercion for them to do so. To claim, like an official truth, that abortion is an individual freedom, is an ideological blindfold that separates the question from its real causes and in the end, leads to making the woman feel guilty, since this violence apparently results from her own will, her own freedom. If abortion is but a freedom, an individual choice, then the woman is fully responsible. It is to leave her alone in the face of a violence: both guilty and victim, in an inextricable

50 United Nations, 1995.

51 Puppinck, 2022.

psychological situation, when this violence is largely generated, structurally, by society.⁵²

The psychological burden of her own responsibility in this situation can become extremely difficult for her to resolve. The woman becomes the victim, while the violence is shaped by society. The decision to have an abortion is not a woman's freedom, but a combination of pressures from her immediate and wider environment. Looking at the question from a psychological, economic, or demographic angle will not allow us to remain indifferent. Our national creed and our fundamental law call us to do so: We hold that we have a general duty to help the vulnerable and the poor. Hungary shall strive to provide social security to all of its citizens. Every Hungarian citizen shall be entitled to assistance in the event of maternity, illness, invalidity, disability, widowhood, orphanage and unemployment for reasons outside of his or her control, as provided for by an Act.⁵³

3.3. Redesigning prevention

Most people consider programmes on sex education and use of contraceptives as ways to avoid abortion. However, the experience of the past years has proved that the currently widespread sex education programmes, which focus on contraception and sexual life, have failed. Not only did they not achieve their goals, which was to reduce teenage pregnancies and sexually transmitted diseases, but in some communities, they even led to an increase in both.⁵⁴

Avoiding abortions, especially among young people, and reducing women's social and economic vulnerability is an increasingly pertinent and urgent issue. The basis of prevention should be individual responsibility, and school education programmes should focus on this aspect as well.

Closing remarks

The consumerism that is becoming increasingly evident nowadays, the increased expectations from doctors, the surreal worldview comprising of rational elements, and the anonymous power of technology that is increasingly penetrating our intimate sphere in the field of medicine have

52 Ibid.

53 Fundamental Law of Hungary, Art. XIX.

54 Weed and Ericksen, 2017.

led to the fact that fate and randomness can often become a legal issue, and economic considerations measure against human life and dignity.⁵⁵

We live in this age within this social structure. Looking back, we can make judgements on slavery or anti-women practices of previous societies, but what judgement will the generations following us pass on our society? What crumbles a society that systematically says no to its own future, its children, and motherhood? Our clear vision is obscured by the mainstream of our culture, the shackles of our own experiences and comfort, or the burden of expectations placed on us. It is a big question whether our society in its current state is ready to acknowledge the unborn child as a human being. If we do not take steps to protect life now, a life-affirming society in the future on the territory of the current Europe will certainly do it.

55 Navratyil, 2019, p. 50.

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VIRÁG HAVASI*

Child Poverty in the Member States of the European Union through the Lens of Hungary and the Romani Population**

ABSTRACT: In this study, we examined the different measurement methods for poverty. Extreme poverty has decreased both in terms of actual number and overall proportion, but it is still present even in the developed European countries. Having assessed the situation of the Romani people and their children in the European member states, we found that their conditions were relatively better in three Central European countries. We provide a detailed picture about the Hungarian Roma and the state's endeavours to integrate them into society. Hungary has high-quality institutions, including social innovations such as the Sure Start Children's House and Study Hall, but their functioning is not without deficiencies.

KEYWORDS: child poverty, Roma, Hungary, social policy.

1. Introduction

The study explores the issue of child poverty from several angles. First, we examine international trends and patterns using the results of macro-level data and quantitative research, paying particular attention to how Hungary fits into the overall picture. In doing so, we review the tools developed to measure poverty and analyse their specific values. As the Roma are the largest ethnic minority in the European Union (EU), as in Hungary, and they are amongst the most deprived, facing social exclusion, unequal access to education, employment, housing and health¹, we lay special emphasis on their situation. During the discussion of this topic, we rely on the results of EU Agency for Fundamental Rights' (FRA) Roma research, and with the help of Hungarian qualitative research (including our own field experience²)

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¹ European Union Agency for Fundamental Rights, 2014.

² The author has been present in the life of various Roma communities in Borsod-Abaúj-Zemplén County for a decade and a half, partly as a volunteer and partly as an employee in

we illustrate what is behind the numbers and how the numbers can be translated into the everyday world of the Hungarian Romani children. In this process, we will also discuss what measures the Hungarian state has tried to take to tackle the given issue and with what results.

1.1. Measuring poverty and related data

Measurements of poverty are either *absolute*, with references to a single standard, or relative, when poverty is dependent on context. A single standard is, for example, the percentage of the population eating less food than required to sustain the human body (2000–2500 calories a day) or the percentage of the population with an income of less than \$1/1.95/2.15/3.65/6.85 a day. At present, the World Bank uses the \$2.15-a-day threshold for extreme poverty (in 2017 PPP prices)³.

Over the last few decades, extreme poverty has decreased both in terms of number and ratio. In 1990, 1.9 billion people still lived on less than \$2.15 a day, a little bit more than one third of the world's population; currently, that number is approximately 700 million people (one tenth of the population). Naturally, the geographical distribution of extremely poor people is uneven; the majority lives in South Asia and Sub-Saharan Africa⁴. The poverty headcount ratio at \$2.15-a-day in Hungary was 0.4% (in 2020), and it is 1.2% on average in upper middle-income countries.

Relative poverty is based on the concept that poor people are those who do not have access to the possessions, amenities, activities, and opportunities that are considered normal by most people in the society in which they live. The relative poverty line could be drawn at 40, 50 or 60% of a given community's median income⁵.

The *deprivation indices* are both relative and absolute in their nature. They are based on the kinds of possessions, services, and opportunities that most people would consider normal in an affluent society. The data for these indices are drawn from questionnaires. Whether a person has or does not

development projects. During this time, she held numerous conversations with members of the Roma communities, social workers, and local teachers. Information not specifically referenced in the study are the fruits of this participant observation process.

³ World Bank (2022) Fact Sheet: an Adjustment to Global Poverty Lines [Online]. Available at: <https://www.worldbank.org/en/news/factsheet/2022/05/02/fact-sheet-an-adjustment-to-global-poverty-lines> (Accessed:10 January 2024).

⁴ World Bank (2024) Poverty and Inequality Platform [Online]. Available at: <https://pip.worldbank.org/home> (Accessed:10 January 2024).

⁵ UNICEF, 2012, p. 8.

have something is an objective/absolute question, but what is considered normal in a country changes with time and place, so it is relative.

The Eurostat uses the so called ‘material and social deprivation index’, which refers to those people who are facing at least five items out of this list:

- facing unexpected expenses;
- unable to pay for one-week annual holiday away from home;
- able to avoid arrears (in mortgage, rent, utility bills, and/or hire purchase instalments);
- unable to afford a meal with meat, chicken or fish, or vegetarian equivalent every second day;
- unable to keep their home adequately warm;
- do not have a car/van for personal use;
- unable to replace worn-out furniture;
- unable to replace worn-out clothes with some new ones;
- having less than two pairs of properly fitting shoes;
- unable to spend a small amount of money each week on themselves (‘pocket money’);
- unable to engage in regular leisure activities;
- unable to get together with friends/family for a drink/meal at least once a month;
- lacking an internet connection⁶.

The relative poverty rate tells us the proportion of each country’s population that falls below the selected threshold but does not reveal how far below. The depth of the poverty gap can be expressed with the difference between the median income of households below the poverty line and the poverty line itself. In deprivation indices, the number of missing items can be counted from the list. Eurostat, for example, considers the index of severe material and social deprivation (SMSD), referring to the proportion of those people who face seven out of the thirteen situations mentioned above.

In 2022, an average of 6.7% of people in the European Union was affected by SMSD. The lowest rates were registered in the Nordic countries (1.9–2.3%), Slovenia (1.4%), and the Czech Republic (2.1%), while the highest were registered in Romania (24.3%), Bulgaria (18.7%), and Greece

⁶ Severe material and social deprivation rate by age and sex. [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/ilc_mdspd11/default/table?lang=en. (Accessed: 10 January 2024).

(13.9%). In Hungary between 2015 and 2022, SMSD decreased from a high level of 24% to 9%⁷.

A special deprivation index for children shows the percentage of those aged 1 to 16 who lack two or more of the following 14 items because the households in which they live cannot afford to provide them:

- three meals a day;
- at least one meal a day with meat, chicken, or fish (or a vegetarian equivalent);
- fresh fruit and vegetables every day;
- books suitable for the child's age and knowledge level (not including schoolbooks);
- outdoor leisure equipment (bicycle, roller skates, etc.);
- regular leisure activities (swimming, playing an instrument, participating in youth organisations, etc.);
- indoor games (at least one per child, including educational baby toys, building blocks, board games, computer games, etc.);
- money to participate in school trips and events;
- a quiet place with enough space and light to do homework;
- an Internet connection;
- some new clothes (i.e. not all second-hand);
- two pairs of properly fitting shoes (including at least one pair of all-weather shoes);
- the opportunity, from time to time, to invite friends home to play and eat;
- the opportunity to celebrate special occasions such as birthdays, name days, religious events, etc.

Investigating this multidimensional index based on the data of the European Union Statistics on Income and Living Conditions (EU-SILC) in 2009, the fewest deprived children could be found in the Nordic countries (less than 2.5%) and the most in Romania and Bulgaria (72.6% and 56.6%, respectively), as in the case of adults. These two countries were followed by Hungary, although with a considerably lower rate of deprived children (31.9%)⁸.

⁷ Eurostat. Severe material and social deprivation rate. [Online]. Available at: <https://ec.europa.eu/eurostat/databrowser/product/page/TESPM030>. (Accessed:10 January 2024).

⁸ UNICEF, 2012, p. 6.

In 2021, children were considered deprived if they lacked at least three items from a set of 17 items (12 child-specific and 5 household-specific). The patterns of countries remained the same, with the best results in the Nordic countries (less than 5%), and the worst in Romania (42%), Bulgaria, Greece, and Hungary (25%)⁹.

Since 2000, UNICEF's Innocenti Research Centre in Florence has been collecting, analysing, and publishing data on the well-being of children in high income countries (OECD and EU members). In its Report Card series, the organisation draws data from national and European Union Statistics, and it conducts its own research as well. Every ReportCard (RC) has a somewhat different focus, and thus uses different measures. RC 8, for example, analyses the transition in childcare¹⁰, while RC 14 examines the fulfilment of the Sustainable Development Goals¹¹, and RC 17 focuses on a healthy environment¹².

In the Innocenti Report Card 11, in 29 out of the world's most advanced countries, the subjective well-being and five dimensions of objective child well-being are analysed: material well-being, health and safety, education, behaviours and risks, and housing and environment. Amongst them, the Netherlands and the Nordic countries have the leading position in all five dimensions. The last positions are occupied by the poorest countries (Latvia, Lithuania, and Romania) and, surprisingly, by the USA, which is one of the richest countries globally. This points to the fact that quality of life (QOL) is a broader concept than material well-being and can be low in wealthy countries as well. Hungary's average rank is 20, but it has worse results in the dimensions of behaviour and housing.

The indicators of the different dimensions show that, usually, the Hungarian results are the worst, except for those indicators that are a direct consequence of state regulation. For example, the level of compulsory immunisation in the country is high, but there are negative results in birthweight and infant and child mortality.

Participation rate is high in early childhood education – as it is compulsory – but the Hungarian results of other education-related indices

⁹ Child specific material deprivation rate by age (children aged less than 16 years). [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/ilc_chmd01/default/table?lang=en (Accessed: 10 January 2024).

¹⁰ UNICEF, 2008.

¹¹ UNICEF, 2017.

¹² UNICEF, 2022.

are bad (participation in further education, NEET rate¹³ and achievement – measured by PISA¹⁴ scores).

The ‘behaviours and risks’ dimension contains data regarding health and risks behaviours (teenage fertility rate, smoking cigarette, using cannabis, alcohol abuse) and exposure to violence (being involved in a physical fight and being bullied). Hungarian children are in a relatively favourable position in terms of bullying and cannabis use, which improves the overall rank of the country, but the questionnaire did not measure the use of designer drugs, which causes a serious problem in Hungary, even amongst the poorest populations.

We dedicate the following section to the situation of Romani children. This topic requires special attention not only because the Roma make up the largest minority of the EU, but also because more Romani children live at risk of poverty and in severe material deprivation than non-Roma and they are more vulnerable to violation of children’s (and human) rights.

2. The special situation of Romani children and Hungarian governmental endeavours to alleviate the hardships of people living in deep poverty

There are approximately 10 million Roma in Europe according to the European Council (2007). Romani people are typically not covered in general population surveys, so in order to know more about their situation (and other groups like the immigrants) the EU Agency for Fundamental Rights (FRA) has carried out several research projects. In this article, we present the results of the 2021 Roma survey, which was launched by the FRA in 2020 in eight member states of the EU and supported national data collection in two further countries. This survey was set up to be representative of the Romani population in each country, but the representativeness of it is limited to the population covered in the sources of information available. For the analysis of education related topics, we will also use the results of the joint survey of the FRA, the UNDP, and the

¹³ Young people (aged 15 to 19) who are not participating in either education, employment, or training.

¹⁴ The Programme for International Student Assessment (PISA) is a worldwide study conducted by OECD every three years starting in 2000. Its aim is the evaluation of educational systems by measuring 15-year-old pupils’ scholastic performance in mathematics, science, and reading.

World Bank. Table 1 shows the number of Roma living in those European countries in which these surveys were conducted.

Table 1 Number of Romani people in European countries with significant numbers or ratios of Romani people

	Census (date)	Average estimate
Bulgaria	370,908 (2001)	750,000
Croatia	9,463 (1991)	35,000
The Czech Republic	32,903 (1991)	225,000
France	-	310,000
Greece	-	215,000
Hungary	190,046 (2001)	700,000
Italy		120,000
Portugal		45,000
Romania	535,000 (2000)	1,850,000
Slovakia	89,920 (2001)	435,000
Spain	-	700,000

Source: www.coe.int

According to the research by the FRA in 2021, on average, 83% of Romani children lived in households at risk of poverty¹⁵, while in the general population, this ratio varied between 10 and 30% in the analysed countries¹⁶. One out of every two Romani children (54%) lived in severe material deprivation¹⁷, although there were better situations in Croatia, Hungary, and the Czech Republic, where one out of every three children lived in such poverty.

Earlier we mentioned a deprivation index developed for children that has 13 items. Researchers consider a child deprived if two or more of the items are lacking, but in the poorest families living in Hungarian Roma ghettos (“cigánytelep”), it is not rare for up to 11–13 items to be missing from the list. In Hungary, we usually talk about ‘deep poverty’ instead of ‘extreme poverty’. What is the difference between the two concepts and

¹⁵ In households with an equivalised income after social transfers that is lower than 60% of the median income in their country.

¹⁶ FRA, 2022, p. 14.

¹⁷ In a household that cannot afford to pay for four of the nine items in the material deprivation index

groups of people? People living in deep poverty may have more than \$2.15 a day, but they still live amongst terrible conditions, and there is a considerable number of such people in Hungary. Being a Romani person in Hungary is not equivalent to living in deep poverty; however, a significant proportion of this group (less than half but more than a third) does. Nor is it true that all people living in deep poverty are Roma; approximately one third of them are¹⁸. As a matter of fact, when the Roma and non-Roma poor live together amongst similar conditions, with similar challenges and opportunities, over time, they begin intermarrying, and it is hard to distinguish between them. The question may arise as to what this study is about: children living in poverty, the poor in general, or the Roma. As the three topics are inextricably linked, we must analyse them all. The situation of the children stems from the situation of their parents and – at least in Hungarian terms – a significant proportion of those in poverty is of Roma origin. Now we would like to turn our attention to basic needs and how they are satisfied amongst Hungarians living in poverty.

2.1. Food

According to UNICEF data, 1% of the children in Hungary do not have access to three meals a day; however, health statistics experts estimate this value to be higher – 2–3%. In the most disadvantaged micro-regions of the country, 2% of children during the week and 3% on weekends are not provided with three meals a day. Expressed in absolute numbers, there are 36–54 thousand chronically hungry children in Hungary (who do not get enough food on a regular basis) and more than 200 thousand children are starving occasionally¹⁹.

Hunger has qualitative in addition to quantitative dimensions. In Hungary, amongst the poor, it is not rare to find people who are obese as a consequence of eating food high in saturated fats and carbohydrates. Even in rural areas, few small gardens can be found amongst the poor that can supplement a potato- and pasta-based diet with vitamin- and fibre-rich food. On the one hand, people gave up gardening during the communist regime, and on the other hand, with increasing theft, many places must be guarded if their owners would like to harvest the crops. Local shops are expensive, if they exist at all, and travelling further to do the shopping is also costly. There is a form of market according to which a loan shark does the

¹⁸ Havas, 2008, p. 121.

¹⁹ Husz and Marozsán, 2014, p. 58.

shopping for a family but charges multiple times the price. This has been particularly common since shark loans became a criminal offence.

Another problem derives from the lack of money management/budgeting. On the day of payment or upon receiving state benefits, poor families go on a shopping spree and buy food and drink that are luxuries for them. In some ways, this practice is understandable, that is to say, that they spend and consume lavishly at least once a month. A further problem in connection with children is that they refuse to eat or even taste food that is unfamiliar to them. According to my experience, fruit and sweets constitute an exception to this problem; children always eat them greedily having the chance even if they are not familiar with them.

Husz-Marozsán reported that in some parts of the country, mothers overbreastfeed their children, often at times when one-sided breast-feeding should be supplemented. In other places, however, breast-feeding is no longer the norm, increasing the vulnerability of the youngest children. The malnutrition of babies among people living in deep poverty can partly be explained by lack of knowledge. An example of this is when mothers feed their babies bread with gravy from the age of two months in the belief that that will provide them the right nutrients. Can breastmilk-substitute formulas ameliorate this situation? In Hungary, such formulas are provided for a limited time for families in need. Moreover, in many cases, older siblings also consume the formulas if it is necessary. Besides the babies, the other most vulnerable group is that of adolescent children who have learned that they must leave food for the younger ones, so they frequently prefer not to eat. I have seen in study halls²⁰ that children do not eat the afternoon snack but take it home to their younger siblings.

2.2. Housing

Housing deprivation is another aspect of poverty. According to the FRA Roma survey of 2021, one out of every two Romani people (52%) lived in damp, dark dwellings or housing without proper sanitation facilities. Additionally, 22% of Romani households did not have access to tap water inside their dwelling, and 82% of Roma lived in overcrowded households²¹.

²⁰ Study halls are places where socially disadvantaged children go in the afternoons and participate in skill-development sessions. At the same time, study halls also function as community spaces, providing opportunities for high-quality leisure activities. Study halls are run by NGOs and churches. For more details, see Havasi, 2019.

²¹ FRA, 2022, p. 18.

In Hungary (and presumably in other countries as well), overcrowding amongst those living in deep poverty partly stems from having many children, and at the same time, several households live in one house. It is common that, in addition to those from the parents' and grandparents' generation, a sibling or even more distant relatives share one house. Romani individuals are often not found amongst homeless people, because relatives tend to take each other in.

The housing situation of the Roma seems better in the Czech Republic and Slovakia, where 7 and 26% of the respondents, respectively, reported some kind of housing deprivation. In Hungary, this figure was 37%, and the worst results could be found in Bulgaria and Romania, with 70%²².

Below, we will briefly outline the progression leading to the prevailing housing conditions of the Romani population in Hungary. The slow, organic settlement of the wandering Hungarian Roma on the outskirts of towns and villages, and sometimes within settlements, began as early as the 16th and 17th centuries. The absolutist rulers of the 18th century aimed to settle and assimilate the Romani population. As a result of these efforts, the framework of the later settlement structure was established. Stewards of the manors and officials of the settlements designated areas where Roma could settle, often in otherwise useless places such as marshy, flood-prone areas or near locations serving communal functions of the settlement (dung heaps, garbage dumps, clay pits, execution sites, cemeteries). Therefore, the Roma ended up in small areas, living in miserable shanties that later became the cores of overcrowded settlements²³.

The state expressed renewed intentions to address the housing (and other) situations of the Roma during the Communist era. Following the 1961 party resolution, Romani residents with stable incomes gained access to state-supported housing loans, which were used to build low-comfort, so-called "C" ("csökkent értékű": devalued) apartments. Approximately 10,000–11,000 housing units were constructed in a slum-like manner (telepszerűen), yet, due to related crimes, they were of poor quality. Later, from the mid-1990s onwards, the utilisation of social housing subsidies under the "szocpol" programme unfolded in a hauntingly similar fashion. It is no wonder that in 1971, 73% of Hungary's Romani population lived in "Gypsy colonies" (cigánytelep). Although this figure had decreased to 6% by 2003, more than half of the Roma still lived exclusively or

²² FRA, 2022, p. 70.

²³ Lengyel, 2006, p. 56.

predominantly in Roma environments, often on the outskirts of settlements²⁴. In the meantime, a new phenomenon emerged in the 1980s: urban poor, including many Roma, started purchasing low-comfort, small-sized houses in former worker colonies within cities. Since the change of regime and the emergence of unemployment, there has been a migration of people (mainly Roma) from cities to villages, driven by the need to escape unemployment. Subsequently, wealthier non-Romani individuals moved out of these villages. As a result of these processes – which still continue today – certain villages, and eventually entire regions, began to experience ghettoisation²⁵. In some settlements in Borsod-Abaúj-Zemplén County, the Romani population comprises 90–95% of the residents, although this may not be reflected in census results but became apparent during field research²⁶.

In Hungary, programmes for the eradications of colonies and urban slums have been running since 2005, funded partly by the EU and partly by Hungary. These programmes typically involve renovation or construction of social housing that is completed by human services. The country has a small stock of social rental housing (4–5%), a product of the rapid and massive privatisation of housing stock in the early 1990s. Altogether, 54 local projects were carried out between 2005 and 2010 and 97 between 2014 and 2020. The process is rather slow because 6–7 apartments are renovated or built²⁷ in each project. Moreover, in many cases, they do not work towards reducing segregation as relocation in a ghettoised village does not change that process, but they certainly lead to better housing conditions.

2.3. Work

The source of income poverty is the lack of a job or low-paid jobs. According to the results of the 2021 Roma survey by the FRA, only 43% of the Roma (aged 20–64) were engaged in paid work in the analysed countries. That does not only refer to full-time but also to part-time work, doing ad hoc jobs, being self-employed or having occasional work. The situation was somewhat better in Hungary and Italy, which had reached the EU target of at least 60% of Roma in paid work²⁸.

²⁴ Kemény and Janky, 2004.

²⁵ Kőszeghy, no date, p. 20

²⁶ See, for example Havasi, 2021, p. 453.

²⁷ Városkutatás et al., 2022, pp. 17–18.

²⁸ FRA, 2022, p. 43.

How did the employment of the Romani people develop in Hungary in the past? In the socialist era, the majority of Romani men were employed at the same employment rate as the non-Roma. For Romani women, however, merely 30% of them worked in 1971, compared to 64% of non-Romani women²⁹. Due to their low educational level, Romani people found only underpaid and physically demanding jobs. This phenomenon was called ‘segregation within integration’³⁰. Another characteristic of the employment of the Roma was the frequent changes of jobs, which was considered a “Gypsy” character trait; however, this situation it was true for unskilled non-Romani people as well. During the socialist era, the standard of living of the Romani people started to rise, but the aforementioned factors, along with the fact that Romani families had more children than the non-Roma, led to an increase in income inequalities between the two ethnic groups³¹. After the change of regime, certain industries were hit by crises, specifically those employing Romani people. Although nationally, on average, 30% of workplaces disappeared before 1993, this number was 55% in the case of positions occupied by Romani people³². A study focusing specifically on the Roma labour market situation in Borsod-Abaúj-Zemplén county found that 88% percent of them were unemployed in 2000, at a time when the percentage of overall unemployment was only 11.7%³³. Experts agree that the biggest victims of the political transformation were the Roma³⁴.

At the end of the 1990s, childcare-related benefits were the main income source for more than half of Romani families³⁵. At that time, a prevalent stereotype emerged among members of the mainstream society that Romani families live off their children – a perception that persists to this day. Indeed, some Romani families were motivated to access as many childcare benefits as possible. However, this was not the sole factor driving their decision to have children. Following the austerity measures of 1995, the state strongly reduced its social spending, so the Roma strategy to have many children did not generate the necessary income. In the 2000s, the livelihood sources of poor Romani families in Hungary comprised a combination of the following options:

²⁹ Kemény, Janky and Lengyel, 2004, pp. 96–97.

³⁰ Csoba, 2006, p. 109.

³¹ Kemény and Janky and Lengyel, 2004, p. 96.

³² Kertesi, 2006, p. 3.

³³ Babusik, 2002.

³⁴ Kertesi, 2000, p. 425.

³⁵ Bánlaky, 1999.

- temporary work (in agriculture or the construction sector)
- “hetelés”³⁶: working for manufacturing companies away from home and visiting their families only on the weekends or less frequently
- harvesting and selling forest products, logging
- rummaging through the trash and disposed junk
- “doing business”: doing semi-legal businesses like trading or banking (without establishing a former enterprise) or conducting completely illegal activities (shark loans, trafficking in stolen merchandise)
- participation in public work schemes
- social subsidies
- providing services to the local people (garden maintenance and chopping wood)
- continuation of the still-existing traditional Roma occupations (knife sharpening, basket weaving, and providing musical services).

It is necessary to point out that poor non-Romani communities followed the same lifestyle strategies, although the majority of the society typically labelled them as Roma lifestyles. Additionally, it is important to stress that there are more and more Roma among the skilled labourers, professionals, and legally functioning entrepreneurs, in this way overcoming the negative prejudices and triumphing over the challenges that stand in their way. On the whole, a regrettable characteristic of the first two decades following the regime change was that an entire generation of Romani children grew up with parents who were not employed. The government attempted to change this situation by expanding public works schemes starting in 2010. (The target groups of public works programmes are not the extremely poor or the Roma but those who are otherwise not employable in the labour market; however, these programmes have become a tool for improving the situation of the Roma, as well, as large numbers of them were impacted.)

Public works schemes can be classified into active and passive labour market policy tools, as their aim is to make participants employable and enable them to enter the primary labour market. During this process, they can obtain a guaranteed income while engaging in activities that are beneficial to society. The Hungarian programmes have produced mixed results in achieving these objectives. Public work was criticised because it provided a lower income than the minimum wage, yet this did not prevent it

³⁶ Hungarian slang, literally translated as weeking.

from becoming a permanent solution for many people. For many children living in deep poverty, their life goal became to be a public worker.

Public works programmes had low targeting efficiency, as they involved not only the most disadvantaged people but became a cost-saving device for many companies and institutions. In some public works schemes, the workers were engaged in sweeping and sitting along the ditch banks. Elsewhere, efforts were made to utilise the opportunities provided by the programme, including food production, renovating or constructing public buildings, establishing drainage systems, and so on.

A set of measures were introduced to amend public work, that is, efforts were made to support value-creating schemes. Another example is that those under 25 years of age are allowed to take part in the public works scheme only if employment programmes designed for youth cannot offer them any other options. Public works schemes became the most important employment programme for some time. In 2016, an average of 223,469 people were employed in public works, which represented 3.2% of the total employment. Later, due to the massive labour shortage in the primary labour market, the number of public workers began to decrease, reaching an average number of 77,680 in 2022³⁷.

The labour market situation of the Roma is also influenced by their place of residence. In Hungary, the majority of Romani people live in the poorest regions that are most affected by unemployment (Northern, Hungary Southern Transdanubia, Northern Great Plane). The GDP per capita in these regions is half that of the EU average. Apart from these territories, the capital city and its surrounding areas exhibit a higher Roma population than average, attracting the Roma from the impoverished regions (and non-Roma youth alike) with better employment opportunities. A relatively new development is the emergence of Romani workers among Hungarians who commute abroad for work.

We have not mentioned discrimination in relation to the labour market situation of the Roma. There are enormous differences among the European countries in this respect. According to the results of the 2021 Roma survey by the FRA, 17% of the Italian Romani respondents felt discriminated against because of being Roma when looking for a job, while in Portugal, this figure was 81%. The Hungarian result is relatively low (26%) and

³⁷ Közfoglalkoztatásban részt vevők havi átlagos létszáma. [Online]. Available at: http://kozfoglalkoztatasi.bm.hu/statisztika/terkep/!F_KERET.HTM (Accessed:10 January 2024).

ameliorating³⁸. The reason for this is that a labour shortage is emerging in an increasing number of sectors, as the country has been characterised by structural unemployment in recent times. Hence, employers tend to be reliant on Roma workers, who therefore have the opportunity to prove themselves. Low status in the labour market is strongly connected with a low education level. We will turn our attention to this topic now.

2.4. Education

An analysis of education must be started with the question of early childhood development, the importance of which is well-established³⁹. Extensive research links investments in early childhood education with better outcomes both for individuals and the society⁴⁰. Critical stages in the child's mental and physical development occur during pregnancy and the first few months of life, and each stage serves as a foundation for the next. By the age of two, cognitive delay can be measured, and by the age of four, much of the potential damage may have been done. The message here is clear: the earlier the intervention, the greater the leverage⁴¹. Brain research has shown that a state of deprivation in early life, neglect, physical abuse, and the severe depression of the mother constitute continuous toxic stress for young children, damaging the development of brain structure. This can later result in enduring problems in learning, behaviour, and physical and mental health⁴².

A good and effective example of the institutions of early childhood development is the Sure Start Children's House (SSCH), which was developed in the UK and adapted in Hungary. In SSCHs children under the age of 3 can spend time together with their parents and engage in high-quality play and learning while their parent imperceptibly learns how to develop the cognitive and social capacities of their children at home. At present, approximately 2,000 children attend SSCHs in Hungary; this is many fewer children than the number of small children living in disadvantaged families, but the initiative exists and is spreading.

³⁸ FRA, 2022, p. 46.

³⁹ Piaget, 1952; Fraiberg, 1959, cited in Richardson et al., 2023, p. 13.

⁴⁰ Kamerman, 1994; Shonkoff and Phillips, 2000; Waldfogel, 2006, cited in Richardson et al., 2023, p. 13.

⁴¹ UNICEF, 2010.

⁴² Center on Developing Child, 2007, p. 9.

A more widespread institution of early childhood development is kindergarten or preschool, which can be found in every European country in some form. Participation in preschool is the first contact with the education system, and survey results confirm that Roma children with preschool experience have a greater chance of successfully completing compulsory education. According to the FRA Roma survey in 2011, preschool attendance was the lowest in Greece (9%), and here, the gap between Roma and non-Roma attending preschool was the largest (70%). In contrast, about 80% of Hungarian Roma children aged 4 to 6 (compulsory primary education age) attended kindergarten. Not all ex-socialist, Central-European countries had such a high proportion of Roma children attending kindergarten; for example, in the Czech Republic and Slovakia, this figure was only 30%⁴³.

The high preschool attendance rate of Hungarian Roma children is due to the fact that the last year of kindergarten was compulsory for all children (and since 2011, it has been compulsory starting from age 3). In addition, kindergarten is free, and for children receiving regular child protection benefits, meals are also provided for free. In addition, socially disadvantaged children are given priority in enrolment, and the government has endeavoured to open kindergartens in smaller settlements inhabited by Roma. This seemingly bright picture is somewhat clouded if we look at everyday experiences. For instance, Roma children exhibit a higher rate of absenteeism, kindergartens are facing a deficit in professional staffing, particularly in smaller settlements, alongside a broader disparity in the quality of educational services provided therein.

High quality early childhood education and care can help to reduce bottom-end inequality, but there is a danger that the child care transition will contribute to a widening rather than a narrowing of it. The Hungarian case confirms that more educated parents and higher income homes tend to be most aware of the importance of, and more capable of affording, high-quality childcare⁴⁴.

The beneficial effect of kindergarten is shown by the results of the 2011 Roma survey, according to which, 94% of compulsory-school-age Roma children attending school had prior preschool experience, while 15% of the same-age Roma children who did not attend school had preschool

⁴³ FRA, 2014.

⁴⁴ UNICEF, 2010, p. 32.

experience⁴⁵. Of course, the explanation of this phenomenon may also be that those families who consider preschool education important are those who consider schooling important.

According to the 2011 FRA Roma survey, the percentage of the Roma respondents aged 16 and above who said that they had never been to school was the highest in Greece (44%), Portugal (32%), and Romania and France (24%). The expansion of the education of Roma is demonstrated by the fact that, among the 16–24-year-old Roma, these figures were smaller, yet still considerable: namely, 28% in Greece, 15% in Romania, 12% in France, and 9% in Portugal. The other extreme is represented by Hungary, Slovakia, and the Czech Republic, where only 1–3% of the Roma respondents have never attended formal education⁴⁶.

Early drop-out refers to those who have attended school but left education before the age of 16, which marks the end of compulsory schooling in most places. The southern countries recorded the highest shares of Romani people who had dropped out: in Greece, Portugal, Italy, and Spain, 79–92% of those surveyed had dropped out. The situation in the Central-European countries was the best in this respect as well; however, in these places, the drop-out rate of the Roma was slightly higher than 50% (52–59%)⁴⁷.

The analysis of data by age groups and reasons for not attending school reveals important country-specific differences. In Hungary, Italy, and Spain, only the first and last two years of compulsory education were affected by late starts and early drop-outs. In Bulgaria, Greece, and Romania, peaks of not attending school could be detected in the same periods, but it occurred at all compulsory school ages. In Portugal, the critical phase was the point of transition between school types⁴⁸.

The main reasons behind the *irregular school attendance* of Roma children (or that they do not attend school at all) are usually the parents' negative perception of the educational institutions, the low value placed on skills beyond reading and writing, and sometimes the enormous distance that children have to travel to get to school. The mobile lifestyle of the French or the Irish Roma is another hindering factor of not attending

⁴⁵ FRA, 2014.

⁴⁶ FRA, 2014.

⁴⁷ FRA, 2014.

⁴⁸ FRA, 2014.

school⁴⁹. The general belief is that Roma parents are demotivated and, consequently, so are their children. This is contradicted by a Hungarian research result that suggests that parents in Roma families are not less ambitious regarding their children's academic career. The issue lies more in the fact that parents often lack the parenting knowledge and cultural practices necessary for their child's academic success and for achieving the ambitions related to education⁵⁰. International research findings confirm that factors such as the presence of books in the household, reading bedtime stories to the child, and enabling participation in extracurricular activities all contribute to improving the child's academic performance and thus reduce the likelihood of early drop-out⁵¹. However, some parents are less aware or less able to provide adequate cognitive stimuli for their children within the home.

The apparent lack of interest and behavioural issues of children living in deep poverty are often symptoms of deprivation. A hungry child is less sociable, pays less attention in class, gets tired more quickly, and cooperates less with others⁵². Early drop-out is often rooted in negative educational experiences and a sense of inadequacy, but more often it is caused by factors not related to the educational system like early marriages, criminalisation, and fluctuations in the demand for unskilled labour.

Completing upper secondary education makes an essential difference in the job market, and it is a minimum requirement for accessing higher education. A Hungarian researcher, Kertesi, found that, in the country, a Roma person with a vocational qualification has a chance that is 27 times (and one with a general upper secondary qualification has a chance that is 7 times) bigger of getting a regular job than do those with lower than primary school education⁵³. There are likely variations by country of these ratios, but the connection exists. In this regard, it is quite problematic that the ratio of early school leavers (people aged 18–24 without a higher secondary education and no education or training) amongst the Roma was high in every member state, even in the better performing Central-European ones. The best result could be found in the Czech Republic, where 72% of the respondents were

⁴⁹ FRA, 2014.

⁵⁰ Husz, 2015, p. 8.

⁵¹ Evans et al., 2010, Mahoney and Cairns, 1997 cited in Husz, 2015, p. 8.

⁵² Howard, 2011, cited in Husz, 2015, p. 5.

⁵³ Kertesi, 2006.

early school leavers; the worst was in Portugal and Greece, where almost everyone was⁵⁴.

Unfortunately, the existence of certain educational certificates does not necessarily mean that an individual possesses the appropriate skills – at least, not in Hungary. Reading, writing, and fundamental mathematical skills must be acquired during the early stages of education. Despite this, numerous secondary institutions teaching Roma students often face challenges posed by the insufficient skills of these children. However, literacy is an essential prerequisite to social integration and participation in modern societies. The 2011 FRA Roma survey measured self-perceived *literacy* and found that, on average, 20% of Romani respondents reported that they were illiterate, in contrast to 1% of non-Roma respondents. We could find the most illiterate Roma in Greece, where more than half of the Romani respondents aged 16 and above could not read or write. The situation was not much better in Portugal (35%), Romania (31%), or France (25%). In the Czech Republic, Hungary, and Slovakia, however, 6% of the Roma respondents perceived themselves as illiterate⁵⁵.

Education could be a key instrument in preventing and overcoming social exclusion, but it can also reinforce inequalities. The PISA has an index measuring the *capacity of an education system to limit compensation*: it is the share of resilient students who perform well despite coming from disadvantaged backgrounds. The analysis of educational systems characterised by significant capacity for compensating disadvantages (which is typically found in Asian countries and within Europe in Estonia) extends beyond the scope of this study. It encompasses elements such as appropriately compensated teachers, sufficient educators, and the absence of segregation, none of which are characteristic features of the Hungarian education system. As a consequence, according to the PISA results in Hungary, the share of resilient students was quite low: 19.3% in 2015, and the number has been declining since 2006⁵⁶.

Now, we will depict the *evolution of the educational situation of the Hungarian Roma*. Prior to the Second World War, approximately 50% of Romani children were not enrolled in formal education, a figure that diminished to 10% in 1957. One-third of Roma born between 1947 and

⁵⁴ FRA, 2014.

⁵⁵ Ibid.

⁵⁶ OECD, 2019, p. 8.

1951 completed eight grades, but those with less than seven grades were virtually illiterate.

The majority of Roma born after 1971 had already completed elementary school; however, in the 1990s, unemployment awaited those who did not pursue further education⁵⁷. Over the past century and the subsequent period, the educational attainment of the Roma has continuously increased, but the gap between them and the social majority remained. The situation worsened with the reduction of compulsory schooling to the age of 16 and also due to the fact that many schools where Roma students are enrolled barely teach anything, making attendance pointless.

We can say that *adult education* can be a second chance for those who realise the importance of education only as an adult. During the socialist era in Hungary, the Workers' School provided an opportunity for people who desired to continue their interrupted educational careers and obtain higher educational levels. There were also cases when individuals studied for decades to finally obtain a university degree. In recent decades, numerous adult education programmes have targeted the Roma and other people with low educational levels. These training programmes are sometimes combined with public works schemes, or are part of complex integration programmes. Unfortunately, due to the insufficient amount of course material and practical sessions in these adult education programmes, the qualifications obtained by those involved are worthless in the labour market. For many, participation in these training programmes is part of their income-generating strategy, as participants receive livelihood support during them. Several attempts were made to reform the system of adult education in Hungary such as by increasing the number of practical sessions, but its deficiencies remained.

Segregation – as we mentioned earlier – is one important obstacle of the school career of many Roma children. It is present in education in every country with a significant Roma population, but according to the 2011 FRA Roma survey, it was particularly problematic in Slovakia, Bulgaria, Croatia, and Romania. In Hungary, 44% of Roma children attended a school where all or most of the other children were Roma⁵⁸.

The roots of school segregation in the country date back to 1961, when the ministry ordered the establishment of Roma classes. In these segregated classes, the requirements were lower, the conditions worse, and the

⁵⁷ Kemény, Janky and Lengyel, 2004, p. 83.

⁵⁸ FRA, 2014.

knowledge of the pedagogues was insufficient. The rationale behind this policy was that Roma students disturbed other students in integrated classes, hindering their development. Another form of educational segregation was the sending of Roma students to special education institutions and “auxiliary” (“kisegítő”) classes. In 1985, a significant shift occurred as the official goal became the elimination of Roma classes, and the criteria for placing children in special education became more stringent⁵⁹. Following the change of the regime, the persistent spatial segregation processes mentioned above exacerbated school segregation. Other legal provisions also aggravate segregation. For example, the mandatory enrolment districts for state schools do not apply to schools sustained by churches, whose number is constantly increasing. These schools are able to refuse admission to Roma applicants, referring to their poor performance, even though that may not necessarily be the case, which was proven by lawsuits won by Roma advocacy organisations. Nuanced methods of segregation within schools are also present, like the launching of classes with specialisation in maths or languages, which Roma children typically do not apply for.

3. Summary

A low level of education, unfavourable employment opportunities, poverty, and poor health conditions are interconnected in a vicious cycle. The psychological consequences of persistent poverty include chronic stress, which leads to risk-averse behaviour and short-term thinking. Apart from this, stress-related anxiety increases the occurrence of certain addictions (e.g. excessive alcohol consumption, smoking) and mental illnesses⁶⁰.

Furthermore, parents who are economically disadvantaged and uneducated cannot create a conducive environment for their children wherein they can acquire the necessary social and cognitive skills for a successful academic trajectory. Consequently, they inadvertently perpetuate their own disadvantages by passing them on to their children.

A high number of children is typical among people living in deep poverty, thereby potentially accelerating the increase in both the absolute number and proportion of poor people in a given territory. This process is usually accelerated by the emigration of the better educated and more motivated inhabitants. Regions experiencing economic stagnation, particularly those

⁵⁹ Kemény, Janky and Lengyel, 2004, p. 85.

⁶⁰ Haushofer and Fehr, 2014, WHO, 2011, cited in Husz, 2015, p. 6.

afflicted by ghettoisation, do not attract external capital and do not have internal resources, either financial or cultural. Consequently, local schools in these areas become segregated, leading to a decline in the quality of education, thereby reinforcing the aforementioned negative trends⁶¹.

Europe belongs to the more fortunate part of the world, but in many countries, absolute poverty has not been eradicated. One particular group, the Roma, is especially vulnerable. In this study, we reviewed the situation of Roma and Roma children in EU member states with a detailed focus on Hungary. We found that their conditions were relatively better in three Central European countries. The worst educational outcomes were observed among Portuguese and Greek Roma; the housing situation of the Romanian and Bulgarian Roma are critical; and in the labour market, the Spanish and Portuguese Roma are the most disadvantaged. An extremely high proportion of Greek Roma lived in households facing severe material deprivation. The Hungarian results were particularly perplexing in this regard, as in the 2016 Roma survey, 68% of respondents reported such conditions, whereas in 2021, only 28% did. Such a significant improvement could not have occurred, especially during the COVID period; there may have been issues with the sampling in one of the studies.

What can governments do to reduce child poverty and alleviate its consequences? They can intervene through benefits and taxes to redress inequalities. They can improve the income situation of families through employment policy and regional development tools like active labour market policies, especially adult education, public works schemes, and the development of the social economy. Education can be a key instrument to prevent and overcome social exclusion, but it can also reinforce inequalities. The state can offer other types of social and human services, including:

- family support services delivered directly to families either at home or in family centres,
- child protection services including services for social work, temporary child accommodation and institutional care,
- health services (subsidies or waivers for health insurance or direct costs, all forms of primary and secondary care, physical and mental health services).

Some of the aforementioned devices have been presented in detail in research including social innovations such as the SSCH or Study Hall. Their

⁶¹ Havasi, 2019, p. 12.

practical operation, results, and drawbacks were provided from the point of view of the Hungarian Roma and other people living in deep poverty. The lesson learned is that institutions alone do not provide solutions automatically; they must be applied appropriately. There is a particular risk in Hungary that the country's previous achievements will dissipate if it cannot reverse the ongoing harmful processes in public education.

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RASTKO JOVIĆ*

Children and Poverty: Dynamics of Theology**

ABSTRACT: Persistent poverty in Serbia is affecting everyone, particularly children. This article examines the complex issue of poverty through the lens of Orthodox theology. Historically, Orthodox theology has been criticised for its passivity in addressing social injustices, often promising salvation in an afterlife paradise. Despite critiques of inactivity, the Orthodox Church in Serbia has been actively engaged in humanitarian assistance, extending support through various channels, including dioceses and collaborative efforts with other humanitarian organisations. Yet, there remains a striking difference between the Church's perceived role as a guardian of tradition and national identity and its potential to be socially active within the constraints of history. In that manner, this article advocates for comprehension of a theological framework that would be able to guide charitable efforts. Recognising the intrinsic value that children embody within Christian tradition highlights the imperative of special care for children. Acknowledging the importance of tradition and theology within the Orthodox context, we believe, can inspire a dialogue between the Church and broader society. That would eventually help to transcend social passivity, changing the image of the Church towards active and systemic work, and towards the dynamic of love, justice, and compassion. In other words, the Serbian Orthodox Church should align this presence with its prophetic role of addressing and changing unjust social relations that cause poverty. Therefore, alleviating poverty and increasing social engagement should be top priorities in the coming years.

KEYWORDS: Serbia, poverty, children, Orthodox theology, Christian identity, theological framework, church tradition.

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1. Introduction

Serbia's struggle with poverty has continued for decades, making life difficult for many people. However, the word "poverty" cannot always capture the actual substance of the problem, particularly when we speak about children's suffering. Their economic poverty raises a crucial theological question: how does Orthodox theology define the very identity of a child, and what implications does this understanding have for the Church's involvement in relieving poverty?

Moreover, assessing the reasons for portraying the Orthodox Church as passive and disinterested in social engagement is essential. In other words, it seems the Church has interiorised this false understanding of its role for some time. Furthermore, that role was in downplaying social challenges through the promise of a future life in the Kingdom of God. Diving into some aspects of the tradition and theology, we will try to present the theological place of children and their role within the ramifications of poverty. Social engagement in recent years by the Serbian Orthodox Church (SOC) will also be listed here. Hopefully, this approach will enlighten the need for systematic *Diakonia* of the Church towards impoverished children and change the public image.

2. Poverty in Serbia today

In 2021, over 600,000 people in Serbia, almost 9% of the population, struggled to make ends meet. Now, with the war in Ukraine casting a long shadow, experts fear things could get even worse. It is predicted that poverty could rise by another 0.3% to 2.5%, depending on how things unfold.¹ That could mean millions more families squeezed by growing costs and shrinking paychecks. It is a harsh reality for Serbia, but sadly, it is being felt across the globe.²

In 2021, the absolute child poverty rate stood at 10.6%, with projections indicating a further increase. Even under the most conservative estimates, by 2022, child poverty was anticipated to rise to 13.8%.³ This

¹ Kostadinova, 2023, p. 30.

² Kostadinova, 2023, p. 30.

³ UNICEF - First National Conference on Family (2023), [Online]. Available at: <https://www.unicef.org/serbia/en/press-releases/first-national-conference-family-2023> (Accessed: 2 July 2024).

translates to nearly 28,000 children living below absolute poverty. Recently, Serbia has invested more money in social services and worked more to relieve poverty.⁴ Consequently, some progress concerning children's poverty has been made.

Nevertheless, children continue to be disproportionately affected by poverty compared to other age groups. Moreover, the highest risk of poverty persists among households with three or more dependent children, which reached 38.8% in 2021.^{5,6}

In the same manner, poverty has an excessive impact on various demographic groups in Kosovo and Metohija,⁷ including women, children, ethnic minorities, people with disabilities, and rural populations. A striking statistic reveals that one in four children under the age of five resides in the poorest households.⁸ The Serbian population in Kosovo has been facing a humanitarian crisis for almost two decades. The Soup Kitchen, operated by the SOC diocese in Kosovo, now distributes meals to nearly 2,000 people daily.⁹

The exact number of children in the streets of Serbia is still unclear, and we have only estimated numbers with no precise statistics.¹⁰ In 2022, Serbia adopted the first official action plan, *Child Protection Plan in Street Situations from Violence, Neglect, and Exploitation in the Republic of Serbia*, addressing street children.¹¹ While this action plan addresses some critical issues concerning these children, such as the protocols and duties of each municipal service, it omits the potential collaboration with the SOC or other religious groups and organisations.

⁴ UNICEF - First National Conference on Family (2023), [Online]. Available at: <https://www.unicef.org/serbia/en/press-releases/first-national-conference-family-2023> (Accessed: 2 July 2024).

⁵ Statistical Office of the Republic of Serbia, 2022.

⁶ Kostandinova, 2023, p. 14.

⁷ Self-proclaimed independence in 2008, which Republic of Serbia and some European countries (Spain, Greece, Romania, Cyprus, Bosnia and Herzegovina, and Slovakia) still do not recognize.

⁸ UNICEF - Children in Kosovo: UNICEF in Kosovo promotes social inclusion of the most vulnerable children. We are committed to leave no child behind!, [Online]. Available at: <https://www.unicef.org/kosovoprogramme/children-kosovo> (Accessed 7 February 2024).

⁹ The Humanitarian Organization of the Raška-Prizren Diocese - Mother of the Nine Jugović Brothers - People's Kitchens in Kosovo and Metohija, [Online]. Available at: <https://narodnekuhinjekim.com/home/> (Accessed 2 July 2024).

¹⁰ Georgievski, 2022.

¹¹ Government of the Republic of Serbia, 2022.

3. From Eschatology to Social Engagement: The Church's Historical Journey

It became evident that the SOC in public space has been primarily identified as a religious institution that preserves tradition and history.

Religion and the SOC have been important factors in the formation and maintenance of Serbian national identity, both historically and at the present stage. The renaissance of religiosity at the end of the 20th century and the crisis of communist ideology determined the increase in the role of religion in the national consciousness of Serbs. At the same time, the church was making a deliberate effort to preserve Serbian national identity.¹²

Society and the government expect the SOC to conform to a certain role, which excludes social issues like child poverty.¹³ The current political climate in Serbia remains turbulent, highlighted by the unilateral declaration of Kosovo's "independence" and the situation of Serbian communities in neighbouring countries like Bosnia and Montenegro. These factors contribute to a complex political landscape where the SOC is viewed as a crucial player tasked with safeguarding these vital national issues. Consequently, social issues, such as poverty, are often relegated to secondary importance amidst these political tensions. It is obvious that the SOC has to work hard to change how people see it in public;¹⁴ the public's perception requires rediscovering its identity through theology, which can lead to projecting a unique and influential presence in society. The SOC should align this presence with its prophetic role of addressing and changing unjust social relations that cause poverty. Therefore, alleviating poverty and increasing social engagement should be top priorities in the coming years.

In the preceding chapters, we provided introductory insights into the current situation in Serbia concerning children's poverty. We also pinpointed SOC's perceived image in modern Serbian society despite its social activities. Theologically, laying the groundwork for a more profound

¹² Morozova et al., 2022, p. 681.

¹³ Jović, 2018, pp. 13-51.

¹⁴ Subotić, 2019.

comprehension of Orthodox theology concerning social engagement in alleviating poverty is essential. For centuries, various factors have influenced public understanding of the Church and its societal role. This understanding is often linked to the Church's response to political issues or perceived passivity regarding social and economic injustices. The roots of this disposition within the Church can be found in the fourth and fifth centuries AD, i.e., in the Alexandrian school's theology in the East (and St. Augustine in the West) and in the historical context in which the Orthodox Church has operated.

The Church used to be rooted in the experience of the Kingdom of God, i.e., eschatology. Eschatology is absolutely crucial to ecclesiology. This had been forgotten for a long time.

When we speak of the importance of eschatology, we sometimes think of it as the *end* of the Church's pilgrimage. I suggest that we must think of the *eschata* as the beginning of the Church's life, the *arche*, that which brings forth the Church, gives her identity, and sustains and inspires her in her existence. The Church exists not because Christ died on the cross but because he has risen from the dead, which means that the kingdom has come. The Church reflects the future, the final state of things, not a historical event of the past.¹⁵

The Church saw itself 'as the actualization of the "eschaton" in this world.'¹⁶ By being the icon of the Kingdom of God, the Church is at the same time maximalised and minimalised.

She is maximalised in that she will definitely survive eternally when her true identity is revealed in the Parousia. And she is minimalised in that she has no hypostasis of her own but draws her identity from Christ and the Kingdom to come. By existing in history "in persona Christi", she is guaranteed the glory and eternal life of her head. But for the very same reason, she is no autonomous entity vis-a-vis either Christ or the Kingdom. Her existence is iconic.¹⁷

¹⁵ Zizioulas, 1988, p. 296.

¹⁶ Schmemmann, 2003, p. 180.

¹⁷ Zizioulas, 1988, p. 300.

In other words, we need to understand the Church in this way, as an eschatological community existing in history, taking upon itself Christ's Cross, 'celebrating its true identity in the Eucharist, then all the institutions which result from this form part of its true identity and its Mystery'.¹⁸

Nevertheless, when the Alexandrian school emerged, the Church transitioned from symbolising new life to representing 'an icon of the origin of beings, of creation'.¹⁹ This change in theology made the Church belong only to the world of creation without caring about history. The main result of this teaching was that the Church focused more on individual salvation and less on the Kingdom of God and its experience. Gradually, the Church interiorised this individual care as its primary task, being perceived as a "sanatorium of souls",²⁰ and losing its ability to speak out about social issues.

Historically, with the formal recognition of Christianity as an imperial religion, differentiation between Church and state blurs significantly after 380 AD. The cessation of persecution and the new circumstances of Christian life within the Roman Empire fostered a closer association between the Empire and the Church. Despite acknowledging Christianity as the official religion, the empire failed to recognise the Church as a distinct community. Consequently, these new relations resulted in the Church's dependence on the empire and the emperor. For the empire, the Church evolved from a distinct community that bore enmity towards the government into a tool of religious governance within the empire, which was particularly evident during the reign of Emperor Justinian (527-565).²¹ This period in history took the Church into a framework where pagan absolutism reemerged but with different actors.²² At the same time, as a consequence, the Church increasingly identified the Kingdom of God with the Roman Empire, leading to social passivity.²³

Another factor contributing to the Orthodox Church's passivity towards socio-economic injustices is the turbulent and multifaceted relationship with the empire that lasted more than 1,000 years in the East

¹⁸ Zizioulas, 1988, p. 301.

¹⁹ Vassiliadis, 1998, p. 54.

²⁰ Vassiliadis, 1998, p. 55.

²¹ Jović, 2023, p. 72.

²² Šmeman, 1994, p. 195.

²³ Jović, 2023, p. 83.

(313-1453). The Turkish occupation lasted several centuries for most of the Orthodox countries. Under the Turkish yoke (Serbia from 1459-1878) and Communist rule (1917-1991), for most Orthodox nations, the Church's primary concern was the physical survival of its members as a prerequisite for any form of action. Over time, this emphasis on safeguarding the people became closely intertwined with preserving ethnic identity for many. The political environment under Ottoman and Communist rule was hostile towards the Orthodox Church, leading the Church to associate political pluralism with hostility.²⁴ At the same time, the concept of *symphonia* (symphony), prevalent in the Eastern Roman Empire (Byzantium) from very early on, has been idealised and viewed as the sole viable relationship between Church and state. Emperor Justinian (482-565) proposed a solution for the relationship between the Church and the empire, which became widely known in history as the idea of *symphonia*. This concept is best expressed in his famous *Sixth Novella*.²⁵

There are two great blessings, he writes, "gifts of the mercy of the Almighty to men, the priesthood and the empire (*sacerdotium et imperium*). Each of these blessings granted to men was established by God and has its own appointed task. But as they proceed from the same source, they also are revealed in unity and co-operative action. The priesthood controls divine and heavenly matters, while the empire directs what is human and earthly. But at the same time, the empire takes full care of preserving Church dogmas and the honour of the priesthood. And the priesthood, with the empire, directs all public life along ways pleasing to God".²⁶

The concept of *symphonia* articulated in this context is merely a formal declaration of cooperation between the emperor primarily and church authorities (hierarchy), rather than between the Empire and the Church.²⁷ This establishment of new relations resulted in the church hierarchy becoming more dependent on the emperor and his authority. Through this

²⁴ Prodromou, 2004, p. 31.

²⁵ Lassard, Y., Koptev, A. (no date) The Roman Law Library, [Online]. Available at: <https://droitromain.univ-grenoble-alpes.fr/> (Accessed: 26 July 2024).

²⁶ Schmemmann, 2003, p. 151.

²⁷ Jović, 2023, p. 70.

Novella, the emperor solidified his legalised authority within the Church, justifying it by prioritising the empire as the utmost value.²⁸

In Justinian's synthesis, the Church appears to dissolve, and the awareness that it is radically alien to the world and the empire disappears once and for all from state thinking. The first chapter in the history of the Christian world ends with the victorious return of pagan absolutism.²⁹

In other words, the idea of *symphonia* subjected the Church hierarchy to an emperor's authority. However, despite historical evidence suggesting that such harmony rarely existed in practice, this romanticised notion of *symphonia* served as a means for the Church to escape into an imagined past. Consequently, the Orthodox Church's silence on public social issues can be attributed to its adherence to the ideal of *symphonia*,³⁰ i.e., submission to the emperor, and subsequently, to the ruler, nation, and state.

This lengthy historical modelling of the Church contrasts with the Ancient Fathers of the Orthodox Church, who tried to deal theologically and practically with issues of poverty and Christianity.³¹ However, in light of constant poverty and famine, some theologians tried to overcome this issue through romanticised poverty, i.e., suggesting that poverty could benefit individuals by disconnecting the body from the soul in their reflections. They psychologised poverty as a phenomenon, which helped them overlook the inherent violence of poverty.

For these reasons, the Orthodox Church must critically examine poverty through its own theological lenses instead of offering occasional charity. This necessitates constructing a robust theoretical framework to guide systematic action. Without such a framework, caring for those in need might remain relegated to sporadic good deeds.³² However, if we approach it within a theological framework, we recognise that caring for others is not just an occasional kindness but an expression of our very Christian identity. The next chapter will illuminate the image and identity of children within

²⁸ Jović, 2023, p. 71.

²⁹ Schmemmann, 2023, p. 153.

³⁰ Jović, 2023, pp. 34-116.

³¹ Jovic, 2005.

³² Jovic, 2021.

theology and the possible consequences when addressing the issue of children's poverty.

4. Children as an Intrinsic Value

In the Gospels, Christ gives children a distinct, almost theological role in His salvific work.³³ Additionally, in the narrative of the feeding of the five thousand,³⁴ a child offers his small lunch of fish and bread,³⁵ which Jesus miraculously multiplies to feed the multitude. Moreover, upon entering Jerusalem,³⁶ Christ received praise from children within the temple, which caused anger and fear among the religious elites at the time.

Children also played a significant role in unfolding salvation history and Christ's own proclamations. 'And he said: 'Truly I tell you, unless you change and become like little children, you will never enter the kingdom of heaven.''³⁷ Children were often overlooked in their homes and families at the time, but it seems that Christianity highlighted their unique identity in the history of salvation.³⁸ This underscores the eschatological value attributed to the virtues exemplified by children.³⁹ Children have transitioned from having an almost unimportant existence to possessing distinct value within the Church and family structure. The emergence of their identity holds particular significance, in a birth brought forth by Christianity. Apostle Paul, during his missionary work, mirrored Christ's miraculous deeds, including instances where Christ resurrected children, and Paul resurrected Eutychus.⁴⁰

4.1. Baptism and Eschatological Identity

Baptism was central to those seeking acceptance into the Christian community during the Early Church period. The essence of baptism and chrismation was in their signifying value; baptism signified affirmation of each individual's biological birth and eschatological identity. This sacred

³³ Matthew 19: 13-15; Mark 10: 13-16; Luke 18: 15-17.

³⁴ Matthew 14: 13-21; Mark 6: 30-44; Luke 9: 10-17; John 6: 1-15.

³⁵ John 6: 9.

³⁶ Matthew 21: 14-16.

³⁷ Matthew 18:3.

³⁸ Jović, 2015.

³⁹ Matthew 18: 3.

⁴⁰ Acts 20: 7-12; Matthew 9:18, 23-26; Mark 5: 22-24, 35-43; Luke 8:41-42, 49-56; Luke 7: 11-17.

rite not only impacted the newly baptised person but also tried to reshape the collective outlook of society upon children in general. The baptism of children played an important role in Early Christianity, communicating a profound message to Christian assemblies by informing them that children hold eternal and intrinsic value, irrespective of the duration of their biological lives, whether short or long. Baptism as a signifier of eschatological identity also signifies the uniqueness of each child, which carries a thoughtful message. Uniqueness implies that every child can and is encouraged to unlock their potential. In the context of the significance of a new Christian identity, an essential component should promote believers' responsible and inclusive freedom. The Orthodox Christian identity is called upon to bear witness to the authentic experience of being Orthodox, one that embraces and respects individuality as a foundation for the universality of its mission. Developing this new identity is a lifelong process in which the Church must play a central role while remaining true to its eschatological vision. Alternatively, the Church could not perceive baptism as coercion upon children because entering the Church is only viable through faith, and remaining within it relies solely on faith. In other words, baptism serves as a commitment to a Christian life rather than an absolute event that rigidly shapes someone's fate, which would be an intrusion into someone's freedom.

Understanding the true meaning of baptism is of utmost importance in a framework dealing with the issue of children and poverty. If children bear such a critical identity signifying the salvific nature of Christianity for each human being—salvation that assumes freedom, which entails the possibility for persons to unlock their potentials—then care for children in the context of poverty is of ontological importance.

4.2. Early Christian Testimonies

The canonical tradition of the Church saw its most intense development between the mid-third century and the first half of the ninth century AD, spanning from Late Antiquity to the early and late Middle Ages. Numerous church canons contributed to shaping a distinct understanding of the role of children and the responsibility for their care.⁴¹ Most of them deal with

⁴¹ Devrnja, 2022, p. 116.

protecting children, their baptism and freedom, and their recognition as independent persons.⁴²

We could ask what these canons mean for the Church's ontology. In Orthodox Church doctrine, canons and canonical tradition hold a unique significance. Rather than interpreting them solely in a judicial manner, the Church perceives them in a therapeutic and salvific sense. Esteemed Orthodox theologian Christos Yannaras, in his own words, tried to articulate the meaning of the holy canons:

The canons do not express a system of law. They express one thing only: the ontology of the Church, the mode of existence within the church body. Nor do they do this with theoretical formulations: they delimit the practice and realization of life concerning the individual survival which is subject to death.⁴³

The ontological essence of the canons revolves around eternal salvation, acknowledging historical existence and compassionate care as integral elements. The Church's symbolic embodiment of the Kingdom of God illustrates the dynamic essence of history, constantly evolving and striving to redefine the world. Rather than evading history and the world, it actively works towards their transformation. Hence, the Church is called upon to be a transformative entity fulfilling its purpose within the course of history: a *foretaste* (πρόγευσις) of the Kingdom of God.⁴⁴

In other Early Christian accounts, every member of the Church was recognised as a "child of God". This metaphorical concept highlighted the need for Christians to exhibit sincerity and love. Children functioned both metaphorically and pedagogically, instructing Early Christians and trying to elevate their esteem in society through this role.⁴⁵ In the *Epistle of Barnabas*, for instance, children acquired salvific significance through the rite of cleansing and purifying individuals.

And what do you suppose is the type found in his command to Israel, that men who are full of sin should offer up a heifer, and

⁴² Carthage 35, 110; Gangra 15, 16; John the Faster, 32, 37, 39; Saint Nikifor the Confessor, 38; Trullo 59, 72, 84; Neo-Caesarea, 6; Basil the Great, 2.

⁴³ Yannaras, 1984, p. 188.

⁴⁴ Papatomas, 2018, p. 299.

⁴⁵ Ehrman, 2005a; 2005b.

after slaughtering it, burn it; that children should then take the ashes, cast them into vessels, tie scarlet wool around a piece of wood (again, see the type of the cross and the scarlet wool!), along with the hyssop, and that the children should thus sprinkle the people one by one, that they might be purified from their sins? Understand how he speaks to you simply. The calf is Jesus; the sinful men who make the offering are those who offered him up for slaughter. Then they are no longer men and the glory of sinners is no more. The children who sprinkle are those who proclaimed to us the forgiveness of sins and the purification of our hearts. To them he has given the authority to preach the Gospel. There are twelve of them as a witness to the tribes, for there were twelve tribes in Israel. But why are there three children who sprinkle? As a witness to Abraham, Isaac, and Jacob, because these were great before God.⁴⁶

Their souls exemplify the sincerity and transformation that Christianity demands.

Blessed is our Lord, brothers, who placed the wisdom and knowledge of his secrets within us. For the prophet is speaking a parable of the Lord. Who will understand it, except one who is wise and learned, who loves his Lord? Since, then, he renewed us through the forgiveness of our sins, he made us into a different type of person, that we might have the soul of children, as if he were indeed forming us all over again.⁴⁷

The Shepherd of Hermas reinforces these notions, emphasising, ‘Hold on to simplicity and be innocent, and you will be like young children who do not know the wickedness that destroys human life’.⁴⁸ This becomes a recognisable trait of Christians in the pagan world. The Epistle to Diognetus states, ‘They marry like everyone else and have children, but they do not expose them once they are born’.⁴⁹ Moreover, in the First Epistle of Clement, it is noted that only evil individuals mistreat children:

⁴⁶ Ehrman, 2005b, p. 41; Barnabas 8, 1-3.

⁴⁷ Ehrman, 2005b, p. 33; Barnabas 6,11.

⁴⁸ Ehrman, 2005b, p. 239.

⁴⁹ Ehrman, 2005b, p. 141.

for since they treated the young with injustice, they will be murdered, and an inquiry will destroy those who are impious. But the one who hears me will dwell in hope with all confidence; he will be at rest, fearing no evil.⁵⁰

The Shepherd of Hermas reiterates that only those with childlike qualities can inhabit the Kingdom of God, reaffirming the eschatological significance of children.

As to the believers from the twelfth mountain, which was white: they are like young infants, who have never had evil arise in their hearts, nor have they known what is evil, but have always remained in their childlike innocence. Such people will certainly dwell in the Kingdom of God, because they have not defiled the commandments of God by anything they have done, but with childlike innocence they have remained in the same state of mind all the days of their lives. And so, all of you who remain like this, he said, “innocent as infants, will be more glorious than everyone mentioned before. For every infant is glorious before God and preeminent with him. Thus you who remove evil from yourselves and are clothed in innocence are fortunate; you will live as preeminent above all others before God. After he completed the parables of the mountains I said to him, ‘Lord, now explain to me about the stones that were taken from the plain and set in the building in place of the ones removed from the tower, and about the round stones that were set in the building, and about those that are still round’.⁵¹

In the Orthodox tradition, Early Christian accounts and canons emphasise the importance of showing particular regard for children and their upbringing, as exemplified by the quotation: ‘Let our children partake of the discipline that is in Christ. Let them learn the strength of humility before God and the power of pure love before God’.⁵² This quotation highlights the significance of children not only grasping the concept of love

⁵⁰ Ehrman, 2005a, p. 139; 1 Clem 57,7.

⁵¹ Ehrman, 2003, p. 457.

⁵² Ehrman, 2005a, p. 77; 1 Clem 22,8.

but also understanding the essence of freedom, which is a problem in today's society, where the state tries to protect children more and more, sometimes going too far and interfering with family life and parent's love. The state has to safeguard people, especially children, from harm and abuse but to be cautious in forcing unproved and unscientific ideologies of some activists that irreversibly harm children. These actions can upset the balance in family life, affecting how parents, children, and spouses relate to each other. Instead of helping children grow healthy and happy, they can make irreparable mistakes.⁵³ Moreover, when the state takes greater control over how children are raised through norms and institutions unless there is a good reason, the natural ways of passing on good behaviour from parents to children and from older to younger children break down.⁵⁴ All of this interference contributes to children feeling isolated and losing their sense of belonging, caring for others, and knowing themselves within the network of relationships that a child—someone becoming an adult – usually has.⁵⁵

In addition to addressing the matters of love and freedom for children, ensuring the fulfilment of their basic existential needs is equally crucial. Early Christian testimonies emphasise that anyone striving to be a Christian must refrain from harming children.^{56,57} In "Barnabas", wrongful actions toward children are enumerated alongside other forms of corruption and neglect of those requiring assistance.

It is filled with persecutors of the good, haters of the truth, lovers of the lie; those who do not know the reward of righteousness, nor cling to the good nor to a fair judgment, who do not look out for the widow and the orphan, who are alert not to the reverential fear of God but to evil, from whom meekness and patience are far removed and remote. For they love what is vain and pursue a reward, showing no mercy to the poor nor toiling for the oppressed; they are prone to slander, not knowing the one who made them; murderers of children and corruptors of what God has fashioned; they turn their backs on the needy,

⁵³ Devrnja, 2022, p. 115.

⁵⁴ Devrnja, 2022, p. 115.

⁵⁵ Devrnja, 2022, p. 115.

⁵⁶ Barnabas 10,6.

⁵⁷ Ehrman, 2005b, p. 49.

oppress the afflicted, and support the wealthy. They are lawless judges of the impoverished, altogether sinful.⁵⁸

4.3. Christian Identity and Children in Poverty

As we argued, Early Christian texts signified the critical importance of caring for children and those in need. It condemns individuals who show no mercy to the poor, oppress the afflicted, and are identified as murderers of children and corruptors of what God has created. This language emphasises the moral imperative to protect the vulnerable, including children, and to provide them with support and care. The Early Christian tradition places significant emphasis on the identity and treatment of children and, at the same time, portrays every member of the Church as a “child of God”. The term “child of God” signifies that children hold a special status as representatives of the divine. Consequently, neglecting their well-being disregards their intrinsic value as bearers of divine likeness.

Furthermore, the metaphorical portrayal of children in Early Christian writings highlights qualities such as sincerity, innocence, and transformation, which Christianity seeks to cultivate in its believers. A Christian goal is to imbue the environment with the new ethos that needs to embody these essential virtues. To safeguard children from harm and mistreatment implies some prerequisites, such as care to provide for their basic needs and ensure their physical and emotional well-being. Neglecting this duty not only violates Christian principles but also undermines the spiritual integrity of the community. Moreover, the eschatological dimension of caring for children suggests that our treatment of them has implications for our ultimate destiny. Prioritising their welfare is essential for maintaining our identity as heirs to the Kingdom of God and preserving the continuity of Christian virtues across generations. In response to these teachings, Christians are called to resist actions that harm children, advocating for their rights and welfare. In other words, whenever we ignore the suffering of children, we hurt them, but also we hurt our eschatological identity. Actively participating in relieving their poverty and suffering, Christians can show our love for God and our respect for our Christian identity.

⁵⁸ Ehrman, 2005b, p. 81; Barnabas 20,2.

5. Theological Context: Serving the World

Considering all that has been discussed in the preceding chapters, we can now understand more clearly that protecting children in need and poverty is synonymous with safeguarding the Christian identity and the Church as a whole. This ensures that the Church continues to embody a living representation of God's Kingdom.

The glimpse of historical disturbances in which the Church operates today needs to be reconciled with our theology to get the proper direction of its role. It is imperative to constantly remember the Gospel, developing a transformative relationship between the Church and social realities. The love of God for the world is expressed in John 3: 16-17:

For God so loved the world, that he gave his only Son, that whoever believes in him should not perish but have eternal life. For God did not send his Son into the world to condemn the world, but in order that the world might be saved through him.⁵⁹

We find the framework for our actions and self-awareness within this profound love of Christ for the world. Simultaneously, the Church's identity is confronted by this immense love for creation demonstrated by God. Without a love for creation, the Church risks becoming inward-focused, which contradicts its responsibility to reflect God's love for the world. The command to care for the world establishes a shared responsibility between humanity and God. While the Church's engagement with the world should be rooted in love, this concept may appear overly simplistic to some. Christ's embodiment of love entails actions that challenge societal norms and traditions, prompting a reevaluation of the meaning of love. The Church struggles with what society thinks love should be, which often identifies love with emotions that diverge from Christ's radical love.⁶⁰ Love, seen as an emotion from the societal point of view, expects from the Church a pathetic acceptance and understanding of almost everything with no right to criticise, consequently making it less involved in society and sometimes holding it back from speaking the truth about the world.

⁵⁹John 3: 16-17.

⁶⁰ Evdokimov, 2001.

5.1. Church's Witness: Expectations of Church's Love

Understanding love is needed to direct the Church's mission and witness today. 'Witness, in the biblical understanding of the word *martyria*, is the result of Christ's *Diakonia* rendered to his Father on behalf of the whole human race, which has been called to be One in him'.⁶¹ A theological understanding that *Diakonia* represents the very nature of the Church's being implies many profound consequences. As a sign and witness of the Kingdom of God, the Church must express this truth through *Diakonia*, which goes beyond sporadic humanitarian aid.

Caring for those in need is both an obligation and a fundamental norm for the Orthodox Church and its members. In contemporary Serbia, the Church endeavours to provide humanitarian assistance through various channels, including dioceses and specific organisations. Among these organisations are humanitarian organisations within the SOC, such as "Philanthropy: Charitable Foundation of the Serbian Orthodox Church" (<https://www.covekoljublje.org/>) and "Faith Charity Stewardship" (<https://starateljstvo.rs/>). Established in 1991, Philanthropy emerged as the SOC's response to the escalating humanitarian crises stemming from the Southeastern European region's heightened social and economic challenges. Shortly after its inception, the urgent needs arising from wars, suffering, and atrocities in the former Yugoslavia propelled Philanthropy into rapid programmatic and financial expansion. Until 2000, its primary focus remained to deliver humanitarian aid to distressed people. Post-2000, Philanthropy embarked on a new phase of development, introducing comprehensive programmes and enhancing its organisational framework. Since then, Philanthropy has spearheaded development initiatives for the marginalised, including children and other vulnerable groups.⁶² The Holy Assembly of the SOC serves as the founder of Philanthropy, which operates under the guidance of a Board comprising five Bishops of the SOC. Philanthropy collaborates with and receives support from numerous institutions, underscoring the ecumenical framework within which its philanthropic efforts are conducted. In 2018, they published "Right for Every Child: Guide through Services for Children and Youth Deprived of

⁶¹ St. John 5, 36; Nissiotis, 1962.

⁶² About us – Philanthropy, [Online]. Available at: <https://www.covekoljublje.org/en/about-us> (Accessed: 2 February 2024).

Parental Care”,⁶³ addressing children’s poverty and ways to get help from the government and other institutions.

The establishment of the Faith Charity Stewardship organisation dates back to 1967 under the oversight of the Belgrade Archbishopric, with the blessing of the then Serbian Patriarch - German. The organisation’s main objective is to conduct diverse humanitarian initiatives to offer aid to those in need. Its operations are rooted in timeless Christian principles of compassion and care for others. His Holiness the Serbian Patriarch, Porfirije, assumes the role of president, overseeing and directly assessing the organisation’s collective endeavours.⁶⁴

In addition to these organisations, nearly every diocese has its own entity addressing the needs of the vulnerable, albeit in a somewhat ad hoc manner. However, in Kosovo and Metohija, humanitarian assistance has been consistently provided by the Diocese of Raška and Prizren as an integral part of the SOC.⁶⁵ Establishing a centralised organisation to coordinate and enhance the transparency of humanitarian efforts across Serbia would be more feasible.

The SOC has a vast network of dioceses spanning nearly every continent. This extensive global presence allows the SOC to collaborate with Serbian humanitarian organisations. By leveraging its worldwide church network, these organisations can expand their relief efforts and gather resources to address poverty within Serbian society. This provides the potential for combating poverty. Nevertheless, this role has not been widely recognised in Serbia, where most people still identify the Church and faith with tradition and national safeguarding issues.

According to official statistics from 2019, the SOC currently oversees 359 monasteries, with approximately 568 monks and 855 nuns, totalling 1,423 individuals.⁶⁶ While 122 monasteries accommodate only one monk each, many others can offer a broader range of social services. Some monasteries stand out for their transparency in social initiatives and community care, actively engaging in media coverage to promote

⁶³ Vidić et al., 2018.

⁶⁴ About us - Faith Charity Stewardship, [Online]. Available at: <https://starateljstvo.info/> (Accessed: 20 January 2024).

⁶⁵ The Humanitarian Organization of the Raška-Prizren Diocese - Mother of the Nine Jugović Brothers - People's Kitchens in Kosovo and Metohija, [Online]. Available at: <https://narodnekuhinjekim.com/home/> (Accessed 2 July 2024).

⁶⁶ Jović, 2019, pp. 152–782.

themselves and showcase their philanthropic work.⁶⁷ They effectively utilise financial contributions from the public to alleviate suffering, highlighting the immense potential of monasteries to provide Christian *Diakonia* (charitable service) to those in need. While their potential for philanthropic work has not been fully realised, it is crucial to emphasise and expand their role in future endeavours.

A famous Orthodox saint from Russia, John of Kronstadt (1829-1909), very vividly expressed his concern for the poor, in which he identified the poor with children of God. Children, used metaphorically, serve as a means to recognise and honour impoverished individuals for their goodness and sincerity, embodying the positive attributes associated with them.

You are daily asked for alms, and you ought daily to give willingly, without anger, harshness, and murmuring. You do not give your own, but you give that which belongs to God, to God's children, who bear the cross, and have scarcely where to lay their heads. You are only steward of God's property; you are the daily servant of the least of Christ's brethren... You thus will be serving Christ... Your labours are generously rewarded; be generous to others...⁶⁸

The Church, driven by love, must condemn the injustices of poverty, particularly concerning children. The Orthodox Church has to be involved in society, bringing people together and linking the personal and the public.⁶⁹ The Church will need to do more work to transform its public image, the one which has been anticipated by civil society and the government. In other words, instead of being understood only as a keeper of tradition and religious rituals, the Church would need to project itself as an agent contributing to society's harmony and welfare. As stated,

The mission of the Church is but a struggle to witness and to apply this eschatological vision of the Church to the historical

⁶⁷ The Tuman Monastery, [Online]. Available at: <https://manastirtumane.org> (Accessed: 26 July 2024).

⁶⁸ John and Goulaeff, 1984, p. 244.

⁶⁹ Clapsis, 2000, p. 133.

⁷⁰ Clapsis and Vassiliadis, 2004, p. 194.

⁷¹ Matthew 18:3.

⁷² Matthew 18:3.

realities and the world at large... Theology and the Church exist not for themselves, but for the world.⁷⁰

6. Conclusion

Christ says that children will show us who we are and who we can be and that they are essential for the story of salvation: 'Truly I tell you, unless you change and become like little children, you will never enter the kingdom of heaven'.⁷¹ Jesus Christ paid particular attention to children's identity and how they help us get saved. This shows how much he valued children's good things.⁷² Children are like a picture of how we go from being unknown to being known.

Just as poverty makes children lose their voice and identity, Christ showed us who we are through his saving actions. In Early Christian testimonies, believers have been identified and recognised as "children of God". This metaphorical concept highlighted the need for Christians to exhibit sincerity and love. Children's souls exemplify the sincerity and transformation that Christianity demands for each human being, the transformation of the soul modelled by the goodness of children. Moreover, only those with childlike qualities can inhabit the Kingdom of God, which reaffirms the eschatological significance of children. In conclusion, children were intended to signify the imperative for Christians to undergo personal transformation on the journey to salvation. Additionally, as embodiments of goodness and exemplars of Christian conduct, children should now receive due respect as human beings within the Christian community and society.

Children became a measurement for the development of a new Christian identity. Developing a new Christian personality highlights the need to examine how this emergence is evident in church tradition, ritual, and practice, especially concerning children's poverty. Powerful words of Nicholai Berdyaev (1874-1948) stand as a testimony and signifier of the need to rethink our Christian life:

There have always been two races in the world; they exist today, and this division is more important than all other divisions. There are those who crucify and those who are crucified, those that oppress and those who are oppressed, those who hate and those who are hated, those who inflict suffering and those who

suffer, those who persecute and those who are persecuted. It needs no explanation on whose side Christians should be.⁷³

⁷³ Korce, 2004, p. 181.

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BŁAŻEJ KMIECIAK*

The role of psychopedagogy – the development of understanding of the child**

ABSTRACT: The discussion on human rights always refers to the relationship between a person and a specific authority. The rights of a given person are the element that is supposed to allow them to effectively demand their own dignity, in particular in a situation in which they experience a specific injustice. The harm felt is most often caused by a clear disproportion between the rule of a specific institution or ruler and the capabilities of a person. That is why we talk, for example, about the need to guarantee the rights of a patient in a situation where a hospital or educated doctors make the patient feel aggrieved. A slightly different situation concerns the rights of the child. Here too, we have an element of power. We are talking here about parental authority. However, this is a different type of relationship. The authority mentioned here is presented by people who (most often) care for and love the child. At the same time, however, the child mentioned here is in the position of a person who in certain situations must adapt to the will of the parents. Is such a situation always necessary? Can children's rights introduce a specific democratic system in the family? What is the connection between children's rights and the obligations of the youngest? When speaking about children's rights, should we always remember the aforementioned obligations?

This article will attempt to answer these questions.

KEYWORDS: children's rights, legal pedagogy, human dignity, upbringing, society.

1. Introduction

In mid-1990, the premiere of the film “Korczak” took place in Poland. This film was directed by Agnieszka Holland. It presents the final period of the

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life and activities of the famous Polish doctor and educator, Janusz Korczak. So far, only one film has been made telling the story of this “first Ombudsman for Children”, as Dr. Korczak is often called in Poland. In one scene of this film, we see the “old doctor” walking down a corridor carrying a girl in his arms. After a while, we notice that he is going to a class with medical students. In the next scene, we see the child being placed behind an X-ray machine. After turning it on, Dr. Korczak turns to his students, saying, ‘This is what the heart of a child who is afraid looks like’. He asks his students to remember this sight.

The story described here is a perfect example showing how important children’s rights are to society. We are talking about a specific group of people to whom these rights apply. Janusz Korczak, mentioned here, used to say: ‘There is no child, there is a person!’ That is true. However, we are talking about a person who is not yet fully mature—someone who builds their own world, learns to experience new things, makes mistakes, and makes the first attempts to correct them. Any discussion of entitlement involves an element of power. Historical analyses of the development of the concept of human rights indicate the need for instruments that allow an individual to defend him or herself in situations involving powerful authorities. When it comes to children’s rights, however, we are in a slightly different situation than, for example, a patient who tries to express his or her own opinion before a doctor who, possessing medical knowledge, also has power. A child can develop most fully within the family. The Convention on the Rights of the Child points out in several places the need to support the child’s ability to grow up in the presence of both mother and father. Parents naturally have authority that comes with responsibility for another person. Therefore, it is a special type of power in which the key element is care for the other person. This person is developing psychosocially, and this development seems to be the key issue.

On the one hand, this development can be understood in a socio-historical way. This refers to a change in the approach to the protection of children’s rights. Over the last centuries, we see a similar evolution: the child was no longer treated as an object but became a subject. What is important, however, is that development also concerns the child. This process develops the ability to self-educate. This article will particularly present these two levels of development in defined areas.¹ In the summary, a

¹ In these parts of this article, the author will use edited and enriched materials collected during the preparation of his habilitation publication.

discussion will be proposed regarding the current pedagogical and legal understanding of the idea of children's rights. The author's reflections on the dilemmas and challenges in this area will be presented.

2. The history of children's rights

When analysing the phenomenon of children's rights, it is important to pay attention to selected historical elements that relate to this issue. When analysing important historical information, attention should be paid to the first time—socio-legally—that the unique nature of the child's situation was acknowledged. Unfortunately, this historical instance is negative. This occurred in 365 AD, when Emperor Valentinian abolished the Law of the Twelve Tables, which had been in force in the Roman Empire since 450 BC. According to this document, sick and disabled children were killed immediately after birth. As Szarkowska points out, both in ancient times and in the Middle Ages, children were not considered worthy of special protection, receiving objective rather than subjective treatment. It is worth mentioning that Roman law emphasised that children were de facto the property of their parents, especially the father (*Pater rex*). The child's situation was analysed solely from the perspective of the parents' will and assessment of the situation. As noted, it was mainly the father who had unlimited power over the child. In her reflections, Szarkowska adds that in the periods mentioned: 'One of the manifestations of limiting the child's freedom was wrapping him in swaddling clothes, putting him in corsets, or tying him in chairs'.² As the quoted researcher adds: 'In old Poland, a child did not have full rights; it was subordinated mainly to its father and completely dependent on him. The father decided about the life and freedom of the child; he could sell it, kill it, or mortgage it'.³ Here, however, by examining the "history of childhood" and the history of respect for children's rights in previous centuries, we come to a surprising observation. Considerable information indicates that child abuse was not only the norm but the expected course of action. Sometimes, interesting exceptions to similar practices can be seen.

² Upbringing and education throughout the ages (2013), [Online]. Available at: <https://blogwychowieduka.blogspot.com/2013/12/wychowanie-w-sredniowieczu.html> (Accessed: 12. December 2023).

³ Ibid.

An example here is the law passed in 1374 – the Statutes of Wiślica. They introduced restrictions on the above-mentioned, essentially absolute, fathers' rights. From the perspective of modern times, this seems surprising, but then it was necessary to introduce a penalty for infanticide. This principle was regulated by the Statutes. However, it cannot be forgotten that at the same time the right to punish children was retained.⁴

The context of using force against a child shows ignorance regarding childhood, which is still incomprehensible today. According to Polish researchers, Rodkiewicz-Ryżek and Błeszyński, until the 18th century, childhood, as a special developmental period for humans, was not considered. The educators mentioned here note that 'Childhood was treated as a period of physical and moral weakness that should be treated with strict upbringing, which results from the conservative interpretation of the Bible, and can also be observed today in the most radical Christian movements'.⁵ It was only at the end of the seventeenth century that there was an important modification in the approach to the child and the rights it had. The views expressed by Jean-Jacques Rousseau were of key importance here. This philosopher is widely considered to be the first thinker who "discovered the child - as a child". This is particularly about drawing attention to the need to provide young people with care and protection. It was this approach that was the basis for building a humanitarian attitude towards children. It is necessary to note that children's rights—in the form of a separate term—appeared only in 1789. As it turns out, they were included in the French Declaration of the Rights of Man and Citizen. Equally important, this term was also used in Napoleon's Civil Code. This document introduced provisions regarding the basic rights of the child.⁶

Czyż points out that in a slightly later period, we can see specific actions to protect children's rights. This renowned researcher, who has been supporting children for many years, adds that a broader social discussion on the above-mentioned issue began between the 19th and 20th centuries. It is worth remembering the sad case of Mary Elen Wilson from Baltimore. As Czyż emphasises, the girl was '... beaten by her mother. She was helped by members of the local chapter of the Local Society for Prevention of Cruelty

⁴ Ibid.

⁵ Błeszyński and Rodkiewicz-Ryżek, 2010, p. 97.

⁶ Upbringing and education throughout the ages (2013), [Online]. Available at: <https://blogwychowieduka.blogspot.com/2013/12/wychowanie-w-sredniowieczu.html> (Accessed: 12. December 2023).

to Animals'. The quoted author also adds that from 1874, you can see the beginning of '...a movement to help children. Soon after, over 200 different local associations were established to protect children from violence'.⁷ Similar activities were of particular importance. In the period mentioned, we also notice a particularly dynamic development of the industry. As part of—often—heavy work, children were used as so-called “cheap” labour. There are also initiatives in Europe that advocate for the welfare of minors. It is important that scientific committees began to be established at the end of the 19th century. These organisations brought together criminologists and family judges. The purpose of the committees' activities was primarily to relax the provisions of criminal law in the parts relating to minors.⁸ At the beginning of the 20th century, the first scientific meetings began to be organised on this topic. At the same time, important changes of a legislative nature were introduced. They also concerned the functioning of children and their rights in the family. As Czyż points out:

in 1915 – in Norway, the rights of children born out of wedlock and out of wedlock were equalised by law (in Belgium, for example, it happened only in the 1980s, after the ruling of the Court of Human Rights in Strasbourg, in the case of *Marckx v. Belgium* from 1979).⁹

When we present specific historical contexts regarding children's rights in the 20th century, we cannot forget about Korczak. He is often called the first spokesman for children's rights.

In his reflections, the doctor, educator, and social activist pointed out that for many generations in the world, we have seen a clear division into:

- adults with rights, and
- children who are subordinated to their parents or guardians in every area.

In his book entitled “*A child's right to respect*” the author points out that a child has a unique value. Importantly, the value of a child indicated here refers to his or her unique childhood period of life. The child has value. We cannot focus on the fact that it will grow bigger one day. As Korczak pointed out, social changes must always consider the well-being of

⁷ Czyż, 2002, p. 9.

⁸ Czyż, 2002, p. 10.

⁹ Czyż, 2002, p. 9.

children.¹⁰ Korczak also pointed out in his works the importance of the Geneva Declaration, a document adopted in 1924. It contains principles indicating the need for equal treatment of children. This refers in particular to treating children with respect 'regardless of their race, nationality or religion'.¹¹ The convention also states that children should always be provided with help in the event of a threat they experience.

A particularly important moment for the protection of children's rights was the announcement in 1948 of the of the United Nations (UN) Universal Declaration of Human Rights. The announcement in 1950 was also valued by the Council of Europe and the European Convention on Human Rights. In its provisions, the Declaration draws attention to the unique nature of motherhood and childhood. The document further emphasises that all children are equal. They cannot be differentiated in any way by their family or social situation. It should be added that the European Convention mentioned above has become a legal tool that is difficult to overestimate. This document allows for an effective opportunity to defend children's rights before an independent judicial body (the Commission and then the Tribunal).¹² We cannot forget about the Declaration of the Rights of the Child adopted by the UN in 1959. This document was both an extension of the Geneva Declaration and constituted a valuable foundation for it. On the basis of this document, the UN General Assembly adopted the Convention on the Rights of the Child. As Czyż emphasises, the Declaration of 1959 contains ten principles regarding the protection of children's rights. These are principles such as:

equality of all children, without any exception or difference; the possibility of special legal protection; the right to a name and citizenship; the possibility of using social assistance; special care for children with special needs; understanding love as the basis for development; free and compulsory education at least the primary level; priority in receiving protection and assistance;

¹⁰ Upbringing and education throughout the ages (2013). Available at: <https://blogwychowieduka.blogspot.com/2013/12/wychowanie-w-sredniowieczu.html> (Accessed: 12.12. 2023)

¹¹ Skrzypek and Szłapka, 2003, p. 4.

¹² Czyż, 2002, p. 10.

protection against neglect, exploitation, and cruelty; education in the spirit of understanding, brotherhood, and tolerance.^{13,14,15}

Referring also to the Convention on the Rights of the Child, it is necessary to draw attention to two important elements. First, in the opinion of Szymańczak, the Convention:

... is the basis for activities undertaken for children's rights by both governments and international organisations, because it set the basic legal standards for this protection and formulated a wide catalogue of children's rights. This catalogue includes civil law, social-political law, and—by definition—to a small extent, economic law.¹⁶

Second, pointing to the importance of the Convention on the Rights of the Child, it is necessary to draw attention to the position of Polish jurisprudence. In many countries, this document has become an integral element of national law. It is worth recalling that the Polish Supreme Court emphasised in its resolution that the Convention in question had the status of an act a year after Poland ratified the document. In other words, its provisions should be applied directly.¹⁷

At the end of this part of the discussion, it is worth noting the still existing “tension” in the discussion on children's rights. We are talking here about the definition of a child proposed by the Convention on the Rights of the Child. As Jaros points out, during the creation of this document there was a discussion concerning an attempt to answer the question: when do we deal with a child? Ultimately, it was decided that it was necessary to create a broad standard. This idea allowed for a combination of different approaches: some parties emphasised that children should be legally protected from the moment of conception, while some countries had a different opinion, claiming that this approach was inappropriate. Ultimately, the Convention indicates that a child is a person who has not reached the age of 18.¹⁸ From

¹³ Czyż, 2002, p. 9.

¹⁴ UN, 1959.

¹⁵ Węgrzyńska, no date, pp. 3-4.

¹⁶ Szymańczak, 1996, p. 2.

¹⁷ Resolution of the Seven Judges of the Supreme Court No. 179 of 1992.

¹⁸ Jaros, 2013, pp. 93-95.

an international perspective, we can see when the period of childhood ends. However, we cannot say when this period begins. However, a significant change occurred in 2011. At that time, the European Court of Justice in Luxembourg issued a ruling in the case of *Oliver Brüstle v. Greenpeace eV*. One of its most important elements was drawing attention to the key elements concerning the “beginning of being a child”. In the position discussed here, it was recognised that human embryos are entitled to the same dignity as born persons. This fact means that it is prohibited to perform research on human embryos aimed at creating a patent.¹⁹

These comments may seem far from the main (psycho-pedagogical) thread of the discussion only at first glance. However, this is not the case. For several years, a very important discussion has emerged in Europe concerning the identity of people who were conceived using the in vitro method. We are talking about this group of children who have undergone a prenatal adoption procedure. The procedure involves transferring the embryo to a married couple (or a couple who are not in a formal relationship). However, the couple who accept the embryo does not know the details of the egg and sperm donors. The child also does not know who its biological parents are. In the classic adoption procedure, the child can find out the names of its parents. This is a very important element in building the child’s identity. The Convention on the Rights of the Child guarantees protection of the right to identity. In the prenatal adoption procedure, we have a different situation. The child will never learn the names of its parents. This is where the psycho-pedagogical thread comes in. Building a young person’s identity is also linked to the way they are treated in the prenatal period. In other European countries, there are people who hold uncompromising positions regarding those conceived in a similar way through the in vitro method. These people are fighting for their identity. Recognition of the dignity of the child at the earliest stage of its development allows for the creation of a policy that will respect its subjectivity after birth.²⁰

2.1. Selected elements of the discussion on children’s rights

As Marek Andrzejewski points out, the development of the idea of children’s rights is directly related to the functioning of the family

¹⁹ Brachowicz, 2012, pp. 70-72; Case C-34/10., *Oliver Brüstle v Greenpeace eV*, 18 October 2011.

²⁰ Ziółkowska and Krawczak, no date; Kmiecik, 2017, pp. 183–201.

institution. According to this author, the above-mentioned rights can be fully realised, especially in the family. Andrzejewski rightly points out that the Convention on the Rights of the Child is based on a similar—we might say—famiological assumption. It is also notable that the implementation of the children's rights discussed here is directly related to their harmonious development. In other words, "happiness, harmony, and understanding" are the elements that have a special impact on the full and real implementation of the rights of minors.²¹

The approach discussed here is not without elements that may raise some doubts. Czyż and Szymańczak jointly point out that:

Talking about children's rights, especially the rights of children in the family, is not an easy task, if only because the mental stereotype prevailing in our society perceives the issue of children's rights in terms of an attack on the authority of adults, especially if children's responsibilities are not discussed on this occasion.

These authors add that, in their opinion, the most common mistake when researching the protection of children's rights is to recognise them only when children fulfil their obligations.²² It is necessary to clearly state here that children's rights are an element of social debate that is unquestioned nowadays. Democratic countries recognise children's rights as a fundamental principle, often constitutionally grounded. It is commonly emphasised (also at the level of legal provisions) that an adult has no right to harm a child. However, it is worth paying attention to the comments of Bleszyński and Rodkiewicz-Ryżek. The assumptions presented above are inevitably declarative in nature. In the opinion of these authors: 'no legal acts can order adults to love or show love to a child'.²³ The emergence of the concept of protecting children's rights was intended—according to the educators mentioned here—to democratise intra-family relations. An important element cannot be omitted here. As these researchers state:

Human rights formulated in legal acts correspond to the needs of every human being who may demand that the state authorities

²¹ Andrzejewski, 1999, p. 172.

²² Czyż and Szymańczak, 1993, p. 3.

²³ Bleszyński and Rodkiewicz-Ryżek, 2010, p. 96.

satisfy them. However, the child is unable to demand respect for his or her rights on his or her own. The rights of the youngest can only be realized through the actions of adults.²⁴

However, it should be noted that nowadays changes in such thinking can be noticed. We are talking about the emergence of an increasingly loud movement, which we can call the “participatory movement”. We are talking here about clear, distinct, and specific voices of children and young people who want to be co-participants in discussions and co-decision makers in actions.

Researchers dealing with the protection of children’s rights also often criticise their family-centric nature. Czyż points out that relating children’s rights to the institution of the family is not a justified and accurate action. The author emphasises that rights are still identified with specific needs, such as happiness, love, security, etc. This approach, according to her, is promoted by some educators and psychologists. As Czyż indicates, such activities may exclude children’s rights from the broadly understood area of human rights protection.²⁵ It is worth taking a moment to discuss this approach to the topic. First, it must be emphasised that when examining the topic of human rights and children’s rights, we refer to one common element. This is about human dignity and the unique character of each human being. As Czyż points out:

Children’s rights should not be identified with their basic needs. There is no right to be raised in a barking family or the right to love, although these are extremely important needs of every person, and children are undoubtedly particularly important.²⁶

When we refer to the term “children’s rights” in relation to the word “authority”, we must first of all take into account a specific state system, whose representatives are, for example, obliged to take actions aimed at realising the child’s right to education or protection of health. We are talking about the public sphere here. Applying the concept of children’s rights to the parent-child relationship is erroneous, as we are referring to relationships that are private. As the author discussed here states:

²⁴ Błeszyński and Rodkiewicz- Ryzek, 2010, p. 96.

²⁵ Czyż, 2002, p. 5.

²⁶ Czyż, 2002, p. 5.

Children are subject to parental authority, and it is primarily their parents who decide about their upbringing and worldview. Parents may have very different ideas on how to raise their child, and the state cannot interfere in this unless the parents neglect the child or abuse their parental authority.²⁷

It must be repeated that the parent-child relationship is private. The relationships discussed here are not codified. Czyż adds that:

Parents who do not love their children are not punished for this reason. They only appear in court when they violate the law: abuse their power or neglect parental duties. The court's interference is not a form of punishment for the parents but of securing the child's endangered well-being, which in turn is often in fact a punishment for the child, e.g., placement in a care facility. And these are the only situations when the rights of the child come into "collision" with the rights of the parents.²⁸

Sharing the above position, it is also necessary to draw attention to an important phenomenon. Wrong and improper use of "parental authority" by parents inevitably leads to harm to the child. It is the child who experiences suffering in such moments. The child has no way of defending himself against someone who is stronger, both physically and emotionally (I am referring to the guardian, but above all the parent).²⁹ In other words, abuse of power by people close to the child leads to violation of the child's rights. In such a situation, it should be noted that children's rights cease to be private (only within the family); they become a public element. State authority has the right to interfere in the area of parental authority at certain times.

However, there is no doubt that the area of protection of children's rights in the family will always have a unique and exceptional character. For example, recognising that a child has the right to happiness will probably be accepted by the majority. At the same time, it will be considered a certain declaration; it cannot be objectively accounted for in the parent's actions.

²⁷ Czyż, 2002, p. 6.

²⁸ Czyż, 2002, p. 7.

²⁹ Błeszyński and Rodkiewicz-Ryżek, 2010, p. 109.

Many of the activities of parents in the area of protecting the rights of their children will be of a similar nature. We can analyse certain assumptions and declarations mentioned, though each family may have its own way of implementing them. If a particular parent takes actions that cause pain and suffering to the child, then he or she violates the child's rights. This happens on a plane that, interestingly, is not vertical. Here, there is no formal authority of the parent as an institution. Harm in the family is horizontal. There is harm inflicted in a horizontal position, i.e., an individual to an individual.³⁰

It is necessary to emphasise that the above-mentioned harm to the child and his or her suffering may refer to three dimensions of the minor's functioning:

- physical,
- mental, and
- moral (sometimes called spiritual).

As Stuchliński emphasises, support for the child in the protection of his rights should consist in defending:

the child's personal subjectivity, i.e., the growth and development of his independence as a developing human person. As part of this obligation, in its own way, it is also necessary to develop and defend the child's subjective physical and mental independence.³¹

The topic of defending a given person is connected with an important problem here. Numerous conventions and laws on children's rights adopted by individual countries and international institutions are of significant importance. However, these materials are largely created by adults. Very often, these documents do not account for the specific nature of the child and his or her world. According to Males, '...the extent to which children exercise their rights depends less on legislative solutions and more on the actions of adults who are the organizers and participants of the educational process'.³²

This position is not entirely correct. It must be remembered that both legal provisions and specific actions are phenomena that interpenetrate each

³⁰ Osiatyński, 2011, pp. 305–308.

³¹ Stuchliński, 2010, p. 31.

³² Balaguer, 2010, p. 3.

other. Both of these elements are very important. It is worth noting, however, that the analysis of the social phenomenon of children's rights appears when a given person is already an adult. In this respect, Włodarczyk, examining Korczak's concept of children's rights, also drew attention to the different perspectives of children and adults. According to Włodarczyk:

Pointing to the differences between children and adults, the strangeness of their worlds generating mutual incomprehension, and the importance of inequality in the relationship between them, explains the need to establish a separate law protecting children and their world, a law requiring self-limitation of adults.³³

The author points, among others, to the content of the book *Children's Rights to Respect* by Korczak, which draws attention to the fact that there will inevitably be tension in relationships between children and adults. We are not only talking about the difference of worlds here, but also about a different perception of reality by adults and children. Zavalloni, in this context, considering the practical meaning of the Convention on the Rights of the Child, points out that fully understanding the rights of minors requires an adult to "go back" to childhood memories. According to this educator:

To understand children, you need to think back to your own childhood. For this purpose, it is good to ask yourself a few questions, e.g., what did we like to do back then? Where did we have the most fun? Who did we play with? Starting from these questions, it is possible to look at the connections between the world of childhood and the demands of modern times through the prism of several completely neglected laws.³⁴

Based on such a subjective method, Zavalloni constructed a catalogue of the child's natural rights. In his opinion, they are a *de facto* manifesto. These rights include, among others, the right to birth, free time, wild adventure, fun, smell, and silence.³⁵

³³ Włodarczyk, 2012, pp. 68–49.

³⁴ Zavalloni, 2010, p. 40.

³⁵ Zavalloni, 2010, pp. 40–41.

3. Education for children's rights - towards self-education

The above-mentioned threads related to minors' perception of their own rights motivate us to pay attention to another element. Here, we are talking about the process of shaping children's attitudes towards the law and broadly understood social norms. It is worth noting the observations of Kozak and Kusztal, who believe that:

Research undertaken by legal sociologists on legal knowledge and ideas as well as attitudes of adults towards the law indicates that knowledge and ideas about the law, and also attitudes towards it formed in early childhood (in the phase of primary socialisation) constitute a permanent basis for the entire later system of ideas, beliefs and attitudes, even if it is reorganized under the influence of subsequent experiences and the fate of the individual.³⁶

We can therefore see that childhood has a unique role in the process of shaping attitudes:

- correct (respecting the law), as well as
- antisocial (e.g., nonconformist).

It is worth adding that the legal socialisation process directly affects the level of compliance with children's rights by adults. The cited authors add that:

When describing the process of legal socialisation, we can point out that it is during childhood and early school years that a specific network of legal concepts is created, which in the subsequent social functioning of the individual serves as a kind of "filter", shaping a specific image of law and institutions of civil society. Referring to the achievements of developmental psychology and sociology of law, we can say that the process of children's legal development and the transformation of children's attitudes towards legal norms are (relatively) universal and complementary.³⁷

³⁶ Kozak and Kusztal, 2014, p. 93.

³⁷ Kusztal, 2014, p. 93.

The type of socialisation discussed here consists of two stages:

1. The child functions between “punishment and reward” (They are the basic motivators for action).

2. The child learns to adapt to socio-legal norms. Law becomes an important element of personal development.³⁸

Buksik, when examining the phenomenon of moral and legal socialization of children and youth, also draws attention to two key stages. This author, following the teachings of Jean Piaget, emphasises that in the first years of his life (first stage), a child cannot completely fulfil the duties assigned to them. Duties are not yet a significant value. In the early stage of moral development, the most important factors are punishment and reward. These two elements serve as stimulators, allowing the child to gain positive benefits or avoid negative consequences. The next stage:

is called autonomy or cooperative morality. There is an internalisation of norms and a transition from objective to subjective responsibility. Rules and norms are not an order of adults, but a separate choice of good. The socialization process based on reciprocity and cooperation leads to the achievement of moral autonomy. The model of development of a child’s moral awareness and moral judgements runs from fear to respect, from realism to idealism.³⁹

The complex nature of legal socialization was indicated above. This approach needs to be supplemented here. It is necessary to refer to the proposal of human development by Kolberg. According to this scientist: ‘...moral development takes place by moving from one stage to another, towards achieving the highest form, which is moral autonomy. Reaching a specific stage without earlier stages is rather impossible’.⁴⁰ The Polish sociologist Frieske points out that this scale of development can be directly related to the presentation of attitudes towards the law developed in children and young people.⁴¹

³⁸ Kozak and Kusztal, 2014, p. 93.

³⁹ Buksik, 1997, p. 159.

⁴⁰ Ibid.

⁴¹ Frieske, 2001, p. 237.

Kolberg named and characterised the stages of moral development. In his opinion, there are three stages of morality.

1) The stage of preconventional morality:

A person or child performs or refrains from specific actions to avoid punishment or obtain a specific benefit. Morawski points out that this stage concerns the development of children between the ages of two and seven. Relationships with others are based on the phenomenon of reward and/or punishment. The evaluation of a given situation as good or bad depends on specific, expected consequences. Contact with others most often takes place on a commercial “favour for favour” basis.⁴² Frieske points out that a child’s respect for legal norms at this developmental stage is often based on fear (e.g., “I am afraid of punishment”, “I am afraid I will not get a reward”). By the end of this stage, however, there is an awareness that specific norms, for example, may support a planned action.⁴³ Preconventional morality corresponds to an opportunistic attitude towards the law. It is characterised by the adoption of specific principles without their internal acceptance. The primary goal here is to obtain a specific benefit, which may be ensured by compliance with certain rules or regulations.⁴⁴

2) The stage of conventional morality:

A person (including a child) takes a specific action to obtain a favourable opinion from a particular group. Respect for authorities slowly becomes important to him; on the one hand, there is a desire to obtain a positive opinion about oneself (we want this opinion to be expressed by an environment that is important to us, e.g., peers). On the other hand, the child begins to notice and understand the important role of authorities.⁴⁵

From a sociological and legal perspective, it is worth noting that an important reflection occurs at this stage. Here, we are referring to an internal dialogue regarding the legal legitimacy of a given authority, as well as the social function of respect for the law. The individual begins to consider the positive consequences of complying with the law.⁴⁶ The action can be described as conformism. As Pieniążek and Stefaniuk point out, such an attitude can take various forms of action:

⁴² Morawski, 2003, p. 64.

⁴³ Frieske, 2001, p. 238.

⁴⁴ Pieniążek and Stefaniuk, 2003, p. 211.

⁴⁵ Morawski, 2003, p. 65.

⁴⁶ Frieske, 2001, p. 238.

- External: a specific person complies with the regulations but without accepting them.
 - Internal: a specific person fully accepts, e.g., statutory obligations.⁴⁷
- Towards the end of these considerations, it is necessary to draw attention to the third stage of human moral development, i.e.,

3) The stage of post-conventional morality:

At this stage, a person undertakes certain actions out of respect for the law. According to Kolberg, the highest stage of moral development is when a person acts in accordance with his or her own, previously formed conscience. The internalisation of a legal norm takes place here. For example, when getting acquainted with legal provisions, a specific person analyses them and accepts only those elements that are consistent with their system of values. However, here we are talking about mature and critical analysis.⁴⁸ Frieske, focusing on the stage of moral development of young people, points out that few people achieve it. This is a level that requires active reflection and is often associated with the emergence of difficult dilemmas. This happens because of the individual's attitude towards the law, and solving them affects the individual's development. At this stage, we see that a person acting in accordance with conscience also respects norms, even if he does not agree with them. The law is accepted because of the noticeable moral value it presents.⁴⁹ The approach presented here is characteristic of a legalistic attitude. As Opalek points out, a person presenting such an attitude listens to the law '... and the reason for this is the very fact that it is binding law'.⁵⁰

4. Discussion and summary

Below, attention will be paid to several areas that seem to be particularly important in combining the areas of psychopedagogy and child protection. These areas will be presented separately.

4.1. *Children's rights as other rights*

As indicated above, when we refer to the topic of a person's rights, we intuitively dwell on the individual's relationship to power. When we violate

⁴⁷ Pieniążek and Stefaniuk, 2003, p. 209.

⁴⁸ Morawski, 2003, p. 66.

⁴⁹ Frieske, 2001, p. 238.

⁵⁰ Pieniążek and Stefaniuk, 2003, p. 206.

the law, we may face the authorities represented by the court or the police. When we are patients, we are forced to use the support of medical experts. The specialists mentioned here have knowledge that naturally gives them authority.⁵¹ Focusing here on children's rights, we see that we are talking about two types of authority that may apply to them. On the one hand, there is a formal authority, e.g., of a teacher who can oblige a child to take specific actions. The child is also a patient and is forced to respect the instructions of the medical staff. However, when we talk about respect for children's rights, we immediately come across the concept of "parental authority". Here, however, we are dealing with a different type of authority.

The above-mentioned rights, e.g., as teachers, police officers, or nurses, result from specific professional roles. These people can adopt very different attitudes towards the child. On the one hand, they may avoid emotional relationships. On the other, they may want to support the child regularly. The parent's authority, which is based on a unique relationship, is significantly different. This relationship results not only from a special biological connection but is also about the unique position of children and parents in relation to each other. In the vast majority of cases, parents base their relationship with their child on love-based care. Therefore, the analysis of the topic of respect for children's rights in the family has a slightly different context than when examining this phenomenon, e.g., in a school context. However, here it is necessary to look critically at the proposal to eliminate the phrase "parental authority". The phrase "power" has negative connotations for many people. However, this is not the right approach. It is true that there are situations when power is abused by parents. Numerous, single, negative cases can be contrasted with dozens of great examples of parental care. There is a proposal to replace the phrase "power" with the word "responsibility". This is a mistake. Parental authority, as mentioned, is based on the care inherent in the relationship. It has a stronger character than solely responsibility, which must also accompany, for example, a teacher. A parent cares for a child because he loves him. The teacher most often does not experience such feelings with students. Moreover, parental responsibility is not only based on rights but also on special obligations towards the child. As Kiliańska points out:

Parental authority is primarily a set of parents' obligations regarding the child, and the parents' rights regarding the child

⁵¹ Bińczyk, 1999, pp. 67-72.

are a secondary component of this authority. Parental authority includes all matters relating to the child, care over him, management of his property, representing him, and giving the basic direction in the child's upbringing.⁵²

4.2. Democratisation of relationships

The emergence of a discussion regarding children's rights, as indicated above, may pose a great challenge for some people (and even communities). We see different periods in the history of relationships between adults and children. A child was often treated as property. In other times, the child was considered a figure through which evil forces could act, penetrating the child's immature personality. In the following decades, the child was not a partner for discussion and dialogue for the adult. The emergence of the Convention on the Rights of the Child is certainly one of the most important elements drawing attention to the subjective nature of minors. The convention has been adopted by most countries in the world and has become a guide for legislative activities, in particular provisions that impose an obligation to listen to the child in every possible case. This is a particularly important element. In previous decades, e.g., in Poland, there was a famous saying: 'Children and fish have no voice!' This phrase expressed a paternalistic approach to the child. It can be said directly that this approach deprived children of their voice. The appearance of declarations, conventions, and laws describing children's rights indicates the need to adopt a new assumption. In this approach, the child's voice is treated as something new, as a value, an enriching element. The democratisation of relationships mentioned above also means abandoning paternalism. However, this approach must not disturb key intra-family relationships. In the discussion on the protection of children's rights, it is necessary to find a balance between proper protection of the rights of minors and the proper understanding of the parents' right to raise their children in accordance with their values and beliefs. It is important here, on the one hand, to shape a culture of respect for children's rights, while at the same time emphasising the importance of responsibilities. As Roncalli rightly pointed out:

If a man begins to become aware of his rights, he should also become aware of his duties. Anyone who has rights should also have the obligation to demand respect for them as a sign of their

⁵² Kiliańska, 2012, p. 141.

dignity. It is the responsibility of others to recognise and respect these rights. (...) Therefore, those people who demand their own rights, and at the same time either completely forget about their duties or perform them carelessly, must be compared with those who build an edifice with one hand and tear it down with the other.⁵³

4.3. Leading to responsibilities and rights

It is the above-mentioned relationship between respect for children's rights and upbringing that seems to be particularly important today. In this area, parental authority may be incorrectly overestimated, which may lead to a violation of the child's dignity. On the other hand, unfortunately, a situation may arise that can be described as the "sacralisation of children's rights". This situation may lead to a paradox in which, on the one hand, we will demand respect for children's rights, and on the other hand, we will treat children as adults. At this point, it is important to remember that when we talk about children's rights, we are talking about people who are still developing and maturing. Nowadays, children have quick access to information. Unfortunately, they do not have developed personality mechanisms allowing for a critical analysis of the information obtained. This makes it often impossible for a young person to objectively assess a given situation. Here, it is necessary to recall the natural process of human development, including development in the moral arena. Each of us experiences a journey in which we first take action due to, for example, fears and hopes. Then we focus on a group or authority, and finally, we act based on the content of the law and the voice of our conscience. The often-promoted idea of including children in the area of participation is very important. In this regard, it is indicated that children should have the opportunity to co-decide or make independent decisions. However, an unwise approach in this regard may lead to the opposite effects. As Petrażycki pointed out: '...the law can have a negative impact on morality, it can demoralise people, it can spread moral plague and degeneration with its unreasonable decisions'.⁵⁴

⁵³ John XXIII (1963) Encyclical "Pacem in terris", [Online]. Available at: https://opoka.org.pl/biblioteka/W/WP/jan_xxiii/encykliki/pacem_in_terris_11041963 (Accessed: 12 December 2023).

⁵⁴ Petrażycki, 1968, p. 29.

Similar situations are already beginning to occur in countries where, for example, children are allowed to visit doctors on their own or purchase contraceptives on their own without their parents' knowledge. It is no secret that nowadays young people often start having sex. However, depriving parents of knowledge about their children's activities and at the same time providing external experts (a pharmacy employee or a doctor) with this knowledge is not an action that protects children's rights. A child's development, as mentioned many times in the Convention on the Rights of the Child, can take place most harmoniously in the family. Moreover, in this regard, it should be remembered that one of the basic rights of a child is to be a child.

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ANDRÁS PÁRI*

Role of the family in the socialisation of children: Relevant sociological research in Hungary**

ABSTRACT: The number of children in Hungary has been steadily decreasing in the recent decades, which poses serious demographic challenges for the country. According to the latest statistics, the decrease in the number of children is not only a consequence of the relatively low number of births, but is also related to the aging of the population and the changing values among young people.

The socialization and rights of children are closely related to the family environment, educational institutions and social interactions. The socialization of children begins in the family, where the parent-child relationship plays a fundamental role in the development of the personality. Family parenting styles, such as supportive or authoritarian approaches, have a significant impact on children's socialization processes and their later quality of life.

The protection of children's rights is also crucial during socialization processes. The UN Convention on the Rights of the Child emphasizes the rights of children, including the right to freedom of expression, the right to family life and the provision of an appropriate educational environment.

During the process of family socialization, children learn social behaviors not only from the close family environment, but also from broader family relationships, which are particularly emphasized in large families. In large families, children can see more examples, which enriches their socialization experiences and helps them develop social skills.

Family customs, patterns and norms, from religiosity to financial decision-making, also have a significant impact on children's future lives. In addition, family socialization affects not only children's development, but also interactions between families and social structures. During family life education, children learn how social relationships work and how to navigate

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different social situations. In large families, shared experiences and family traditions further strengthen family identity, which plays a decisive role in their later (adult) lives.

KEYWORDS: family, socialisation, children, Roma, social situation.

1. Introduction: Family as a starting point

The transformation of family life in Europe can be linked to a decline in the propensity to have children. Following the baby boom of the 1950s, fertility rates fell dramatically in the 1960s. This led to a shift in European societies from large and multigenerational families to families with two or fewer children and one generation. Thus, the number of children also decreased, and the socialisation processes within the family went in new directions. Through research on sibling relationships, we can observe different shifts in emphasis on the number of children and family dynamics.

Family is the most basic, intimate, and dynamic unit of social organisation. It is within the family - the primary socialising environment - wherein parents pass on, intentionally and unintentionally, what they believe in and what their parents believed in. The family structure, family roles, and family life have undergone significant changes in different parts of the world over the past decades and are expected to continue to evolve (global family change). Childbearing trends increasingly show that childbearing intentions are approaching the rate needed to maintain the population (2.1) at the global level; however, targeted government family policies can both encourage and discourage these intentions. In Hungary, there has been no decline in childbearing plans in recent decades, as young people continue to plan to have at least two children, which is key to the survival of the society. Most young families are planning to have two children; that is, they plan to ensure their child has at least one sibling. This is encouraging and can be observed from the surveys on the total number of planned children. In fact, in addition to the children they already have, Hungarian families are planning to have 2.1 to 2.4 more children.¹ Further research confirms that

¹ Fűrész-Székely, 2019; Kapdebo, Papházi and Tárkányi, 2022; A tervezett gyermekek számának alakulása a 2010-es években, 2019. február, [Online]. Available at: https://www.koppmariaintezet.hu/docs/KINCS_tervezett_gyermekek_szamanak_alakulasa_20190211_v2.pdf (Accessed: 18 September 2024); OECD Family Database (2016) SF2.2: Ideal and actual number of children [Online]. Available at:

people desire harmonious relationships and families, but individual life situations can create different family formations, so the evolution of family life has become complicated and diversified. In many cases, not only free choice but also circumstances and societal expectations play a major role. Nevertheless, family life, in a heterosexual marriage, is still the most recognised and desired form of coexistence and the most important for the physical and spiritual growth of children.²

2. Research on children in social and family studies

Socialisation of children within the family context is a multifaceted process influenced by various factors, including parenting styles, family cohesion, cultural identity, and socioeconomic status. Research has consistently shown that positive family dynamics play a crucial role in shaping children's social competencies and emotional well-being. A significant aspect of family socialisation is the impact of positive parenting and family cohesion.

Research has highlighted that supportive family environments foster social self-efficacy in children, which is linked to better social competence and reduced problem behaviours, such as aggression and violence, during childhood and adolescence.³ This assertion is echoed by Khan, who emphasised the critical role families play in socialising children with autism spectrum disorder, noting that family dynamics can significantly influence the development of social skills in these children.⁴ Furthermore, the emotional atmosphere within the family has been shown to correlate positively with the development of social skills, indicating that nurturing environments are essential for healthy socialisation.⁵ Cultural socialisation has also emerged as a vital component in the family context, particularly among minority groups.

Williams discussed how mothers' cultural socialisation practices serve as protective factors against sociocultural risks, thereby influencing their children's internalising behaviours.⁶ This aligns with the findings of

https://www.oecd.org/els/family/SF_2_2-Ideal-actual-number-children.pdf (Accessed: 18 September 2024).

² Engler, Markos and Major, 2024.

³ Leidy et al., 2012, pp. 3–13.

⁴ Khan, 2015.

⁵ Bagherabadi, Nikpeyma and Pashaeypoor, 2020.

⁶ Williams, 2023.

Arakelyan and Ager,⁷ who asserted that strong family ties and positive parent-child relationships provide essential support for children's psychosocial well-being, particularly in refugee contexts. Such cultural and emotional support systems are crucial for children to navigate their social environments effectively. Moreover, socioeconomic factors significantly affect family socialisation processes. Li et al. indicated that positive family social capital mediates the effects of poverty on children's mental health, suggesting that supportive family interactions can mitigate anxiety and depression.⁸ This is particularly relevant in the context of families facing social risks, as highlighted by Gudzinskiene and Augutavičius, who noted that children from families affected by substance abuse often experience significant social and emotional challenges.⁹ The interplay between socioeconomic status and family structure further complicates the socialisation process, as evidenced by studies showing that children from lower socioeconomic backgrounds may have less access to enriching social experiences.¹⁰

Family life cycles¹¹ play a significant role in the balanced functioning of a family, with family dynamics and composition changing over time. These changes can be understood in a structured manner in the so-called family life cycles. As the life cycle progresses, family status changes, previous roles are lost, and new roles are created. In many cases, the loss of a role, learning, and taking up of a new role are seen as crises in a family's life.¹²

A family is a dynamic unit that changes and evolves over time. Besides traditional causal relationships, professionals can help understand many phenomena by observing the interaction of individual behaviours and phenomena, characteristics of the relationships between family members, and communication that maintains the dysfunction. The family system is a unit with clearly recognisable and specific characteristics, a defined way of functioning, and rules. The patterns that emerge during long-term coexistence affect the autonomy and emotional relationships of family members, determine their possibilities for action and adaptability, and shape

⁷ Arakelyan and Ager, 2020.

⁸ Li et al., 2018.

⁹ Gudzinskiene and Augutavičius, 2018.

¹⁰ Hjern et al., 2000.

¹¹ Duvall, 1957; Rodgers, 1962.

¹² Aldous, 1990.

their perceptions of themselves and their personal relationships. Therefore, they naturally affect children's development. The concept of the family life cycle is a framework for thinking about how a family functions in terms of cultural and social norms. For example, acceptable or unacceptable behaviour in a given family is undoubtedly determined by cultural expectations at all stages of the family's life. Biological development can also provide clues to help us understand how parenting and children are related.

Based on the results of Cunningham,¹³ it can be stated that the parent of the same gender as the child has a greater influence on the formation of the child's opinion. Therefore, does the attitude towards the division of labour according to gender—based on data from the British Household Panel for 1994–2010 on British children aged 11–15 years—his attitude towards the division of labour according to gender.

In recent decades, the increase in relationship fragility and the need to form new relationships has brought about changes in both children's family life trajectories and family relationships. In Hungary, most children (66%) in the new millennium continue to live with two blood parents for the first 14 years of their lives, but this proportion is decreasing. Compared to 1990–2002, the proportion of children raised by their mother alone for a shorter or longer period increased from 28% to 34% during 2003–2015, and the proportion of children raised by a foster father until the age of 15 years increased from 15% to 18%.¹⁴

Parental relationships are more likely to break up if the partners were cohabiting at the time of the child's birth rather than if they were married. Parents who marry after cohabitation are more likely to divorce than those who marry without cohabitation (an increasingly smaller group). The analysis by Murinkó and Spéder also shows that, since 1990, 5–6% of children in Hungary were born to a mother who did not cohabit with her partner in a single-parent family.¹⁵ The same study mentioned that the family structure between conception and birth showed more changes than expected: 64% and 53% of unpartnered mothers moved in with their partner at conception during 1990–2002 and 2003–2015, respectively. Among expectant mothers who were unmarried, 45% and 21% were married at the time of pregnancy during 1990–2002 and 2003–2015, respectively.

¹³ Cunningham, 2001.

¹⁴ Murinkó and Spéder, 2021.

¹⁵ Ibid.

Changes in children's marital status are associated with mothers' educational attainment; children of more educated mothers experience both single-parent and tandem family situations at lower rates and for shorter periods of time than do children of less educated mothers. The main results of recent research on family sociology and children are presented, with a focus on COVID-19.¹⁶

3. Family types and the dynamics of family definition

The share of marriage-based families in all family types was still close to three-quarters in 2001, but after another 10 years, it fell by 10 percentage points to 65% and has hardly changed since then. At the time of the 2016 micro-census, married couples with children accounted for 35% of all families, compared to 38% of families in 2011 and 45% in 2001. In 2016, 29% of the families were headed by couples without children, which was the second-most common family type. No children does not necessarily mean childlessness; it simply excludes children who have already left the family nest.¹⁷ The traditional family structure in Hungary is illustrated by the fact that, in the first decade of the new millennium, the share of families based on marriage decreased significantly, while the share of families with household types other than marriage, such as cohabiting relationships or single-parent families, and the share of single-parent families increased significantly.¹⁸

The pluralisation of family definitions has been observed in European societies in recent decades. In Hungary, a 2021 survey continued to investigate the presence of the traditional (conservative) family concept, although different views on certain family types were found, especially by age group, household type, region, and religiosity.¹⁹ It can be said that the society prefers a family to a couple relationship, regardless of its type, and one that includes children, as opposed to a childless family.

For example, international research on the sociology of education and the family is scarce, especially in the field of twins. On the other hand, we can conclude that the situation in twin families is unique since the

¹⁶ Chambers and Garcia, 2021; Feinberg et al., 2022; Fong and Iarocci, 2020.

¹⁷ Engler and Pári, 2022.

¹⁸ Vörös and Kovács, 2013.

¹⁹ Gyorgyovich and Pári, 2023.

socialisation of children born together is different from that of single-born children.²⁰

The size of the family and learning opportunities of twins²¹ are reflected differently in each family type, and twins use their special situation as capital in the Bourdieuan sense.²² A Dutch comparative study also examined Hungary. According to the Dutch researchers, in Hungary, a larger family is associated with fewer opportunities for children to learn, as parents' attention to children decreases and the average level of education increases for siblings who are close in age.²³ A study in Sub-Saharan Africa²⁴ found a negative and significant relationship between the number of siblings and educational attainment of families with four to five children. In families with fewer or more children, the effect is negative but not significant. Parental background of twins is a determinant of socioeconomic factors among siblings, especially for high educational attainment.²⁵

4. Day care and assessment of young children

According to official Hungarian statistics, the proportion of children enrolled in nurseries as a proportion of the population aged under three years has been gradually increasing since 2017, with 18.1% of the population aged under three years attending nurseries by 2022. In Hungary, there are four types of crèches, and in 2022, 50,720 children were enrolled in one of the four crèche types, 3,603 more than in the previous year.²⁶ In total, 928 traditional crèches, 334 mini-craderies, 1,086 family crèches, and 12 workplace crèches provided day care for young children. Of the total number of children in crèches, 1,008 had special educational needs. As in previous years, the number of day-care places increased in 2022, helping women re-enter the labour market. In 2021 there were 52,822 day-care places available as nurseries, and in 2022, there were 55,370, an increase of 19% over five years.

²⁰ Métneki and Pári, 2020.

²¹ Downey, 1995.

²² Hegedűs et al., 2014.

²³ Eijck and De Graaf, 1995.

²⁴ Kuepie and Tenikue, 2012.

²⁵ Grätz, Lang, and Diewald, 2022., Pári and Engler, 2024.

²⁶ Hungarian Central Statistical Office (HCSO) (2022) *Kisgyermek napközbeni ellátása*, [Online]. Available at: <https://www.ksh.hu/s/helyzetkep-2022/#/kiadvany/kisgyermek-napkozbeni-ellatasa> (Accessed: 10 February 2024).

In May 2023, the Maria Kopp Institute for Demography and Families (KINCS) conducted a survey on the responsibilities and roles of parents and teachers in the upbringing, education, and protection of children.²⁷ According to the Hungarian adult population, the responsibility for ensuring a balanced living environment for children lies primarily with the closest family members. The roles of mothers (94%) and fathers (88%) were overwhelmingly considered paramount. The importance of the grandmothers' and grandfathers' roles was agreed upon by 65% and 58% of the respondents, respectively. The importance of primary and nursery schoolteachers in ensuring children's living conditions was considered high by 50% of the respondents for each. Approximately 45% of the respondents believed that secondary and upper secondary teachers were also responsible for ensuring children's balance. Professionals responsible for extra-curricular activities (40%) and distant relatives (36%) were in last place. The younger the respondent, the less important the role of teachers in ensuring children's well-being.

Most Hungarian adults believe that mothers (95%) and fathers (89%) play the greatest role in protecting their children, followed by older siblings (77%). According to respondents, grandparents (grandmothers: 75%; grandfathers: 68%) also play a significant role in protecting children. According to most respondents, nursery schoolteachers (68%), lower secondary schoolteachers (68%), upper secondary schoolteachers (63%), and secondary schoolteachers (61%) all play a role in protecting children. The younger the age group, the higher the proportion of respondents who considered the role of teachers working with children of that age to be important.

5. Public opinion on child protection

In a recent Eurobarometer survey, 73% consider online child sexual abuse to be a widespread or very widespread problem, and 92% agree that children are increasingly at risk online. The circulation of online child sexual abuse materials and cases of "grooming" (manipulating children into sexual abuse) have both been rising at an alarming rate. On average, most respondents from the European Union (EU; 82%) agreed that tools such as parental

²⁷ A szülők és pedagógusok felelőssége a gyermekek nevelésében, [Online]. Available at: https://www.koppmariaintezet.hu/images/docs/A_szulok_es_pedagogusok_felelossege_a_gyermekek_neveleseben.pdf (Accessed: 28 November 2024).

control were not sufficient to keep children safe online. Moreover, 78% of the Europeans interviewed tended to support or strongly support the European Commission's proposal to fight child sexual abuse.²⁸

A previous public opinion study²⁹ focused on the rights of the child and showed that 79% of the respondents (aged 15–18 years) believed that when children need help to defend their rights, they encounter problems as they do not know how to go about it and whom to contact, and 76% believed that children are not aware of their rights. More than 85% of the respondents thought that providing more information to children about their rights and providing more support to organisations working in the field of protecting children's rights should be priorities in Europe. Further, 83% of respondents were also very supportive of actions to promote children's rights in countries outside Europe. Making a missing child alert system operational throughout the EU and involving children more in defining policies that concern them were considered actions that should be prioritised by 80% and 73% of respondents, respectively. The survey revealed that the main concerns of young European citizens were violence against children and sexual exploitation.³⁰

6. Results of research on children's rights

The rights of the child are not abstract concepts but a set of conditions necessary for the development, fulfilment, and protection of children in the society, in not only theory but also practice. These foundations were laid in the 1989 United Nations (UN) Convention on the Rights of the Child, which became effective in Hungary under Act LXIV of 1991. According to the UN Convention, the family is the natural environment for the growth and well-being of all its members, especially children, who should receive the necessary protection and assistance to enable them to fully carry out their future responsibilities within the community and grow up in a happy, loving, and understanding family environment, which is necessary for the full and harmonious development of their personalities. Therefore, children have the

²⁸ European Commission - Eurobarometer (2023) Protection of children against online sexual abuse, [Online]. Available at: <https://europa.eu/eurobarometer/surveys/detail/2656> (Accessed: 02 February 2024).

²⁹ European Commission - Eurobarometer (2008) The rights of the child, [Online]. Available at: <https://europa.eu/eurobarometer/surveys/detail/698> (Accessed: 02 February 2024).

³⁰ Ibid.

right to be cared for by their parents, and protecting and supporting the families to enable them to fulfil their responsibilities should be a priority for all countries.³¹ Nevertheless, we can see challenges in, for example, Spain and Italy regarding children's rights and policies.³²

The Bill of Fundamental Rights of the Child recognises the innate dignity of the human person and considers the fundamental human rights, which are enshrined in the context of the right of all to exercise them without discrimination or distinction. It also recognises and affirms that the harmonious development of a child's personality requires that he or she grow up in a happy, loving, and understanding family environment. It also points out that there are children in particularly difficult circumstances in all countries of the world and that it is necessary to pay special attention to them.

The Hungarian law defines the term "family." In addition to the Fundamental Law, the Act on the Protection of Families stipulates that raising children in a family is safer than any other option.³³ In Hungary, Act LXXXIV of 1998 on Family Support was promulgated on 24 December 1998 and entered into force on 1 January 1999.

Its significance is shown by the fact that it replaced the previous legislation introduced in the Bokros package, which made family allowances dependent on the income of family members... The Act stated the principle that all children are of equal value to society, i.e. all children who are supported by their parents in their own household are entitled to benefits under the same conditions, regardless of their income and wealth.³⁴

Several other jurisprudential approaches to Hungarian children's rights have been published.³⁵ There is also a specific approach that traces the legal situation of children with special educational needs and concludes that the

³¹ Gellérné, 2021a; Llorente and Gas-Aixendri, 2022.

³² Fernández-Arrojo et al., 2020.

³³ Barzó, 2021, p. 295.

³⁴ Dani and Kottáné, 2018, p. 23.

³⁵ Benyusz, 2021a; Gellérné, 2021b; Lux, 2018; Lux, 2022.

fundamental rights of these children are implemented “on paper,” but the material and personal conditions of their care leave much to be desired.³⁶

Three EU strategy documents on children’s rights address child protection³⁷ include the European strategy for a child-friendly internet,³⁸ the Commission recommendation on investing in children,³⁹ and the Commission communication on the protection of migrant children.⁴⁰ The cornerstone of the EU child rights rules is the UN Convention on the Rights of the Child, which was 30 years old in 2019.⁴¹ The anniversary was a wake-up call regarding the extent to which the developing and developed world is lagging behind in the realisation of children’s rights, in terms of both basic survival needs and gaps in children’s rights.

Children should certainly not be a buffer, in either family relationships, which are the primary source of protection, or in legal or political disputes between the EU and Member States or between Member States themselves.⁴² The European Commission has committed to children’s rights at the level of strategy, but the power to implement most of the measures with the potential to make a real difference lies with the Member States, and the strategy therefore risks being ineffective in the absence of a real commitment from Member States.

7. Changes in children’s rights during the pandemic (Children’s Rights Report for 2020 to 2022)

In the area of children’s rights, the major themes in 2020 were the issues of the pandemic, exclusion, sexual abuse, and exploitation. The pandemic highlighted that some children’s rights can easily conflict with each other in crisis situations.⁴³

³⁶ Lux, 2020.

³⁷ Benyusz, 2021b.

³⁸ EUR-Lex, 2012.

³⁹ EUR-Lex, 2013.

⁴⁰ EUR-Lex, 2017.

⁴¹ UNICEF, 1990.

⁴² Benyusz, 2021b.

⁴³ Fodor, 2021.

Several discriminatory provisions have been adopted,⁴⁴ and important progress has been made in the areas of sexual exploitation of children and protection of victims of violence.

Legislative measures mainly concerned education, primarily because of the shift to digital education. However, little of the legislation concerned the family environment and it did not respond to the call from the Commissioner for Fundamental Rights to protect children from violence in relation to this risk situation. In the spring of 2020, students, their parents, and teachers had a total of one weekend to switch to digital technology outside the classroom—without any meaningful technical, methodological, or data protection support.

An important step was the July 2020 amendment to the Public Education Act, which extended the right to free primary and secondary education to all pupils up to the age of 18 years. Additional guarantees, including free access for children with multiple disadvantages and special educational needs, were added. The amendment also introduced the institution of a school guard, which had been the subject of protests.

Important and long-awaited changes were made to domestic legislation on child sexual abuse, exploitation, and trafficking. The 2020–2023 National Strategy to Combat Trafficking in Human Beings pays special attention to victims aged under 18 years, and the amendment package promulgated by Act V of 2020 considers persons aged under 18 years who are involved in prostitution activities as victims rather than perpetrators. Thrice as many children were involved in relationship violence in 2020 than the previous year (27 in 2019 and 81 in 2020). The number of crimes against children also increased significantly, with nearly 500 more cases (6,310) being prosecuted. The third most common crime against children aged 0–13 years was sexual violence.

The government placed particular emphasis on family protection. In the context of the fight against COVID-19, the family action plan was extended to include more support. Moreover, there have been extensions to the emergency eligibility, *Családi Otthonteremtési Kedvezmény (CSOK)*⁴⁵ for house purchases, baby loans that are free use loans, interest-free loans, car purchase subsidies, and grandparent allowances. The new minister

⁴⁴ Such as 9th Amendment to the Hungarian Constitution, ratification of the Istanbul Convention, and difficulties in adoption.

⁴⁵ CSOK is translated as the Family Housing Subsidy and is based on the Government decree No. 16 of 2016 and Government decree No. 17 of 2016.

appointed by the prime minister in September, who does not have a portfolio for families, also promised a second family action plan.

By 2021, 365,000 children received the COVID 19 vaccine. Because of the COVID-19 pandemic, the number of child psychiatric cases increased by autumn 2021, with an increase in self-harm and suicide attempts.⁴⁶ Teenage pregnancies, although decreasing year on year, remained a major problem. In 2020, 1,800 new-borns had a mother aged 14–17 years at birth.

The pandemic also pushed many personal activities online, resulting in children spending even more time in front of screens than before. While the number of sports halls increased from 1,279 in 2011 to 1,357 in 2020), the number of pupils participating in school sports clubs fell by a quarter, and the number of pupils participating in school sports clubs fell by almost half compared with 2010.

Many studies have already been conducted on the situation of Roma children, and the main conclusion is that they are not discriminated against only in education.⁴⁷ A disproportionate number of Roma children come to the attention of child welfare centres and guardianship authorities, and they are the most likely to be removed from their families, while reintegration is difficult, lengthy, and often no longer a priority for public actors.⁴⁸

In recent years, progress has been made in improving the provision of crèche services; however, these services are still lacking in small villages. This report also draws attention to the selective nature of the institutional system. It highlights that there are few facilities for disadvantaged children, and there is lack of provision for children with special needs. Many institutions are unable to provide care to children with long-term illnesses or disabilities because of a shortage of qualified professionals.

In the 2023/2024 school year, the number of pupils with special educational needs increased more than ever, by 5,277 pupils. According to data from the Hungarian Central Statistical Office (HCSO) or Központi

⁴⁶ Children's Rights Report (2021) [Online]. Available at: <https://www.canva.com/design/DAFAMRxVAMI/wUhgVaqwqTBVowOOChPYAA/view?website#2:vezet-i-sszefoglal> (Accessed: 02 February 2024).

⁴⁷ Elekes, 2022; Farkas, 2007; Kozma, Pusztai and Torkos, 2003, Kende and Neményi, 2006; Óhidy, Sheila and Alina, 2022.

⁴⁸ ERRC, 2007.

Statisztikai Hivatal (KSH),⁴⁹ while the 2022/2023 school year had 99,588 pupils, the 2023/2024 school year comprised 104,865 pupils.

According to the Children's Rights Report, the interrogation of child victims of crime is becoming more child friendly, which was an improvement compared to previous years.⁵⁰ Instead of the police, children can be interviewed by a forensic psychologist or counsellor. Moreover, hearing and therapy centres have been established in several cities. There is also greater emphasis on helping children who have been trafficked. No offence of prostitution can be prosecuted against trafficked children, and the offence of child pornography has been amended.

The Constitutional Court ruled that the determination of school readiness is primarily based on parental rights. In 2021, the concept of a child or pupil in long-term care was included in the Public Education Act under the category of pupils requiring special attention. A Disability Advisory Network was also established.

One of the most important new norms affecting children's rights, which came into force in 2022, concerned children's right to participate and express their views in a very important area: the settlement of parental custody and the placement of children with third parties.⁵¹ In response to the current situation, several laws were adopted in 2022. On the one hand, they focus on the residence in Hungary, institutional boarding, education, participation in school-leaving examinations, and coordination of care for children seeking asylum because of the war with Ukraine. On the other hand, as this is the public education sector, in February, the powers of school guards were extended, their training systems and qualification conditions were modified, and the temperature of institutions was capped during the winter season.

In 2022, important legislative changes were also made regarding certain issues related to adoption, such as paternity leave, and 10 days' leave could also be applied to situations other than adoption; they also included mandatory adoption counselling and participation in a voluntary adoption course. In January 2022, the government decreed the allocation of advance

⁴⁹ Hungarian Central Statistical Office (HCSO) (2024) 23.1.1.6. Sajátos nevelési igényű gyermekek, tanulók száma fogyatékoság-típus szerint [Online]. Available at: https://www.ksh.hu/stadat_files/okt/hu/okt0006.html (Accessed: 19 November 2024).

⁵⁰ Children's Rights Report (2021) [Online]. Available at: <https://www.canva.com/design/DAFAMrxVAMI/wUhgVaqwqTBVowOOChPYAA/view?website#2:vezet-i-sszefoglal> (Accessed: 02 February 2024).

⁵¹ *Ibid.*

tax refunds for private individuals raising children. At the end of the year, the 424/2022. (X. 28.) Government decree reduced the personal income tax base for mothers aged under 30 years, thus further expanding the range of benefits related to childbearing.

According to the 2022 Children's Rights Report, by 31 December 2021, 110,750 children were registered as at risk, and 27,229 children were taken into protection. Most children registered as at risk lived in Borsod-Abaúj-Zemplén county, which is eight times as many as those in Vas county, where the fewest at-risk children were registered. In 2022, the number of registered crimes committed by children (aged 0–13 years) increased somewhat.

The 2022 report also touched on the fact that the number of underage children raised in child protection care continued to rise; on 31 December 2022 14,035 of the 21,172 children were living with foster parents. In 2022, more than 1,500 children aged under 12 years lived in children's or residential homes, which also included children aged under 3 years living in specialised care; 332 lived in children's homes, of which 151 were infants aged 0–12 months.

Foster parents are raising more and more children. Starting from the number of 2.00 children in 2001 (i.e. two children on average per foster care family), it rose to 2.70 by 2021. The average age of foster parents was 52 years, and more than one-third of them belonged to the 51–60-year age group.

The number of children with special educational needs is increasing; however, there are not enough specialists. An extraordinary increase was observed in the 2021/2022 school year, which did not stop in the 2022/2023 school year. According to the KSH data, these children's number exceeded 100,000 last year. There were approximately 1,000 more children with special educational needs in kindergartens and primary schools than in the previous year (11,578 in kindergartens and 59,698 in primary schools).

The 2022 report highlighted that roughly 2 million people fleeing Ukraine crossed the Hungarian border in 2022, but only 33,273 applications for recognition as asylum seekers were submitted, of which 28,908 were granted by the General Directorate of Immigration. Nearly half of the applicants (15,096) were children. At the end of the 2021/2022 academic year, the Office of Education registered 2,270 Ukrainian citizens in its public education system.

8. Some examples of the role of education

Helping children in their studies and paying special attention to them—through, for example, individual attention by teachers and parents—also determines their personality development.⁵²

A Mexican survey⁵³ further reinforced the research finding that parents largely determine their children's academic results, and research has proven that provision of learning support at home has a much greater impact than parental involvement at school. Among the Latino community, parents most commonly try to help their have a better vision for the future. Of course, parental involvement depends on several children do well in school and thus fit into society better, as well as factors, as there are parents who do not consider it important for students to participate in their school performance. The level of parental involvement also depends on parents' education: parents with higher education consider it more important to support their children at home or school than those with lower qualifications.

Based on this research, it can be said that, to a certain extent, expectations have a positive effect on both socialisation and performance, but if they are implemented in an exaggerated manner, they will have the same effect on students as in the case of shame and pressure from parents. The research also stated regarding these issues that it is worth considering students' individual characteristics, such as personality, temperament, age, and gender. Moreover, the cultural background should be considered along with family roles (e.g. "Because of my parents' self-sacrifice, I have to do my best in school.").

The study⁵⁴ also mentions the role of teachers: a less supportive teacher can reduce students' performance; teachers' negative attitudes towards Latin American students can be overcome by implementing teacher-parent dialogue and culturally sensitive education, while considering parents' culture, mother tongue, and ethnic-racial experiences; and organising workshops can strengthen the relationship between family and school.

⁵² Engler, Kozek and Németh, 2020; Pusztai et al., 2024.

⁵³ Cross et al., 2019.

⁵⁴ Ibid.

9. Results of Roma-focused research on the disadvantaged situation

Parents and children reading together has a positive effect on children's development. A Portuguese study⁵⁵ administered questionnaires on reading at home to Roma and low-income non-Roma preschool parents. The regression analysis showed that the mother's education, her child's educational aspirations, and nonformal involvement in preschool events had a positive effect on the frequency of reading at home. From this point of view, ethnicity was not important; therefore, similar results were obtained between Roma and non-Roma but low-status families. Thus, it can be concluded that members of both groups face similar challenges regarding reading at home, which is why introduction of good practices in the future can have a beneficial effect on them. The authors concluded that the involvement of parents in preschool activities has a positive effect on children's cognitive development, especially for small children.

Hungarian education data show that the Hungary's population has at most a basic education. Low education levels result in an unfavourable labour market status and are often associated with other social and economic disadvantages. From the student's point of view, leaving school early is called a dropout. Signs of the risk of dropping out appear earlier, mostly because of the deterioration of academic results. The dropout rate in vocational secondary schools is higher than other secondary educational institutions, but it also appears at the elementary school level.⁵⁶ According to research, in Hungary, the proportion of those at risk of dropping out is the highest at 25% among seventh graders, 20% among eighth graders, and 18% among fifth and sixth graders; overall 18% of the grades could be characterised as such. The proportion of boys at risk of dropping out was higher than that of girls in all grades in 80% of the institutions. Since students studying in catch-up settlements are at high risk of dropping out, it is important to create programmes to help them, especially male students, stay in school.⁵⁷ Another study⁵⁸ found that it has little influence on actual decisions about which schools children go to. In general, Roma children performed significantly worse on the tests than non-Roma children in all examined areas.

⁵⁵ Ferreira et al., 2021.

⁵⁶ Trásy, 2023, p. 136.

⁵⁷ Ibid. p. 138.

⁵⁸ Kende and Neményi, 2006.

A study⁵⁹ looked for the answer to how home learning and family relationships developed in the online framework re-imposed by the quarantine in 2020, focussing on disadvantaged students and their families. Fourth grade students from disadvantaged family backgrounds typically live in smaller settlements and worse financial conditions, and their parents have a lower level of education.

Berényi⁶⁰ examined the intricate dynamics of educational selection processes and their implications for social inequality in the Hungarian educational system. The study focussed on the entrance examination preparation period, which spans nearly a year, and emphasised how this prolonged process exacerbates existing disparities among students from different socioeconomic backgrounds. The study argued that the structure of the entrance examination system is inherently biased, favouring students who have access to resources that facilitate better preparation. These include private tutoring, educational materials, and parental support, which are often more readily available to families from the higher socioeconomic strata. Consequently, students from disadvantaged backgrounds face significant hurdles in competing for places in prestigious grammar schools, leading to a cycle of educational inequality that is difficult to break. The analysis⁶¹ extends to the broader implications of social selection in education, suggesting that the current system perpetuates a stratified society in which educational attainment is closely linked to socioeconomic status. The findings underscore the need for policy reforms aimed at creating a more equitable educational landscape in which access to quality education is not determined by socioeconomic background. In conclusion, a critical examination of Hungary's early selective grammar school system reveals how the mechanisms of social selection contribute to entrenched educational inequalities.

According to data collected during attendance education, disadvantaged children spend slightly less of their free time on reading, free play, and activities that develop fine motor skills; rather, they use their mobile phones and tablets more and spend more time in front of the computer. In addition, according to their parents, they spend more time studying than their peers and receive slightly more help from their parents,

⁵⁹ Engler et al., 2022.

⁶⁰ Berényi, 2022.

⁶¹ Ibid.

yet their school results lag behind those of their peers. Therefore, parental attention and effort do not compensate for students lagging behind.

Parents make a significant effort to ensure that their children keep up with their peers, both during attendance and distance education. Joint family activities and conversations have proven to be authoritative, and family relationships and the atmosphere can be said to be harmonious, even in times of isolation, in most families with disadvantaged children.

10. Summary

The family is the most natural environment for socialisation, and the primary place where children encounter primary socialisation patterns. Socialisation refers to the process involving interactions during an individual's whole life, the first crucial stage of which is childhood, when parents, grandparents, and siblings are a person's main community. The family life cycle model examines the process of socialisation and has been at the centre of social research since the 1950s.

In summary, the family as a unit serves as a foundational context for children's socialisation, where positive parenting, cultural identity, and socioeconomic factors converge to shape children's social competencies and emotional health. This underscores the importance of fostering supportive family environments to promote healthy social development among children.

Parents are at the core of all family studies. Typically, families play an important role in the learning progress of children. During the pandemic, the role of the family in Hungary became more valued, for not only children but also the older generation.

Demography plays an important role in family science research, and we cannot understand the evolution of family formations by ignoring changes in demographic factors. For example, the number of marriages in Hungary was the highest in the EU in 2021, and the desire to have children increased most significantly in Hungary by 2021 compared to 2010. All of this presents an extremely positive picture of family formation and the willingness of couples to found a family, in addition to the fact that seven out of 10 children in recent years were born in marriage. In this way, family formation has a significant effect on children's socialisation, the "fruits" of which will ripen in the following decades. The fact that young people who are about to start a family are thinking about a two-child family model in

their plans to have children - that is, most of them plan to have at least one more child after their first child - is also a reason for their confidence. However, this trend of having at least two children seems to be broken since 2022; hopefully, this is temporary, and the trend observed in the past decade - which has a positive effect on children's socialisation - will continue.

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ÉVA STEINBACH* – ÁKOS HEGEDŰS**

Life is a value – the situation of and opportunities for people with Down syndrome***

ABSTRACT: We consider life as a fundamental value and treat it as an axiom. Nevertheless, this critically important right is frequently attacked. The most dangerous of these attacks occur when we pass judgement on difficult issues without sufficient caution. This can determine when and where life can have opportunities, especially when it is fragile and small. The Fundamental Law of Hungary begins its enumeration of fundamental rights with the statement that ‘human dignity shall be inviolable’. It then goes on to say that ‘every human being shall have the right to life and human dignity; the life of the foetus shall be protected from the moment of conception’. It is clear from this wording that the law recognises the beginning of life at live birth but also protects the foetus from conception as part of the process leading to life. Unfortunately, this protection is not without discrimination. Families encountering Down syndrome face numerous challenges from the moment of diagnosis. It is apparent from judicial practice that some form of assistance is sought to be provided to families in difficult situations. The question is how effective this assistance is and how it affects the families and the attitude of health care providers. The aim of this study is to raise the issues that counteract life as a value, taking into account the perspectives of the very lovable individuals with Down syndrome.

KEYWORDS: Down syndrome, right to self-determination, foetal life, protection of life, compensations, screening tests.

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Yet you brought me out of the womb;
you made me trust in you, even at my mother's
breast. From birth I was cast on you;
from my mother's womb you have been my God.¹

1. Introduction****

There are certain premises that largely determine our worldview. There are choices that can be logically deduced from these premises, but when searching for their underlying rationale, we run out of the foundations for the logical structure we built our reasoning on. The impact of value pluralism is so acute in today's world that there is little common ground and few slogans that people can unite behind. The beginning and end of life, however simple it may seem, has been a subject of constant debate. The Fundamental Law of Hungary (Hungarian Constitution) begins its catalogue of fundamental rights by stating that 'human dignity shall be inviolable'. It then goes on to say that 'every human being shall have the right to life and human dignity; the life of the foetus shall be protected from the moment of conception'.² It is clear from the wording that the law recognises the beginning of life from the moment of live birth but protects the foetus starting from conception as the process leading to life. Unfortunately, it does not do so without discrimination. It articulates the right to human dignity as the basis of human existence, together with the right to life, and recognises the right to life and human dignity of all human beings. In the same sentence as human life, but separate from it, it mentions foetal life, which is protected from the moment of conception. Within the framework of its objective duty to protect institutions, the Hungarian State must protect newly created human life in its process of conception.

2. Analysis from the perspective of fundamental rights

It is difficult to answer the very first question that arises in this context, namely: when does human life begin? The Explanatory Memorandum of the Fundamental Law clarifies the scope of legal protection of the life, as it is conceptualised and recognised under the current Hungarian legislation.

¹ Psalm 22:9–10.

**** The manuscript is translated by Dr. Petra Lea Lánkos, Professor, vice dean for international relations, Pázmány Peter Catholic University, Department for EU law.

² The Fundamental Law of Hungary (Hungarian constitution), Article II.

Already at this point however, a normative gap arises, since a significant part of society does not consider human life to begin only from the moment of live birth. In its earlier decisions, the Constitutional Court consistently refused to decide whether a foetus is a human being.³ It referred the issue back to the legislator. At the same time, it stressed that, should the legislator decide that the foetus is not a human, the regulation of abortion must nevertheless take account of the State's objective duty to protect life. The legislator must therefore strike a balance between the State's duty to protect the life of the foetus and the mother's right to self-determination.⁴ The Fundamental Law attempts to reconcile the protection of life and the right to self-determination, which is why the protection of foetal life, which is not human life and can be limited, appears separately alongside the main values of life and human dignity.

From amongst the benefits of the change of the political system, we consider it to be a value that now, the fundamental rights of citizens must be regulated by statute, not merely decrees. The Act on the Protection of Foetal Life sought to change the view that there is a right to abortion.⁵ The Act declares that foetal life, which begins at conception, deserves respect and protection, to be achieved primarily through an enhanced care for a woman expecting a child.⁶ To ensure the healthy development of the foetus, the Act guarantees free prenatal care to all Hungarian citizens permanently residing in Hungary, their spouses, and foreign citizens with a valid permanent residence permit, regardless of their insurance status. The Act further aims to ensure the healthy development of the foetus by introducing a maternity allowance that is meant to improve the living conditions of expecting mothers. The basic principle underlying the legislation, which entered into force on 1 January 1993, is that the number of abortions does not depend on the rules governing its conditions, and it directly affects the number of births, the frequency of abortions being primarily a matter of values and culture. In this case, however, the development of values and culture is essential, and civil society organisations have a major role to play in this

³ Constitutional Court Decision No. 64/1991 (XII. 17.) AB; Constitutional Court Decision No. 48/1998 (XI. 23.) AB.

⁴ Office of the Commissioner for Fundamental Rights of Hungary - On the rules of artificial abortion and the protection of foetal life, [Online]. Available at: <https://www.ajbh.hu/-/a-muvi-terhesseg-megszakitas-szabalyairol-es-a-magzati-elet-vedelmerol> (Accessed: 25 November 2024).

⁵ Act LXXIX of 1992 on the protection of foetal life.

⁶ According to the reasoning of the proponents of the legislative proposals.

process. In the absence of their reinforcement and support, legislation may become dysfunctional.

In view of the change in approach, the Act on the Protection of Foetal Life first lists the means and methods of support for, and protection of, life, and only then does it go on to cover abortion. In setting out the statutory conditions for abortion, the Act stipulates that pregnancy can only be terminated in the event of a threat to, or serious crisis for, the pregnant woman. The Act defines 'serious crisis' as a situation that causes physical or psychological distress or social ruin. However, the pregnant woman may substantiate the prevalence of this serious crisis by merely signing a declaration. The Act on the Protection of Foetal Life defines the cases of, and time limits for, the termination of pregnancy based on the degree of threat and the period of the pregnancy. The second abortion decision of the Constitutional Court makes it clear that abortion is outlawed in the case of a minor malformation of the foetus. Article 6 of the Act on the Protection of Foetal Life may only be interpreted in conjunction with the provisions of its Article 12. The more serious the threat, the later the pregnancy may be lawfully terminated. In essence, the Act on the Protection of Foetal Life merely details health indications for abortion while refraining from elaborating on the substance of those crisis situations that may adversely affect the healthy development of the foetus, thus emphasising that abortion cannot be considered a subjective right linked to a specific life situation. The fact that the legislator refrained from including such a taxonomy suggests that there are no social situations in which childbearing is discouraged, nor is there a number of children that is considered desirable from the perspective of social policy. Pregnancies may be terminated up to the 12th week of pregnancy for reasons that seriously threaten the health of the pregnant woman, in the event of a medically probable serious disability or other impairment of the foetus, in the event of a serious crisis of the pregnant woman, or in case the pregnancy is the result of a criminal offence. A legal incapacity of the mother or a delay in recognising the pregnancy postpone the time limit available for termination until the 18th week.

3. Screening tests

Down syndrome is considered a severe disability, but among people with Down Syndrome, severe intellectual disabilities are less common, with the majority of Down syndrome patients exhibiting a mild-to-moderate

intellectual disability; yet these fetuses are subjects to the later time limits available for abortion. Diagnostics are generally not reliable predictors of the extent of Down syndrome-related health impairments, so the time limit for termination of the pregnancy falls at a time when it is still merely likely that Down syndrome is present in the foetus. Hungarian law allows for the termination up to the 20th week of the pregnancy – or 24 weeks in case the diagnostic procedure is delayed – if the probability of genetic, teratological harm to the foetus reaches 50%. In case the foetus suffers from an abnormality incompatible with postnatal life, the pregnancy may be terminated regardless of its term, a condition that is again of particular concern for fetuses with Down syndrome. Down syndrome is associated with other developmental disorders in 40–60% of cases. The most common congenital abnormalities in cardiac development with Down syndrome are atrioventricular septal defects and tetralogy of Fallot. Cardiac malformations are now remediable in most cases with surgery, but they can easily be deemed disorders incompatible with postnatal life. Before 1990, such surgeries were only performed in exceptional cases.⁷ People with Down syndrome are therefore more vulnerable to stigmatisation before they are born than are people with any other developmental disorder or disability.⁸

Genetic screening tests can detect other developmental disorders, such as spina bifida or Edwards syndrome, but they are primarily used to screen for Down syndrome. Fetuses with Down syndrome are at the greatest risk of having decisions made about their life in the absence of comprehensive information. Down syndrome is considered the most common of genetic disorders, accounting for one in 700 pregnancies, but the number is not as high among people with disabilities. This suggests that a large proportion of screenings results in abortion. In Hungary, 1,747 babies were born with Down syndrome between 2001 and 2010; they were not identified during pregnancy due to lack of foetal screening. In this country, it is extremely rare for a mother to give birth to a child with Down syndrome after receiving the foetal diagnosis.

⁷ Origo.hu - Vannak már Down-kóros öregemberek, [Online]. Available at: <https://www.origo.hu/egeszseg/terhesseg/20121009-a-leggyakoribb-tevHITEK-a-downkorosokkal-szemben.html> (Accessed: 25 November 2024) (not only based on public discourse). Döme, 2021, p. 197.

⁸ NPHC, 2022.

Table 1 Recognition of Down syndrome in Hungary 2015–2020.⁹

Year	Number of cases	Incidence (‰)	Live birth	Live birth %	Prenatally diagnosed interrupted	Child-birth, prenatally diagnosed, retained	Prenatal recognition ratio %
2015	159	1.47	78	49	77	3	50.97
2016	197	1.79	68	35	124	2	63.96
2017	199	1.84	99	36	128	0	64.32
2018	237	2.24	88	37	142	1	61.60
2019	312	2.95	96	30.77	204	7	67.63
2020	240	2.23	54	22.5	177	6	76.25

Although the quality of life of people with Down syndrome is improving, no significant improvement has been made in their chances of being born.¹⁰ The birth chance of people with Down syndrome dropped from 49% to 22.5% between 2015 and 2020.

Since the risk of having a child with Down syndrome strongly correlates with maternal age, screening is recommended or is mandatory based on the mother's age.

Table 2 Down syndrome risk correlation.

¹¹ Mother's age (year)	25	30	35	40	45	50
Down syndrome risk per birth	1:1350	1:940	1:350	1:85	1:35	1:25

⁹ NPHC, 2022.

¹⁰ A VRONY története, [Online]. Available at: http://www.gyermekalapellatas.hu/vrony/a_vrony_tortenete/a_vrony_tortenete.html (Accessed: 25 November 2024).

¹¹ Mi az a Down-szindróma? [Online]. Available at: <https://u-szeged.hu/szakk/obgyn/down-szindrroma-szuresse/mi-down-szindrroma> (Accessed: 25 November 2024).

A definite diagnosis (about 99.5%) can only be made by chromosomal testing of the foetus, but the risk of miscarriage associated with invasive tests (chorionic villus sampling and amniocentesis) is 1–2%. Testing options for Down syndrome that do not carry a risk of miscarriage include ultrasound, biochemical tests on maternal blood, and laboratory methods based on the detection of cell-free foetal DNA. These methods are not diagnostic in nature but they can be used with a relatively high degree of certainty to infer the likelihood of the presence of Down syndrome.¹² The screening method currently considered to be the most effective is the integrated test, which is self-paid. It involves an ultrasound scan around the 12th week of pregnancy and PAPP-A determination from maternal blood. Later, around the 16th week of pregnancy, the maternal blood markers AFP, hCG, free oestriol, and inhibin-A are determined. Testing options for Down syndrome that do not carry a risk of miscarriage include ultrasound scans, biochemical tests of maternal blood and laboratory methods based on the detection of cell-free foetal DNA (so-called NIPT tests).¹³

Table 3 Down syndrome screening.

Down syndrome screening method ¹⁴	Maximum accepted risk	Detection rate (DR, hit rate)	False positive rate (FPR, false positivity)	Positive result for Down syndrome (OAPR)
Combined test	1:250	83%	4.7%	1:25
Quadruple test	1:250	84%	5.7%	1:30
Integrated test	1:150	87%	1.9%	1:10

¹² Magzati kromoszóma-vizsgálatok (CVS,amniocentézis), [Online]. Available at: <https://gendiagnosztika.hu/chorion-boholy-biopszia-cvs-magzatviz-vizsgalat-ac/> (Accessed: 25 November 2024).

¹³ Trisomy-tesztek – iGen NIPT szűrések minden igényre, [Online]. Available at: https://gendiagnosztika.hu/trisomy-teszt/?gclid=Cj0KCQjwZK1BhDuARIsAAy2Vzv50p3ZCwv9jwcxTaCsK8L0qrVhIGBgN6bPJ3zfn51V_ACdhaeQRTsaAtwVEALw_wcB (Accessed: 25 November 2024).

¹⁴ Wald et al., 2003,

The maximum acceptable risk means that the screening result is considered positive at a higher risk. The detection rate indicates that the method correctly detects Down syndrome fetuses at this rate. A false positive rate indicates that mothers carrying a healthy foetus are as likely to have a positive screening result. Comparing the accuracy and false-positive rates also show that there are very few mothers who keep a foetus despite a positive result in the screening.¹⁵

4. The first uniformity decision

Screening tests and diagnostics are of particular importance because judicial practice attaches decisive importance to the duty to inform when assessing claims for damages against health care providers. While failure to inform was not a typical ground invoked in the past, it has become a common, even decisive element in malpractice cases over the last decade. Earlier jurisprudence focused primarily on the professionalism and adequacy of medical practice, while current jurisprudence focuses on the verifiability of professional conduct and the importance of the right to self-determination. The reason for this shift lay clearly in the problems surrounding the burden of proof, yet it entails is a disturbing move towards formalism. One significant milestone in the obligation to provide information is the civil law uniformity decision no. 1/2008, which states that

a child born with a disability resulting from a genetic or teratological defect cannot, in its own right, claim compensation from a health care provider under civil law for the fact that, as a result of the failure to provide medical information or incorrect medical information during prenatal care, the mother was unable to exercise her statutory right to terminate the pregnancy.

Indeed, the Supreme Court, in its Pf.IV chamber, wished to depart from the case law enshrined in several decisions of its Pf.III chamber, according to which, in such cases, the child could bring a claim for damages in her own right against the health care provider. Where the chance for the termination of pregnancy is lost for reasons attributable to the health care provider, the case law is now consistent in recognising the parents' claim for damages against the institution under the rules of civil liability. According

¹⁵ NPHC, 2022, especially p. 17.,19. and 23.

to case law, the physician's unlawful conduct consists in failing to inform the parents that they are likely to have a disabled child, thus depriving them of the right to exercise their right to family planning, to decide whether to have a disabled child or to terminate the pregnancy at an early stage.¹⁶

The Act on the Protection of Foetal Life affords parents the opportunity to plan their family and the mother's right to self-determination is expressed in the fact that she can request the termination of the pregnancy in case the statutory conditions are met. (...) The damage consists in the parents' life being made more difficult by the existence of a disabled child, the damage being material and non-material, which, monetised, can be passed on to the health institution as a result of the medical negligence.

At this point, it is worth noting Géza Kilényi's thoughts on the first abortion act.

The task of secular legislation is to govern the life of society by means of rules of conduct which can be enforced though state coercion. Therefore, secular laws apply to everyone, regardless of denomination. (...) [T]he State must refrain, as far as possible, from coercing its citizens into conduct which would be contrary to their conscientious convictions. It is the inalienable right of every citizen, by virtue of freedom of conscience, to apply to himself a higher moral standard than the State applies to all its citizens, and for this reason not to avail themselves of the possibility of an abortion even when the law does not prohibit it.¹⁷

Thus, on the basis that the legislation provides for the possibility of terminating a pregnancy, the Panel of Uniformity of Law finds that the right of the mother to self-determination and the parents' right to family planning have been infringed upon when they are prevented from exercising that right by medical negligence or error. However, this does not mean that abortion should be either compulsory or automatic, or that any pressure should be

¹⁶ Zakariás, 2010.

¹⁷ Constitutional Court Decision No. 64/1991. (XII. 17.) AB.

brought to bear in this context. The Panel of Uniformity of Law points out that in such a case, the proper functioning of the social care system could be the solution. Since in such cases the rules of civil liability cannot apply due to the absence of statutory conditions, the State has a constitutional obligation to maintain a system of institutions that, on the one hand, provides the requisite assistance to the family (the parents) and, on the other, ensures adequate health, educational, and social care and provides allowances directly for those with a disability.

Owing to the judgement referring to ‘life being made more difficult by the existence of a disabled child’, the case law has moved toward awarding the full costs of raising the child in determining the damages. This gave rise to damages awards in the tens of millions of euros. Due to the higher stakes, health care providers started paying more attention to preventing lawsuits, exhausting the full remedy process in cases brought before the courts, and exploiting all means of legal defence. This did not necessarily equate to an increase in the quality of health services, but it certainly meant increased activity of the defendant’s lawyers. Meanwhile, the well-founded civil law uniformity decision No. 1/2008 has, so to speak, taken away the child’s right to compensation, as it is difficult to justify filing a lawsuit for having been born. However, the damages awards for families have not declined; quite the contrary. The resilience of society may be measured in terms of damages awards, in particular, when it comes to health care provider defendants who are already in a precarious financial situation. Privately funded institutions have always found it easier to evade liability, providing information to prospective parents on the margin of error of screening tests, shielding themselves from claims. The increased damages awards for families inevitably bring to mind Jerome Frank’s ideas that the psychological mechanism of forming a judgement does not follow the rules of logic and is therefore not a logical process.¹⁸ Rather, a preliminary decision is made by the judge, who then looks for facts and rules to support it. Should this fail to yield the desired result, the judge then moves on to render another hypothetical judgement influenced by impressions, memories, and personal values.¹⁹ Thus, further guidance from the Supreme Court became necessary on the amount of damages awarded. These cases involved strong emotional elements, and an allowance for divergent case-law would have been a clear indication of judicial uncertainty.

¹⁸ Lábady, 2010, p. 127.

¹⁹ Ackerman, 1974; Szentes, 2011.

5. The second uniformity decision

The next step was uniformity decision no. 2/2022,²⁰ which stated that

if the liability of the health care provider for damages can be established because the mother could not exercise her right to terminate the pregnancy due to the fact that the medical information provided during the prenatal care was not provided or was incorrect, the parents may claim compensation for the additional child-rearing costs incurred in connection with the health impairment, but not for the full child-rearing costs.

The decision itself takes account of the fact that neither the Act on the Protection of Foetal Life nor any other legislation defines the concept of genetic or teratological defect, but in practice, the most common defect is Down syndrome, and there are many cases of limb deficiency or defective limbs. According to the Hungarian Catholic Encyclopaedia, teratology (from the Greek *terra*, “monster”) is the science of human and animal monstrosities.²¹ It is worth recalling here that the term ‘mongoloid idiot’, which had been used when referring to persons with Down syndromes, has almost completely disappeared from use for its derogatory nature.

Uniformity decision no. 2/2022 states that a health care provider is exempt from liability for damages if, through no fault of its own, it failed to recognise the developmental disorder and/or failed to inform the expectant mother of the same, or of the possibility of terminating the pregnancy. The right of self-determination of the mother and the right of both parents to family planning, as recognised in case law, are expressly mentioned in the decision. The question, then, in individual cases will be the damages awarded, and the uniformity decision does not determine their amount, merely the basis for calculation. It is only the dissenting opinions that call into question the justification for awarding damages in such cases. Of course, the fact that a significant part of society has a different moral outlook than what is conveyed by the legal framework makes it difficult to evaluate the situation. However, the court can only base its interpretation on

²⁰ Curia Uniformity Decision No. 2/2022. JEH (Jpe.III.60.011/2002/15.).

²¹ Magyar Katolikus Lexikon – teratológia, [Online]. Available at: <https://lexikon.katolikus.hu/T/teratol%C3%B3gia.html> (Accessed: 25 November 2024).

what is laid out by the law. Uniform decisions can only be ensured through the setting of legal standards. It is the legislator's responsibility to weigh the different legislative options, taking account of the legal effects and, naturally, social consequences beyond the realm of the law that inevitably arise from the application of the finally enacted rules.²² However, responsibility cannot be shifted entirely to the legislator in terms of social consequences, since 'the best law is blind – it is the eye of the judge that makes it see'²³, or, in other words, 'the law is a dead letter on the page until the judge breathes life into it through judgements'.²⁴

According to the reasoning of the uniformity decision, the pre-injury situation in the family's life was that the parents were planning to have a child and, like all hopeful parents, were expecting a healthy child. By contrast, the child they had planned and accepted was born with a health problem. Thus, the disadvantage they suffered was due to the fact that their lives were made more difficult by the birth of a disabled child. Therefore, the damage is the additional cost of the child's disability besides the voluntarily undertaken cost of the basic upbringing of the child. The difficulty with the argument is that, of course every parent wants a healthy child, but this is rarely the case. Minor or major health problems emerge both immediately after birth and throughout the course of our life. The duty of the health care provider is therefore to inform the person at increased risk and refrain from making decisions for the person using the health service. It would therefore be appropriate to separate the infringement of the right to self-determination from the subsequent consequences.

The health care provider cannot improve the situation of the foetus, only make it worse. The mother is generally not in the position to weigh the circumstances that even doctors can only describe in terms of probabilities. Without involving and informing the pregnant woman, the doctor examining her should not take it upon themselves to weigh the risks of applying an invasive diagnostic intervention against the risk of not detecting Down syndrome in the foetus, but they should not be weighing the risks shouldered by the parents either, nor should they spare them the burden of

²² Kilényi G. dissenting opinion attached to Constitutional Court Decision 64/1991. (XII. 17.) AB.

²³ Darák Péter Elnök Úr köszöntője az „Életutak – pályaképek” címmel rendezett konferencián, [Online]. Available at: https://kuria-birosag.hu/sites/default/files/sajto/dp_koszonto-eletutak_0627.pdf (Accessed: 25 November 2024).

²⁴ Vavrik, 1910, p. 125., Lábady, 1998, p. 170.

making this decision. On the basis of appropriate information, it is the parents' responsibility to decide whether to accept the proven risk of miscarriage (and the full cost of) invasive testing in case there is an indication that their child may have Down syndrome.²⁵ The adversity of the situation is that, as explained earlier, mothers who are informed that their foetus has Down syndrome almost always opt for termination of pregnancy, while parents of children with Down syndrome often achieve a good quality of life despite the difficulties.

The person receiving health care has the right to decide, by virtue of their right to self-determination, whether to receive health care and which interventions they consent to or refuse to receive. The fact that a patient gives or denies consent to an intervention in the knowledge of their health condition, the nature of their illness, and the expected course of the disease is ensured by the patient's fundamental right to be informed of their condition at all times. Patients have the right to self-determination based on their right to human dignity, irrespective of the nature of their illness, be it mild or severe, and irrespective of their chances of recovery.²⁶

The problem with the duty to inform, however, is that in many cases, it becomes more important than the actual medical activity. The result is that communication skills become the decisive factor in an area where communication is merely of secondary relevance. On the one hand, many people report that they have not been given the correct information when making use of health services, that they have been objectified, or that they could not understand the processes they have been subjected to at all. On the other hand, providing full information takes a lot of energy, and often, it is the essential information that is lost. Parents of children with Down syndrome most often report that the information they received from their health care provider was inadequate. In cases where there is a probability that the foetus has Down syndrome, parents experience very strong pressure to terminate the pregnancy. Where Down syndrome is detected after birth, there is a sense of blame shifting on the part of the health care provider, on the one hand, and an urge to abandon the child, on the other. These processes, which can only be described as unnatural, are largely driven by a fear of liability for damages. Another factor that makes it difficult to provide correct information is that it is almost impossible to draw any conclusions at the foetal stage, but even after birth, about the extent to which Down

²⁵ Pécs Regional Court Decision No. Pf.III.20.029/2023/7.

²⁶ Petkó, 2013.

syndrome will lead to different development of the child. In situations of uncertainty, the health care provider prefers to opt for ‘safe pessimism’.

The Constitutional Court in its Decision No. 64/1991 (XII.17.) AB clearly stated that

the right to equal dignity, in conjunction with the right to life, ensures that no legal distinction can be made between the value of human lives. The dignity and life of every human being, whatever their physical or mental development or condition, are inviolable.

However, it is in the foetal period that people with Down syndrome are most at risk. They are identified early as a risk through screening. Other health problems and differences in development (e.g. autism) can only be diagnosed much later. A person with Down syndrome is ‘stigmatised’ because of their physical characteristics shortly after birth at the latest. Regardless of their condition, they are surrounded by prejudice. On the positive side, their special education and development can start very early, and their condition can improve significantly. However, special education and development is certainly not something that all families can afford to pay for out of damages awarded. On the one hand, lawsuits are dragged out, and on the other hand, the energy spent on the child is taken away from the parents by the legal battle. Litigation is a battle, but parents instead need support, compassion, and assistance.²⁷ As a result, the recourse to the courts has the opposite effect than what the real needs of the litigants are. There is a long way to go before we can truly accept life as a value instead of weighing it up in the balance. The following reflections by Dr Éva Vasadi Tersztyánszky, Judge of the Constitutional Court, were written many years ago but still ring true today. The legal protection of life may be expanded in the future (towards a fuller recognition of the rights of the foetus), but any approach that leads to a reduction of the protection of life, formally by reference to the right to self-determination or other rights, but in practice possibly motivated by economic interests, must be firmly opposed. If the legislator were to open the door even a crack towards recognising a

²⁷ Döme, 2021, pp. 195-196.

distinction between ‘valuable’ and ‘less valuable’ life, it would lead to unforeseeable consequences.²⁸

6. The impact of judicial practice

The evolving judicial practice and, in interaction with it, medical guidelines are moving towards more screening. They are pushing pregnant women towards screening tests that are not meant to cure, but, unfortunately, in the current state of medical science, can offer the primary alternative of killing the foetus.

Certain segments of specialist medical practice, on the basis of the law aimed at protecting foetal life, also indicate the termination of pregnancy in cases where the diagnosis of a foetal abnormality is unclear or even in doubt for objective reasons, or where the genetic or teratological damage is not serious and the abnormality is no longer medically incompatible with life after childbirth.²⁹

The result of a screening test can be reassuring, because a possible negative result may be a relief for parents, while a possible positive result can help them prepare for the birth of a child with an impaired health status or a different development.

A positive result, however, will necessarily lead to a crisis situation. A mother who decides to give birth may experience a completely different quality of pregnancy from the moment the test results are available.³⁰ The remaining weeks are spent in a tense, emotionally unbalanced state. This emotional imbalance affects the child’s health and mental and spiritual well-being before and after birth. By contrast, in judicial practice, there are no cases where the mother sues after birth because the screening tests wrongly indicated a positive diagnosis but the mother nevertheless gave birth to a healthy child. The psychological background to these situations is understandable, as the parents are grateful that they have escaped something dire. That is why they do not wish to relive the difficult time caused by the

²⁸ Tersztyánszky V. É. concurring opinion attached to Constitutional Court Decision 22/2003. (IV.28.) AB.

²⁹ Benke, 2022, p. 12.

³⁰ Navratyil, 2009b, p. 224.

diagnostic error. In this fortunate situation, they choose the path of forgetting and have no desire to litigate. While liability for damages or compensation for infringement of personality rights due to the diagnostic error would clearly be well-founded, such cases will still not be litigated. By contrast, cases involving children born with a health defect due to genetic or teratological damage receive much more publicity. The result is that health care providers are more interested in screening. In terms of the potential for error, minimising the risk becomes the priority. This is a way to screen out fetuses that pose a risk of having a health impairment, thereby threatening the liability of the health care provider. In our opinion, this generally results in a large number of children not being born who are labelled as being at risk in their foetal stage. In addition, in many cases, the fate of children born with health problems is not improved by the amount of compensation that is paid to them.

7. Help or burden?

Judicial practice shows that there is an intention to provide help to families experiencing difficulty. This is also confirmed by the last paragraph of PJE 1/2008, as well as the dissenting opinion attached to uniformity decision no. 2/2022 by Attila Döme, joined by András Kovács. Yet the clearest and most legally defensible position is summarised by the dissenting opinion by Mátyás Parlagi. In his opinion, from a legal dogmatics point of view, only two extreme positions are justifiable. He raises the obligation to compensate and identifies adoption as one of the solutions to the damage incurred. His conclusion may be astonishing, but it is possible to glean a solution from it which the author may not have intended.³¹

Compensation is not an option in cases where the health care provider is only responsible for the failure to detect a genetic or other health impairment. Prolonged litigation only serves to deepen the sense of grievance and does not allow for the process of psychological healing to begin. The mother, parents, and family, who are in a difficult situation in other respects, are faced with another overwhelming challenge: the process of enforcing their claim in court. The situation is often not helped by friends, because one of the most common question is: ‘And they didn’t detect it?’ Many people accept the informed risk of carrying a child with a health impairment, while the health care provider, mainly for fear of having

³¹ Curia Uniformity Decision No. 2/2022. JEH (Jpe.III.60.011/2002/15.).

to pay compensation, pushes the mother towards abortion. Some such women give birth to a 'healthy' child and remember the incorrect information about the risk as a cause of foetal distress. There are also many who were ignorant and are now grateful for not having known what lay in store, because living the risk is quite different from imagining it. It is hard and full of struggle, often costly, but also one of life's great gifts.

Attila Döme's line of thinking also points to a serious logical flaw in compensation litigation. He emphasises that judicial practice often hears cases in which parental claims are found to be unfounded, such as in the mild cases of Down syndrome, or where there is 'merely' an absence of a limb, or perhaps only some degree of impairment, which can even be medically corrected to some extent; in other words, cases in which the parents' behaviour and personality make it highly probable that they would not have decided to terminate the pregnancy in the knowledge of this harm but they claim that they would have done so in order to improve their family's financial situation.

It can be seen that, while the violation of the right to self-determination and family planning is cited as the basis for claiming damages, there is a backwards-looking inference.³² The mother is able to exercise her right to self-determination when she is still necessarily lacking information, with the health care provider avoiding the risk. At this stage, it is not possible to foresee the disadvantages and difficulties that will arise later. The mother's right to self-determination is violated at that moment, not when she has already given birth and her child's mild or more serious condition becomes apparent. Her love for the child or the costs incurred are unrelated to the severity of the child's condition. It is the information received during pregnancy that is considered relevant from the perspective of the right to self-determination. Unfortunately, even this approach is one-sided. No data have been collected on how many unborn children could have been found to have neither genetic nor teratological harm.³³ There are certainly many stories where predictions have been proven wrong, and a mother's right to self-determination cannot be evaluated on the basis of how her life circumstances have developed after childbirth. If she loved her unborn child and is happy about its subsequent birth, she is not entitled to compensation, but if she honestly believes that she would have preferred to

³² Navratyil, 2009a, p. 331; Navratyil, 2019, p. 50.

³³ Benke, 2022. p. 12.

abort the child, she is entitled to it.³⁴ What are the social implications of this thinking? What sort of family benefits from the compensation awarded?

The judicial practice ensuing from this legislative environment has also recognised these contradictions, but so far, the Constitutional Court has not taken a position on the issue for formal reasons. A Metropolitan Court judge submitted a petition to the Constitutional Court asking it to declare Article 6(3) of the Act on the Protection of Foetal Life to be unconstitutional and to annul it, as the relevant legislative provision violates Article II and Article 28 of the Fundamental Law.³⁵ The dissenting opinions attached to the order dismissing the petition³⁶ show that the problem has been detected, but relevant responses have not yet been found. For example, Béla Pokol did not support the dismissal because the judicial petition referred to a too-broad formulation of the challenged legal provision, which created the possibility of violating the protection of foetal life. Pokol underlined that this must be opposed by the Constitutional Court in order to protect Article II of the Fundamental Law. He wrote that the basis of the challenged provision, the overly broad possibility to terminate a pregnancy, renders the deprivation of foetal life unconstitutional and that the Constitutional Court may counteract this either by annulling the provision, by declaring a constitutional omission, or by foreseeing a constitutional requirement regarding the binding interpretation of the provision guiding its application, pursuant to Article 46(3) of the Constitution. Given that dozens of foetal lives are lost every year as a result of the overly broad formulation of the provisions on the termination of pregnancy, Pokol is of the view that a decision on the merits would have been justified. Balázs Schanda (joined in his dissenting opinion by Ildikó Hörcher Marosi) pointed out that the damages action has a strong constitutional background: how far does the mother's freedom of choice extend, and what obligations does the legislator have to protect foetal life? In his opinion, the legal background governing the termination of pregnancy, in itself a contradictory assessment of teratological harm, serious disability, and other harm, should have been subject to constitutional review. The enormous progress in medical diagnostics and premature infant care that has taken place over the decades since the adoption of the Act on the Protection of Foetal Life should also have considered. The dissenting opinion of judge Marcel Szabó draws

³⁴ Hensel, 2005, p. 142

³⁵ Metropolitan Court Decision No. 8.P.24.175/2017/82.

³⁶ Constitutional Court Order No. 3112/2021. (IV. 14.) AB.

attention to the fact that currently, in most cases, a child can be viable even at a premature birth following just 24 weeks of gestation. He therefore considered it necessary, in the event of a substantive review, to examine whether a yes-or-no type of diagnostic answer in the case of foetuses that are already viable outside the womb would even be constitutionally acceptable to authorise and conduct a medical intervention to terminate the pregnancy.

8. Summary, solutions

There are several contradictions when it comes to the compensatory approach. Most strikingly, the condition of the child and the costs associated with it fall into the category of prediction. The greater the damage to the child, the more severe his or her condition, the less chance there is for improvement, which may even mean that the costs of raising the child may actually turn out to be lower. Conversely, the costs associated with raising a child with mild Down syndrome (with little information available at the time of screening or genetic testing) can be very high. A lot of money may be spent precisely to enable them to live a full life, to be as self-sufficient as possible, to be a useful member of society. Is it worth it? It is always worth it. But the situation in Hungary is not evolving towards the protection of life.

Torstein distinguishes three methods of dispute resolution: mediation, adjudication and administration. For him, the administrator is concerned with the administration, with state subsidies.³⁷ In this conflict situation, judicial settlement, like mediation, is ineffective. Rather, it is support and assistance that is necessary and appropriate to resolve the situation.³⁸ Compensation would be appropriate at most if there were a separate sanction for failure to provide information. It should be acknowledged that the legal consequences are not visible at the time the obligation to inform arises. The breach could therefore be sanctioned separately. From the point of view of the right to self-determination, whether a person lovingly brings up a child with a different development or puts a child in an intolerable situation by placing them in state care or gives them up for adoption is obviously irrelevant. It would be hard to say which decision is more difficult.

³⁷ Eckhoff, 1979.

³⁸ Navratyil, 2023, pp. 67-68.

It would also help if state allowances would be improved to at least reach the level of support foreseen under the legislation. There should not be a constant struggle to secure the minimum result. The best solution would be to strengthen the role of NGOs dealing with problematic situations. The protection of life could be more effective if mothers who find themselves in difficult situations were not merely confronted with medical aspects but also received information on other solutions. They should be able to gain insight into the lives of people who have learnt to smile in spite of their difficulties. The solution is to give more space and acceptance and to increase support and assistance.

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JUDIT STRÖMPL*

The rights and well-being of children of incarcerated parents in Estonia**

ABSTRACT: This article provides an overview of the situation of children of incarcerated parents (IP) in Estonia compared to the international situation from the perspective of the rights and well-being of the child. Studies published in recent years focus on the negative impact of parental imprisonment on the well-being of their children and on child resilience (i.e. how children cope with this difficult situation). Legal regulation seeks to provide a framework to safeguard the child's well-being considering the child's rights. Drawing on relational-culture theory, this article addresses the issue of parental imprisonment from the perspective of the relationships between the different actors involved – the child, the IP, other carers outside the prison, the community, and society. Legal regulation seeks to standardise these relationships at international and national levels. The international legislation (United Nations Convention on the Rights of the Child, Charter of Fundamental Rights of the European Union, Council of Europe on European Prison Rules) is designed to protect the rights and well-being of the child, and it must be considered in all situations worldwide, including when a parent is serving a prison sentence. The main question of this article is how does Estonian legislation, child protection policy, and practice meet international requirements for children of detained parents? Using a case-study method, the article introduces the current situation in the Estonian prison system in terms of conditions for communication between children with their IPs. The relevant Estonian laws (Constitution of the Estonian Republic, Family Law Act, Child Protection Act, Prison Act, Prison Rules) are analysed in the article in comparison to international legislation and their practical implementation.

KEYWORDS: child's rights; well-being; incarcerated parents; child-parent relations; international and national legislation, Estonia.

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1. Introduction

According to the Global Prison Trends 2023 report, there are 11.5 million people in prison worldwide. Almost 23 million children globally are affected by imprisonment, directly or indirectly. This is 1+ per cent of the world's child population. There are (estimated) 22.5 million children with at least one imprisoned parent and 19,000 children living in prison with their mother.¹ According to the Statista webpage, the leading countries in January 2024 are the US (1,767,000), China (1,690,000) and Brazil (840,000) – all outside Europe. Among European countries on the largest imprisoned populations are the Russian Federation (433,000) and Turkey (341,000).²

Children of incarcerated parents (IP) are spoken of as invisible, voiceless³ and disenfranchised orphans, unable to publicly mourn their missing parent(s).⁴ These children have to suffer not only the loss of a parent serving a prison sentence but also shame, stigma, and exclusion.⁵ They bear the punishment along with their parent, even though they did nothing wrong.⁶ Although it is commonly said that children are not responsible for their parent's actions, the actions of IP also leave a bad mark on their children. This is either in the figurative sense when the child is *de facto* at liberty, or directly when the young child is in prison with their mother.

Studies from all over the world speak of the risks of the negative impact on a child of the imprisonment of one or both of their parents.⁷ In the list of 10 adverse childhood experiences, one concerns the parent's

¹ Global Prison Trends, 2023, [Online]. Available at: <https://www.penalreform.org/global-prison-trends-2023/> (Accessed: 10 January 2024).

² Statista (2024) Countries with the largest number of prisoners as of December 2023, [Online]. Available at: <https://www.statista.com/statistics/262961/countries-with-the-most-prisoners/> (Accessed: 28 February 2024).

³ See, Krysik and Rodriguez, 2022, pp. vii-xi; Leeson and Morgan, 2022; Marshall, 2008; McGinley and Jones, 2018, pp. 342-344; Navrátilová et al., 2024; Žurakovskaja-Aru, 2015.

⁴ Doka, 1989.

⁵ Benninger et al., 2023; Bessemer et al., 2019, pp. 65–81; Hollins and Krupat, 2022.

⁶ The term "courtesy stigma" was developed by Erving Goffman in 1963 to refer to the stigma that is placed on individuals who are not deviant themselves.

⁷ Flaquer, 2014; Jones et al., 2024; Kjellstrand, Reinke and Eddy, 2018; Kerr et al., 2022; Lee et al., 2022; McGinley and Jones, 2018; Song et al., 2018.

imprisonment.⁸ Negative consequences can be connected to separation from the parent in cases where the relations between the child and the parents are good, or the shame and feeling of unjustness associated with the incarceration of a parent when the relations are not good.

Childhood studies around the world focus particularly on the environment in which the child grows up. This environment refers to relationships with parents and immediate carers. The importance of attachment relationships for the healthy development of the child is now proven.⁹ In this context, any breakdown between parents and caregivers has a negative impact on the child's well-being.¹⁰ At the same time, the child's connection to the wider social environment is also important and is linked to the family's status in the community and society.

Children's sense of belonging and identity is shaped by the relationship of their family of origin with the wider social environment.¹¹ Parental incarceration is a complex phenomenon that touches on a wide range of relations between the child and their family, the child and the wider environment, and the status of the family in the community. All these relationships have direct effects on the child's well-being.¹²

The legal basis for child well-being is set out in the UN Convention on the Rights of the Child (UNCRC). Accordingly, the assessment of the well-being of the children of IP must be guided by the rights of the child as formulated in the UNCRC articles. The concept of the best interests of the child is at the heart of the UNCRC and expresses its child-centred nature. Countries that joined the Convention on the Rights of the Child (CRC) are obliged to follow its ideas and requirements.

This article includes three sections. The first section provides an overview of international studies of the impact of parental imprisonment on children, while also highlighting different coping strategies among children. The second part of the article analyses the international legal regulation of the rights of children with IP and compares this with the relevant Estonian legal regulation. The third part describes the state of the Estonian prison system regarding communication between prisoners and their children. The

⁸ ACEs Aware, 2024, [Online]. Available at: <https://www.acesaware.org/learn-about-screening/screening-tools/> (Accessed: 22 February 2024).

⁹ Bowlby, 1953, 1988; Perry, 2009; Siegel, 2012; van der Kolk, 2015.

¹⁰ Ben-Arieh et al., 2014; Kerr et al., 2022; Turney and Haskins, 2019.

¹¹ Bourgeois et al., 2022.

¹² Goleman, 2006; Jordan, 2024.

article ends with a reflexive conclusion and some recommendations for improvements.

2. Children of IP

There is a large body of research worldwide that examines the impact of parental imprisonment on child well-being. Children of IP face shame, stigma, and exclusion. Studies have shown that children with IP are at risk of a range of negative outcomes in comparison to their peers.¹³ The next section takes a closer look at the risks identified by the research.

2.1. The negative consequences of the imprisonment of parent(s) on their children

It has been reported that children of IP have a double risk of developing various diseases such as asthma and other respiratory diseases in childhood, heart disease, high cholesterol, and diabetes in future life.¹⁴ There is also a risk of developing various mental health problems such as distress, anxiety and depression, learning disabilities, attention deficit hyperactivity disorder, etc.¹⁵ IP children are at higher risk of poverty, of living in a deprived area, of becoming victims of crime, and of externalising delinquent behaviour. These children suffer from adverse developmental outcomes, low school performance, becoming school dropouts, etc. All these characteristics place IP children at high risk of marginalisation, law-breaking, and antisocial behaviour.¹⁶

Jones et al.¹⁷ surveyed US families' perceptions of the support provided to families, particularly the children of prisoners, while the parent(s) are in prison. The study was based on interviews, and the results show that the imprisonment of parents imposes both financial and emotional burdens on the family that are not anticipated by the system. There is no compensation for the money spent on visits and keeping in touch, or for the emotional burden that the child and caregiver must experience in keeping in touch with the incarcerated parent. However, studies show that keeping in

¹³ Eddy and Poehlmann-Tynan, 2019, p. 3; Krysik and Rodriguez, 2022.

¹⁴ Shlafer, Davis and Dallaire, 2019, p. 103.

¹⁵ See, Benninger et al., 2023; Besemer et al., 2019; Eddy and Poehlmann-Tynan, 2019; Jones et al., 2024; Turney, 2018.

¹⁶ Kjellstrand et al., 2018; Luther, 2016; Nicols, Loper and Meyer, 2016.

¹⁷ Jones et al, 2024.

touch has a positive impact on both the child's development and, in particular, the parent's ability to avoid reoffending.¹⁸ What children expect most of all is to be treated humanely; for example, in terms of how they are searched during a prison visit, the language used to give instructions, and interactions through the glass window. There is a tendency to talk to children as if *they* are guilty of something. Children also expect a child-friendly explanation of parental detention. Another big issue is the shame and stigma children must bear because of their parents. The carers felt that children are not to blame for their parents' actions. Children talked about the burden that comes with either having to lie and hide the fact that their parent is in prison or suffer from stigma.¹⁹

Several studies have focused on how children cope with parental imprisonment as a traumatic event.²⁰ These studies use participatory methods with young people to investigate the impact of parental incarceration on children, how it harms their health and social well-being in the present, and the impact on their prospects. They were based on an analysis of young people's experiences and looked at services that work well and could improve the situation of IP children. As detention is a stressful event that has a traumatic effect and could be the social determinant of health in the present and in the future, it needs special attention by policymakers and practitioners in child welfare.²¹

2.2 Coping strategies and resilience among children

Leeson and Morgan²² examined a situation where children have taken on a caring role in relation to the imprisonment of their parent(s). This situation leads to age-inappropriate responsibilities for children and excessive emotional stress, which in turn can lead to mental health problems, educational deficits, etc.

At the same time, research also shows a high level of resilience among IP children.²³ Luther²⁴ for example, studied stigma management in college

¹⁸ Johnson and Arditti, 2022.

¹⁹ Several studies in other countries, including Estonia, report similar results (Aaslaid, 2022; Besemer et al., 2019; Kikerpill, 2021; Krysik and Rodriguez, 2022; Marshall, 2008; Navrátilová et al., 2024; Nicols, Loper and Meyer, 2016; Olesk, 2010; Song et al., 2018; Turney, 2018).

²⁰ Benninger et al., 2023; Berkel et al., 2023.

²¹ Coronado, 2022.

²² Leeson and Morgan, 2022, pp.198-199.

²³ Copp, et al., 2022; Luther, 2016.

students whose parent(s) were incarcerated during their childhood. The results show that these young people adopted a strategy of keeping a distance from their IP. They did not share information about the parent's incarceration with friends, schoolmates, or other close relationships. Separating from the IP and from the parent's criminal behaviour was a suitable way of coping for the young people who participated in the research. At the same time, hiding the truth from friends and peers causes enough stress to be difficult to bear. The research participants told stories about the sadness and regret they felt, for example, that their imprisoned fathers never fit the definition of a father. They could not call their fathers "dad" because they were never real fathers. Some held on to the insults longer, but did not let them go, while others did. They abandoned their parents. For example, they took their stepfather's surname. The parents of these young people were mostly drug offenders, which means that contact with the parent may have been interrupted earlier or may not have taken place at all due to the parent's continued use of drugs. Many of the participants valued their parents' behaviour as a role model against which they could compare their own behaviour and develop a pro-social role model for themselves. Therefore, the young participants in the study felt that their parents' criminal behaviour was beneficial in the sense that they did not want to be like their parents and that belief supported their pro-social behaviour and role model.²⁵

Similar research has been carried out in Scotland²⁶ with a focus on stigma management for adolescents and young adults with IPs. The authors found that a child with an IP can contrast themselves with a parent's imprisonment and find the motivation to develop pro-social behaviour. This research shows that children can cope and manage the challenges of stigma and shame, but the public needs more education on this issue and more services and support for children are needed.²⁷

The studies could be grouped thematically. Some focus on the difficult situation for children in relation to parental imprisonment. Others are interested in how children and families cope and how the well-being of the children can be supported, which is clearly based on putting the best

²⁴ Luther, 2016.

²⁵ See also, Thulstrup and Karlsson, 2017.

²⁶ McGinley and Jones, 2018.

²⁷ Axelson et al., 2020, pp. 1-10; Berkel et al., 2023; McLeod et al., 2021; Navrátilová et al., 2024.

interests of the child first. Others focus on the well-being of prisoners through their relationships with their children and pay little attention to the impact on the children of maintaining the relationships. There is no doubt that children can help their parents break away from a criminal lifestyle and become law-abiding citizens if the parents care for their children. Unfortunately, this is not always the case. Some parents do not care about their children whether they are free or in prison. There are parents who abuse their children and when they are in prison their attitude does not change. Therefore, in some cases, meetings between a child and his or her IP need to be carefully prepared by both the prison and the child's guardians.

One more study²⁸ needs to be mentioned, which looked at children's needs and the opportunities for meeting those needs. The children in this study talked about their needs: first, the need for love and care, without which the child could harm themselves. Second, to have enough information²⁹ about how the parent is doing in prison. This highlights the importance of contact with parents, so that "I can see how he looks." This could include personal meetings, listening to his voice, telephone and video conversations to know that he is alive. They also need attention from their parent, for example, in the form of birthday cards or Christmas cards sent by the parent from prison. Several examples of good practice and policy helping children of IPs implemented in the US are provided in the book edited by Krysik and Rodrigues.³⁰

3. National and international legislation³¹

Article 3(1) of the UNCRC reads: 'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.' The best interests of the child must guide every decision affecting the life of the child. For every child, the best environment to grow up in is a loving and caring family. The protection of the family is also supported by the CRC Preamble, CRC

²⁸ Navrátilová et al., 2024.

²⁹ Appropriate information for children is also highlighted by other authors, see for instance, Muentner and Eddy (2023), who point out that hiding the imprisonment of a parent from children also violates children's rights.

³⁰ Krysik and Rodrigues, 2022.

³¹ The analysis of the laws in this subchapter is partly based on an Estonian article by Žurakovskaja-Aru, 2015, pp. 407-409.

Article 8(1), Article 10 (1), and in national legislation. In the case of Estonia, these are the Constitution of the Republic of Estonia, the Family Law Act (FLA), and the Child Protection Act (CPA). On this basis, any decision that results in the separation of a child from their parent(s) may be detrimental to the child's well-being and best interests. A number of studies show the negative effects of separating a child from its parent(s), that are detrimental to the best interests of the child: for instance, neglect, sexual abuse, and other forms of maltreatment, including physical punishment and witnessing violence between parents.

In certain situations, it is in a child's best interests to be separated from their abusive birth family. Article 2(3) of the UNCRC describes the child's right to protection against all forms of discrimination and punishment, including an account of the status and activities of the parent, and art. 20 provides for special protection and assistance by the state in situations where the child cannot live with his or her parents. Article 20 of the UNCRC states: 'A child temporarily or permanently deprived of his or her family environment, or in whose own best interest cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.'

3.1. The legal basis of communication between children and their IP

If a parent commits a serious crime that requires a prison sentence, the best interests of the child to live with their criminal parent will not outweigh the best interests of the public, even if the relationship between parent and child is very good. Even then, the law prescribes establishing conditions to maintain the relationship between the child and the parent. In the case of an IP, one of the central issues is the right of the child to communicate with their parent in detention and vice versa, the right of the parent to communicate with their children. These are not just passive obligations, but a requirement for proactive action. In this context, the state must put in place services to support the protection of children from discrimination and to support their well-being while the parent is in prison. However, there are currently no statistics on the number of children in need of such services.³² There is also a lack of real knowledge about what specifically these children need. Among the needs and rights of the child are the right to maintain a

³² Chancellor of Justice, 2023, p.18.

relationship with the parent while the parent is in prison.³³ The UNCRC also prescribes the dignity of the visitor during prison visits, for example, the prohibition of search and seizure procedures.

Article 26 of the Bangkok Rules stipulates that contacts with the family and children of female prisoners must be encouraged. Article 28 of the Rules states that contacts with children must take place in an environment conducive to a positive experience of the visit. European Human Rights and Fundamental Freedoms, Article 8 provides for the right of everyone to respect for his or her private and family life. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) standards, Part II, point 51 states, *inter alia*, that it is essential for detainees to maintain contact with the outside world.

Article 24(4) of Recommendation (2006)2 of the Committee of Ministers of the Council of Europe on the European Prison Rules states that meetings with prisoners should be organised in such a way that they enable family relationships to be maintained and established as naturally as possible.

According to Article 24(3) of the Charter of Fundamental Rights of the European Union, every child has the right to maintain regular personal relations and direct contact with both their parents, unless this is contrary to the best interests of the child. This in turn is supported by Article 7 of the Charter, which reflects Article 8 of the European Convention on Human Rights.

Internally, the rights of the child (including the rights of a child with a parent in prison) are protected by para. 26 of the Constitution of the Republic of Estonia, the first sentence of which states that everyone has the right to the inviolability of family and private life. Para. 27(1) of the Constitution states that the family, as the basis of the survival and growth of the nation and of society, is under the protection of the state. While para. 26 of the Constitution obliges the state not to interfere in the life of the family, para. 27(1) concerns the external protection of family life and entitles a person to positive action by the state to help them to live a full family life.

According to para. 116(1) of the Estonian FLA, a child has the right to be with their parents in the family and the parent has the right and the duty to bring up and care for the child. FLA para. 143 (1) provides that a child

³³ UNCRC, Art. 9(3) reads: 'States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.'

has the right to communicate personally with both parents. According to FLA para 143(2), a parent must refrain from any action that is harmful to the child's relationship with the other parent or to make it more difficult for the parent to bring up the child.

Under section 143(3) of the FLA, the court (and not the prison, the other parent or the adult caring for the child) may restrict or terminate the right of contact. Therefore, in a situation where it is not in the best interests of the child for the parent to remain in custody, the child's right may override the parent's right to communicate with the child. Likewise, in a situation where communication with the IP is in the best interests of the child, the rights of the child may outweigh the interest of the other parent who objects to contact with the incarcerated parent.

The Prison Act (PA) of the Republic of Estonia allows prisoners to communicate with their family members, including children. PA para. 32 allows for correspondence and telephone calls, PA paras. 24 and 25 allows for short and long meetings, para. 54 allows a child up to the age of four to stay with the imprisoned mother if the mother applies for the child to stay with her in prison and the local authority agrees. Prisoners in open prisons can make short-term home visits or visit their children in a substitute home before their release.

Overall, it can be said that Estonian laws are in line with international regulations, so that the level of legislation is more or less in order. How the law is implemented in practice is the subject of the next chapter.

4. The case of Estonia

4.1. Methods of data collection for the case study

The following case study is based on a review of relevant Estonian publications, statistical data and publicly available policy documents, including prison regulations, reports, etc. In addition, I visited one of the three Estonian prisons, where I had the opportunity to conduct a brief observation and interview the prison staff concerned. After the interview, I asked some follow-up questions to which the prison officials kindly replied in writing.

I have not been able to meet a child with IP, but as I have been working for many years on the issue of childhood vulnerability (i.e. juvenile justice and substitute care), I have accumulated considerable material over these years, which I can now use.

4.2. Background information

In Estonia, the situation for incarcerated people is improving thanks to the reform of the prison system in recent years. The number of prisoners is decreasing every year. In January 2021, there were 2,341 prisoners in Estonia, or 176 people per 100,000 inhabitants.³⁴ In January 2023, there were 2,065 prisoners in Estonia, of whom 1,878 were serving their sentences in closed and 187 in open prisons.³⁵ This is 156 prisoners per 100,000 inhabitants or 0.15% of the Estonian population. In January 2024, this number was 151 per 100,000 of population. Thanks to the juvenile justice system reforms that started in January 2018, today, we have reached the point where there are no minors in Estonian prisons and the number of young adult prisoners (18+) is also decreasing.³⁶ Implementing alternative sanctions such as suspended sentences and electronic bracelets, among others also contributes to reducing the imprisonment of adult offenders.

While the overall direction of the prison system reforms is satisfactory, there is still much to be done. There is still considerable work to be done on the border between the criminal justice system and the social system. One area that needs urgent attention is the children of prisoners, identifying their needs and developing services for them. The work published so far in Estonia primarily focuses on managing the relationship between children and their IP. The Estonian state does not collect statistics on the children of parents serving prison sentences. Based on the Chancellor of Justice's calculations, this number could be around 3,000 children, but this is just an approximate calculation.³⁷

Very little research has been done on the well-being of IP children and their rights in Estonia. There are only a few student theses³⁸ and some review articles by employees of the Office of the Chancellor of Justice.³⁹ Existing studies also do not directly address the situation of the children of detained parents based on the children's own experiences, but either through

³⁴ Kuritegevus Eestis Vangistus – Kuritegevus, 2022, [Online]. Available at: kriminaalpoliitika.ee (Accessed: 12 December 2023).

³⁵ National Audit Office, 2023, p. 4.

³⁶ Ministry of Justice; Prison Service website, *Avaleht | Vanglad*, [Online]. Available at: vanglateenistus.ee (Accessed: 8 January 2024).

³⁷ Chancellor of Justice of Estonian Republic, 2023, p. 18.

³⁸ Aas, 2018; Aaslaid, 2022; Kikerpill, 2021; Olesk, 2010.

³⁹ Aru, 2016; Žurakovskaja-Aru, 2015.

child protection workers or other professionals,⁴⁰ or through a family member, such as a partner, spouse or adult sister or brother.⁴¹ Kikerpill⁴² examined the relationship between the incarcerated person and the child from the IP's perspective, a topic first studied 12 years earlier in a single master's thesis.⁴³

4.3. Communication rules between children and IP

As mentioned above, the few studies and analyses that have been carried out focus mainly on keeping prisoners in contact with the outside world, particularly with their families and children. However, relationships with children are the least researched. The issue of children in the prison system only arises when the mother of a young child, up to four-years old, is imprisoned.

Communication opportunities with the outside world in Estonian prisons include correspondence and phone calls (mobile phones are not allowed in prisons). Prisoners can also be visited by their relatives and friends, either for a short visit or for a longer stay with family members. All these forms of communication incur a financial cost. Sending letters requires the purchase of envelopes and stamps on both sides, and correspondence is relatively slow. If the child is not yet able to read and write well, written communication requires additional help, which already represents an indirect relationship between the child and parent. Letters are not read by the prison authorities, but they are tested using ultraviolet lamps and drug-sniffing dogs.

Telephone calls are also charged: each prisoner has their own phone card; if they have money on their card to make a call, they can communicate. Phone calls are allowed once a week in Estonia via a telephone in the hallway, with a 10-minute time limit. Newer forms of communication (e.g. video calls with a child) have been under discussion for years but are still not in use. There are computers in prisons, which could facilitate video calls with a child, however this is still at the planning stage. This, however, would solve several problems: video calls are free, and the child and parent can both hear and also see each other thereby reducing the need for short meetings, which are more costly and time-

⁴⁰ Aas, 2018.

⁴¹ Aaslaid, 2022.

⁴² Kikerpill, 2021.

⁴³ Olesk, 2010.

consuming, especially if the child lives far from the prison. When interviewed, the prison officials were rather enthusiastic about the implementation of video calls and could not explain the delay in their implementation.

At present, short and long meetings are the most common forms of communication between child and IP.⁴⁴

Short visits can last up to two hours. Family members of the detainee (spouse, father, mother, grandfather, grandmother, child, grandchild, adopted child, step or foster parent, step or foster grandchild, brother or sister) are allowed to come to a meeting that is divided by a glass window. Only family members of the detainee are allowed to attend the meeting without glass, and meetings are allowed once a month per detainee. Only family members of the prisoner are allowed to have a long meeting in a closed prison. The duration of a long meeting is one day, and the law requires the prison to provide a long meeting for a prisoner once every six months. People coming from abroad for a long meeting are allowed three days.

In an open prison, a short meeting without a glass barrier is held for up to three hours, and the family members of the prisoner and others whose reputation is not in doubt are allowed to attend. In open prisons, prisoners can go on short trips lasting one or two days. There is no support to prepare a child to meet an IP in prison; the parent at home must prepare the child and do the groundwork. The waiting rooms are made as child friendly as possible so that the children have something to do while waiting for the meeting to start. Short encounters, with or without a glass barrier, take place under a CCTV camera. Long appointments take place in designated rooms without constant supervision, with no CCTV cameras in the rooms and no one permanently on site. A supervisor checks from time to time that the meeting is going smoothly, and there is an alarm button in the room and a security phone to call the main guard if needed.

All the expenses involved in short and long meetings, including hygiene products and food, must be purchased from the prison shop, where prices are higher than in the normal shops outside the prison.

Short visits shall not be granted to a prisoner held in disciplinary detention. Long visits are not allowed for a prisoner in the reception section of the prison, a prisoner in an open prison, or a prisoner held in a cell for

⁴⁴ PA para. 24 and 25.

disciplinary purposes. Disciplinary sanctions can include a ban on meetings, but this is very rarely used and is not a common method of punishment.

According to the prison staff, meeting the child has a positive effect on the prisoner and they look forward to the meeting. In addition to short and long meetings, the units also organise family days, where prisoners can meet their relatives in a more relaxed atmosphere, outdoors in summer when the weather is fine and in the sports hall in winter. The frequency of family days per year depends on the unit – either once every six months or once every quarter.

According to the prison staff in the prison I visited, children are not strip searched any more; however, until recently, some prisons have been violating the ban on child strip searching, as the Chancellor of Justice of the Republic writes in her report.⁴⁵

The biggest problem is the smuggling of drugs into the prison, which is what officials fear the most. This was the reason for the implementation of strip searches of children. Now, however, modern measures are in place and being used in prisons. I also had to meet the drug-sniffing dogs when I entered the prison. The strict prison environment and the clothes worn by prison staff can also be stressful for children. In Estonian prisons, social workers and other non-regime staff wear civilian clothes. Only the guards wear uniforms.

Subsection 24(1) of the PA provides the possibility for a detainee to meet under supervision at least once a month with members of his family and other persons whose reputation is not in reasonable doubt by the prison service.⁴⁶

4.4. Children living with their mother in prison

According to the second sentence of subsection 54 (1) of the PA, a mother and a child up to and including the age of three years shall be allowed to live together at the request of the mother and with the consent of the guardianship authority.⁴⁷ According to subsection (2) of the same provision, the prison service shall ensure that the mother maintains contact with a child over three years of age, provided that this does not interfere with the normal upbringing of the child or have a harmful effect on the child.

⁴⁵ Chancellor of Justice, 2023, pp. 18-19.

⁴⁶ Art. 25(1) of the Prisons Act in conjunction with para 45 of the Prison Rules shall allow a prisoner at least one long visit within six months.

⁴⁷ Aru, 2016, p. 39.

There can be different situations. One situation is when the mother already has a child under four or several small children, another is when the child is born in prison. A third situation is when the child's other parent cannot care for the child for whatever reason. In each case, the decision should be based on the best interests of the child. The UNCRC and the Estonian CPA place the best interests of the child at the centre of decision-making, but there is no specific definition of what this means or guidance on how to identify them. The best interest of the child is the child's best possible solution that considers all the rights of the child as set out in the UNCRC to the fullest extent possible. The decision must be based on an assessment of the child's rights and needs, and the mother's ability to meet those needs in prison. It would be possible to increase the mother's capacity within the prison environment, but this would require the recruitment of professional staff. Now we can only say that prison provides a relatively good material base for a prisoner with a child, but there is no data on whether and how the mother's parenting skills are supported.⁴⁸

5. Reflexive conclusion and recommendations

We started with the importance of relationships in a person's life, and to summarise the content of this study, we need to return to relationships. The well-being of any child depends on their relationships in their social environment. This is no different for children with an IP. The relationships between children and their parents can vary greatly, and it is no different for children of parents in prison. Despite having committed offences, a parent may be a good and caring parent. Or he or she may be a non-caring parent who is important and loved by the child. He or she may also be abusive, harmful, exploitative and toxic, and perhaps the child no longer wants to communicate with them. How the relationship between a child and his or her parent serving a prison sentence is to be organised must first be determined by ascertaining the views and wishes of the child. The child's right to communicate with both parents must also be critically examined, bearing in mind that a right is not an obligation. No one should force a child to communicate with a toxic parent simply because it is the child's right and may help the parent to be rehabilitated from criminal behaviour.

If the relationship between the child and his or her parent was not a good one but, on the contrary, was damaging to the child, for example,

⁴⁸ Aas, 2018.

because he or she had to experience parental abuse or had to witness parental violence, then one should be very careful about imposing the relationship on the parent during imprisonment. It is not in the best interests of a child to associate with a parent he or she fears. Such parents would have to go through a serious change before the child would be willing to interact with them. Even if a parent's rehabilitation depends on his or her contact with the child, this should not be allowed because it would be against the child's best interests.

Hence, the first requirement is as follows: children must be able to exercise their own free will in independently deciding whether to continue their relationship with their IP. The child must be free to decide for him or herself. The child does not have to be the *saviour* of the parent.

Obviously, mistakes can always be corrected. Restorative justice provides this quite successfully. It is also certainly helpful for a child to make peace with an abusive parent, although not to go on living as if nothing had happened, but so that the child can get on with their life. Restorative conflict resolution is already being used in Estonia and prisons are planning to introduce it. It would also be very useful to use this skill to improve the relationship between children and their IPs.

If the child has a good relationship with the parent serving a prison sentence, the child should be supported in every way possible to maintain this relationship and accompanying and low-cost measures should be introduced (e.g. online meetings, which could be more frequent than once a week).

Concerning the stigmatisation and exclusion of children with IP, it is first necessary to raise awareness among professionals working with children (teachers, nurses, child protection professionals, youth workers, trainers) of the negative consequences of stigma and exclusion. The public must also be educated that the wrongful acts of a parent are the responsibility of the wrongdoer and that it is not acceptable to any extent to pass the blame on to their children.

Special services need to be developed to help children recover from adverse childhood experiences. Here too, trauma awareness among professionals working with children needs to be emphasised and included in the professional training of prison staff. In Estonia, the issue of services for children with IP is virtually ignored. Children with IP have access to services when they must be placed in substitute care due to their parent's imprisonment. If custody with the other parent is maintained, the child does

not receive any services. There are also no specific support services for IP children in substitute care. Recent studies show that this group of children is completely invisible and voiceless. As the Chancellor of Justice has pointed out in her recent report, we cannot help these children if we know nothing about their needs. Thus, this is an issue that is waiting to be explored in Estonia.

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Challenges of bilingual students from Polish diaspora schools – a therapeutic perspective***

ABSTRACT: This text presents the challenges faced by children from Polish-speaking families living abroad. The first part of the article describes the specificity of bilingualism along with a division and discussion of its various types. Next, it discusses the topics related to the Polish diaspora and the schools attended by children of Polish nationality. Subsequently, the difficulties of bilingual children for whom the language of the host country is the second language are discussed. Problems are mainly considered from the perspective of speech therapy and psychology. Then, the challenges that Polish diaspora schools are trying to meet are described. The text is supported by the authors' many years of experience in working with bilingual students and cooperation with teachers from Polish diaspora schools. The conclusions formulated in the text are based on the experience of the "Flying Clinic" project, which was implemented by the Centre for the Development of Polish Education Abroad (ORPEG)¹.

KEYWORDS: bilingualism, Polish diaspora schools, Polonia, students' difficulties, speech therapy, psychology, emigration.

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¹ The "Flying Clinic" is an initiative aimed at enabling access to psychological therapy, speech therapy, physiotherapy, and sensory integration therapy consultations for Polish children living outside the country's borders, who, for various reasons, are encountering difficulties in obtaining such support in their place of residence. This project was implemented both in stationary form (2017, 2018) and online (2020–2023), utilising Internet communication tools, which allowed participants to overcome geographical barriers, and providing support from Polish specialists to families and children located in even the most remote corners of the world.

1. Introduction

Various types of bilingualism have been studied, and it is important to determine whether delineating a boundary between the point where monolingualism ends and bilingualism begins is possible. Is this moment measurable? Linguistic, psychological, and even sociological research lacks a consistent definition regarding bilingualism. Therefore, precisely defining this phenomenon is not simple. Perhaps because bilingualism is always related to a specific person who is operating within a family system, each case is unique and exceptional. Additionally, the paths leading to bilingualism differ, creating one-of-a-kind compositions of languages with representations located in each individual's mind. Therefore, in trying to define bilingualism, it is important to remember that at the beginning of each of these paths stands a person pursuing their own intentions and communicative goals. This process is based on the nature of the individuals involved, including their cognitive abilities, the specifics of their needs and goals, the type of relationships, and the cultural context². The typology of bilingualism presented below is thus simplified and aims to approximate the contemporary trends found in the literature on the subject.

2. The phenomenon of bilingualism - basic terms and classifications

Bilingualism assumes the existence of two linguistic systems in a person's mind. Terms found in the literature such as L1 (from the word 'language') for the first acquired language, then L2, L3, and so on for each subsequent language according to the chronology of language acquisition, do not express the level of linguistic competencies. Other important determinations in the discourse on bilingualism are concepts related to the status of the language such as 'majority language' and 'minority language'. In the context of bilingualism, the minority language is the language used by a minority in a given community. The majority language often refers to the official language of the country, although it can also be the language spoken by a larger part of a community. In the case of the group discussed in this article, children from Polish-speaking families living abroad, the majority language is typically the L2. However, due to exposure and the language of the school system, it becomes the dominant language, often prevailing over Polish.

² Adamska, 2018, p. 45.

The most common classification of bilingualism in literature is related to the time of acquisition of two linguistic systems and the degree of proficiency in the languages. When discussing bilingualism related to time, we can distinguish types: simultaneous (also known as concurrent) and successive (also known as sequential). Simultaneous bilingualism occurs when a child learns two languages in the same way as learning one language. In an ideal situation, constant and symmetrical exposure to two languages takes place at home, usually from parents or caregivers speaking two languages. This is in contrast to successive bilingualism, when a person begins to learn a second language at any age, most often during school or in adulthood. Exposure to the second language occurs in various contexts, such as school, language courses, or interactions with other users who use the individual's L2 as their L1. Thus, successive bilingualism can describe a situation in which a person begins learning a new language as an adult or as a child who begins to have contact with the second language after mastering basic competencies in the first language³.

Another important classification to consider regarding bilingualism is the degree of language mastery. In the literature, we see a division between balanced bilingualism and differentiated bilingualism. In balanced bilingualism, the level of mastery of both languages is the same, whereas differentiated bilingualism is described when one language is mastered at a higher proficiency level⁴. It is worth mentioning that balanced bilingualism is a common theoretical and a kind of ideal towards which one should strive. However, each language serves different functions and is used to achieve different communicative goals. Often, in immigrant families in which a child first masters the minority language (used at home in communication with parents) and then the majority L2 (the environmental language) begins to dominate (usually after starting compulsory education in the majority language), we find unbalanced bilingualism. In such situations, the L2 may even displace the L1⁵. This process is clearly visible in students from Polish-speaking families attending Polish diaspora schools. When considering this group of students, another division arises between 'enriching bilingualism' and 'impoverishing bilingualism'.

Enriching bilingualism is found when there is a strong exposure to the L2 after the L1 is already mastered and both languages develop without any

³ Wodniecka, 2018, p. 69.

⁴ Kurcz, 2005, p. 196.

⁵ Peđrak, 2018, p. 58.

quantitative and qualitative loss⁶. Speech development in each language proceeds according to linguistic norms, meaning the subsequent stages of this development are achieved at the same time as those of their monolingual peers. Impoverishing bilingualism occurs when linguistic competencies in one language give way to those from another language.

To fully approach the phenomenon of bilingualism, it is essential to mention another division distinguishing strategies for childhood acquisition of languages. Researcher Ida Kurcz, who specialises in the psychology of language, divides the strategies into person, place, and time. The person strategy (abbreviated OPOL – one person one language) is when one person speaks to the child only in one language, and another speaks only in the second language. This strategy is usually associated with simultaneous bilingualism. In the place strategy (abbreviated mL@h – minority language at home), the L1 is consistently used at home, and the L2 is spoken in the school environment or amongst peers. Another strategy proposed by the researcher is the time strategy (abbreviated TandP – Time and place). This strategy involves using different languages at certain times or in specific places. At certain times or on certain days, the communication in the child's environment is in L1; at other times, communication is in L2. Given all of the types of bilingualism and strategies involved, the complexity of issues related to multilingualism is clear, and students of Polish diaspora schools abroad face challenges daily.

3. Polish diaspora schools – specifics

3.1. Polonia - a historical overview

Understanding Polish diaspora schools requires a deeper insight into the history of Polonia. According to the Polish Language Dictionary, the term Polonia refers to all Poles who have emigrated abroad or were born abroad but maintain Polish traditions, are interested in Polish culture, and show an understanding of Polish matters. These individuals left Poland at different historical periods, most often for political, educational, or economic reasons. The website of the Polish Community Association⁷ mentions that the first

⁶ By quantitative and qualitative losses, the authors of the text refer to the impoverishment of vocabulary and articulatory deficits.

⁷ The Polish Community is a non-governmental organisation that supports Poles living outside Poland's borders. It was established in 1990 on the initiative of the Marshal of the Senate of the Republic of Poland of the first term, Prof. Andrzej Stelmachowski.

fully documented centres of Polish activity outside the country's borders could be found in Hungary. In the second decade of the 18th century, a group of highlanders settled in the village of Derenk. The period when Poland was under partitions⁸ is referred to by historians as the Great Emigration. During that time, Poles were deprived of their political and economic rights. There were numerous repressions by Russia, leading many Poles to emigrate. Most emigrants from that period settled in France, but they also landed in Great Britain, Switzerland, or Belgium. Amongst the Poles forced to emigrate were supporters of national uprisings, the November and January uprisings, and the May 3rd Constitution⁹. Historians agree that the emigration movements during the partitions were significant for the survival of Polishness. Within a country that has lost its independence, it is impossible to conduct political life; hence, political factions were formed outside Poland's borders, where ideas related to Poland's independence were born.

Apart from political centres, cultural centres also played an invaluable role in Polish history. Poets emigrating to France, such as Adam Mickiewicz and Juliusz Słowacki, created works that are still amongst the most important elements of Polish national culture today. These poems touch on themes of freedom, independence, and patriotism, uplifting the spirits of Poles and giving them strength and faith in regaining independence. When considering the work of Poles in emigration, Fryderyk Chopin, who created his most famous pieces while in emigration, is also worth mentioning.

The next wave of emigration is related to the industrial revolution. While industries and cities were developing in other parts of the world, the situation of peasants in Poland, who had lost their lands, was very difficult. Their main destination for emigration was the United States. The main population who emigrated comprised the poor rural residents of the Russian partition and Galicia¹⁰. Initially, their emigration was supposed to have a seasonal character; the emigrants wanted to earn money to buy land in their

⁸ The partitions of Poland refer to three historical events, as a result of which in the years 1772, 1793, and 1795, the Polish-Lithuanian Commonwealth was divided among three neighboring states: Russia, Prussia, and Austria.

⁹ The May 3rd Constitution, officially the Government Act of May 3, 1791, is a law that was enacted on May 3, 1791, regulating the legal system of the hereditary monarchy of the Polish-Lithuanian Commonwealth. It is commonly accepted that the May 3rd Constitution was the first in Europe and the second written constitution in the world.

¹⁰ Galicia – the colloquial name for the lands of the former Polish-Lithuanian Commonwealth under Austrian partition from 1772 to 1918.

homeland, thus improving their social status. However, after settling in the United States, most of them acclimatised, stayed permanently, and brought their families and friends to their new country.

It is difficult to talk about economic emigration during the time of World War II. People's movements beyond the borders were related to war or political actions. There were numerous displacements, deportations, political emigrations, and reemigrations. The period after World War II, when Poland became a country under the influence of the USSR, is when the communist authorities repressed Poles who were opposed to their rule. As a result of these repressions, many Poles decided to leave the country. Emigration was the only option for them to avoid repression and maintain freedom. In 1989, when systemic changes occurred in Poland, many Poles decided to leave the country in search of better living conditions, work, and development opportunities. However, the largest wave of emigration is considered to be in 2004, when Poland joined the European Union. Thus, the history of Polonia is closely related to the turbulent fate of Poland. Undoubtedly, it is a highly diverse community, coming from various environments and possessing diverse experiences and motives related to their decision to leave the country. It is also important to remember this context when considering Polish diaspora schools. Differences in values and priorities are significant in the context of each school's approach to education.

3.2. Polish schools abroad - characteristics

The broader concept of Polish diaspora schools introduced for the purposes of this text requires clarification. In the literature and Polish legislation, there is a distinction between three types of schools: Polish schools, Polish diaspora schools, and Polish sections in European schools, which were established based on an international treaty signed by the member states of the European Union and the European Atomic Energy Community (Euratom). The main purpose of these schools is to provide education for the children of employees of European institutions. The first treaty establishing the European Schools was signed on 12 April 1957, in Luxembourg, creating the legal foundation for the creation of additional schools of this type. An updated version of the treaty, known as the Convention Defining the Statute of the European Schools, was signed on 21 June 1994 and came into force on 1 October 1 2002. This convention

regulates the structure, organisation, and operational principles of the European Schools.¹¹

Throughout this text, when referring to Polish diaspora schools, we are referring to the broad concept that includes all three types mentioned above. Polish schools are operated by Polish diplomatic missions. They belong to the structure of the Centre for the Development of Polish Education Abroad (ORPEG). Polish schools implement a supplementary programme in which students learn the Polish language and acquire general knowledge about the world. According to information available on the ORPEG website¹², in the 2023/2023 school year, 74 such schools were functioning on four continents (Europe, Africa, North America, and Asia), where 16,000 students had begun their education. Currently, 600 teachers are employed in Polish schools. Polish diaspora schools, unlike Polish schools, are run by social organisations, parishes, and other educational institutions conducting Polish language teaching abroad. Their main goal is to improve students' language skills and familiarise them with the Polish culture. The Polish language is also taught in European schools, which are official institutions controlled by the governments of the member states of the European Union. These schools are intended for children whose parents are employed in the institutions and agencies of the European Union. According to ORPEG data, in the 2023/2024 school year, over 800 Polish students were taught in European schools, and 47 teachers were sent to Europe from Poland to work.

To better understand what a Polish diaspora school is in its broader sense, it seems reasonable to make another distinction between a language school and a Polish diaspora school. Both cases manage acquiring the Polish language in a mixed/sequential manner. A Polish diaspora school is a Polish school abroad attended by children and youth of Polish origin. In addition to developing language skills, they also acquire knowledge in the fields of history and knowledge about Poland. The goal of such schools is to maintain and develop the cultural and linguistic identity of Polonia. The position that the Polish language is acquired here in a mixed manner is

¹¹ 'Convention defining the Statute of the European Schools', signed 21 June 1994 and entered into force 1 October 2002, [Online]. Available at: www.eursec.eu; Basic texts - European Schools (Accessed: 15 January 2024).

¹² Centre for the Development of Polish Education Abroad (2023 January 20). Basic information, [Online]. Available at: <https://www.orpeg.pl/o-nas/podstawowe-informacje/> (Accessed: 15 January 2024).

supported by the fact that often, in the case of Polish diaspora children, they have greater exposure to the language of the host country. This refers to the local educational system, extracurricular activities, and peer groups. The Polish language is mainly used at home, after school, and in Polish school. A language school, on the other hand, is an institution offering foreign language learning; in our case, the students are learning the Polish language. The school aims to develop competencies in a foreign language. In addition to teaching the Polish language, language schools usually offer courses in other languages for people of various ages and levels of engagement. They can be run by private entities or public institutions. Various methods and teaching techniques are used for foreign language learning, the choice of which depends on factors such as age, level of advancement, and course objectives. This way of acquiring the Polish language is also considered mixed. In a language school, to assign a student to a class or appropriate level, language tests are conducted to ensure teaching comfort, select appropriate methods, and provide a measurable starting point in the teaching process. In a Polish diaspora school, the deciding factor for the class is almost always the student's age. This has consequences for the varied level of Polish language present in the class, which often poses a challenge for teachers who are obligated to implement the curriculum. It also leads to frustration amongst students whose language competencies are insufficient to freely express themselves during lessons on a given topic.

4. Challenges for Polish diaspora school students

The challenges faced by students in Polish diaspora schools abroad are presented based on experiences and conclusions from 5 editions of the “Flying Clinic” project, which was implemented by the Centre for the Development of Polish Education Abroad from 2017 to 2023, and experiences in running the “Polonia Clinic”¹³. The Polonia Clinic is registered as an association in Poland. An association is a form of non-governmental organisation that operates for the benefit of the community, in this case, the Polish community, offering therapeutic support for the Polish diaspora.

¹³ The “Polonia Clinic” was founded by the author with the aim of assisting families in accessing specialists experienced in working with bilingual children who need therapeutic support but, for various reasons, do not have access to it, [Online]. Available at: www.poradniapolonijna.pl (Accessed: 20 January 2024).

The process of registering an association in Poland begins with a founding meeting, where a group of at least 15 people adopt a resolution to establish the association. During this meeting, the statute, which is the fundamental document regulating the association's activities, is also adopted. The statute defines the name, headquarters, goals, and operating principles of the association as well as the rights and obligations of its members.

The next step is to submit the association to the National Court Register (KRS). The registration application is submitted to the appropriate registration court along with the required documents, such as the resolution to establish the association, the statute, the list of founders with their signatures, and the resolution to appoint the association's bodies (e.g. the board, the audit committee). The registration court reviews the application and makes a decision on the entry into the register. If there are any formal deficiencies, the applicants are called upon to supplement them. After the application is positively reviewed, the association receives a KRS number, which is a unique identifier for the organisation.

After registration with the KRS, the association must register with the tax office to obtain a tax identification number (NIP) and a statistical number (REGON). The association can then start operating in accordance with its adopted statute, achieving its goals and objectives. The association is also required to maintain accounting records and submit financial and substantive reports in accordance with legal regulations.

Registering an association in Poland is a formal process that requires diligence and compliance with specific legal regulations. This ensures that the association can legally operate and achieve its goals for the benefit of the community.

As part of the "Flying Clinic", 2,817 consultations were conducted, and the following conclusions were formulated in relation to them. The main goal of the project was to conduct speech therapy, psychological, and sensory integration consultations¹⁴ for students identified by teachers using technological tools. Online meetings aimed to preliminarily recognise the needs of students and provide guidance for parents and teachers by preparing recommendations for further therapeutic work. The project

¹⁴ The authors wish to emphasise the deliberate use of the word 'consultation' rather than 'examination'. In the authors' view, using the word 'examination' in the context of remote contact is incorrect and inconsistent with the practice of the speech therapy and psychology professions.

consulted students who exhibited general developmental difficulties and students whose development worried parents or teachers. Most often, these students did not have the opportunity for such a consultation in the host country due to restricted access to local specialists and the lack of specialists working in the Polish language and communication difficulties of parents. The idea of the meetings was to apply therapeutic intervention as early as possible. The students' conduct required specialists to have a thorough knowledge about their place of origin and cultural context. The places of residence of the students, and thus the systems in which they operate daily, differed significantly amongst participants. The consultations included students from schools scattered across continents including as Europe, Africa, North America, and Asia.

A typical online speech therapy consultation lasts about 60 minutes and is preceded by an interview that the parent completes. The interview covers the child's speech development, linguistic situation, and health condition. During the consultation, the level of Polish in spontaneous speech is assessed; it is also evaluated through an articulation test. The functionality of the articulatory organs and auditory functions are also checked. Meanwhile, the psychological consultation consists of three meetings. The first meeting with the parents usually lasts from 45 to 60 minutes and allows for the gathering of a wide range of information about the child and the family. The second meeting, which is a direct conversation with the child, may last a similar duration, though it is usually slightly shorter and dependent on the child's age and attention span, often ranging between 30 and 45 minutes. The third meeting with the parents, aimed at discussing observations and determining further steps, also typically lasts about 45 minutes.

4.1. Language challenges

4.1.1. Specifics of assessing the language development level of bilingual students

Examining the language competencies of multilingual students is a challenge for speech therapists. Both diagnosing the level of language development and determining possible areas and levels of language disorders in a bilingual person are difficult due to a dearth of literature,

courses, and workshops¹⁵. The number of factors that can affect the communication picture of bilingual children often makes them susceptible to incorrect, and sometimes even harmful, speech therapy diagnoses. Therefore, when conducting therapy or examining a multilingual child, it is always extremely important to be cautious before formulating far-reaching, unjust conclusions. On one hand, it is possible to opine that a child has delayed speech development, often attributed to developmental delay; on the other hand, one might fall into the trap of not recognising language disorders in a bilingual person.

The consulted children from Polish-speaking families living abroad differed from each other in the way they acquired multilingualism, the level of knowledge of the Polish language, and how intense their contact with the local language was. Since the development of multilingual children does not proceed in precisely the same way as the development of monolingual individuals, most often, research tools intended for monolingual students during the examination may lead to a type-one error, whereas not using standardised tests and relying solely on one's knowledge can lead to a type-two error¹⁶. Therefore, when examining the language competencies of multilingual students, it is crucial to consider whether the lower language level or language phenomena deviating from the norm can be explained by too little exposure to the Polish language or whether it might be the result of a developmental disorder. It should always be remembered that language communication disorders in bilingual children are discussed only when deficits are observed in both languages. For this reason, it is necessary to apply a strategy that also allows consideration of the level of competencies in the second language. The latest recommendations indicate three possibilities:

- If the diagnosing therapist does not know the child's second language, having a translator present during the consultation is recommended;
- if for some reason it is impossible to learn about the level of competencies in L2, the therapist is advised to contact the school for detailed information on this matter;
- the third possibility is a detailed interview with the parent.

¹⁵ Czaplewska, 2018, p. 48.

¹⁶ *Ibid.* p. 179.

It should be remembered, however, that the last two options are not precise and may be subjective. Due to the limitations of the project and its framework, the consulting specialists relied on the third possibility.

Currently, no standardised tools are available for diagnosing multilingual individuals; there is a lack of tools that would allow the examination of a child's competencies within different languages and compare the obtained results¹⁷. Therefore, the online speech therapy consultations, which the author conducts professionally, and those conducted as part of the "Flying Clinic" project, are based on currently available knowledge. The key to making accurate conclusions is undoubtedly a detailed interview with parents covering questions not only about the child's development of the Polish language but also about the second language in which the child communicates. The interview concerns the child's language situation, the biological conditions of their speech development, and their overall development. It should provide information on how often the child is in contact with a given language and whether it is rich and correct in its form. The structure of the meeting does not differ from that with a monolingual child; however, determining the level of language and communication competencies in each language is important. When identifying the causes of observed difficulties, in addition to considering developmental factors, it is also necessary to recognise the possible impact of cultural-social-linguistic factors in relation to both languages, for example, by determining whether the stimulation of the development of both languages is appropriate, age-appropriate, and adequate to the child's abilities¹⁸. Assessing basic communication skills, which are not culturally and linguistically conditioned, is also necessary. These include, amongst others, imitation, eye contact, communication intention, the ability to build a shared attention field, play development, and the ability to notice a communication partner. Another area being tested is language skills such as repeating sounds (babbling, imitative babbling), development of understanding (responding to names of people and objects), and the development of language structures - building a language system, which depends on all the above-mentioned factors¹⁹. During online consultations with a child, attempts are made to establish emotional contact and recognise the child's general communicative behaviours. During the

¹⁷ Kurowska, 2021, p. 24.

¹⁸ *Ibid.*, p. 49.

¹⁹ Korendo, 2019, p. 20.

conversation, a proprietary tool for speech examination is used.²⁰ This tool consists of sections allowing for the assessment of articulation, the structure and efficiency of articulatory organs, the ability to pragmatically use the Polish language, inflection, and the narrative structure as well as the ability to use present, future, and past tenses. It also allows for the determination of skills such as auditory memory and auditory concentration. Reading and writing skills are also tested by obtaining a text sample.

4.1.2. Most common language difficulties

Difficulties of a speech therapy and linguistic nature constituted the largest percentage of reported issues. Often, these issues had their source in inconsistently conducted bilingualism because parents do not always have knowledge on the subject. During numerous consultations, participants reported that, in many countries, they receive advice from local teachers and speech therapists that they should stop speaking to their children in Polish to ensure their success in the local school. This often leads to submersion, that is, the absorption of L1 by L2.

For the vast majority of students consulted for speech therapy, articulatory abnormalities were present. The key role in the process of forming the phonetic-phonological system in a bilingual child is played by perceptual processes. A child who acquires two language systems must master the ability to differentiate a larger number of phonemes than their monolingual peers. In students from Polish diaspora schools, the ability to isolate and identify phonological elements is impaired. They must learn to distinguish two sets of sounds and phonetic rules, which can lead to difficulties in auditory information processing. Reflections of this situation are difficulties with the pronunciation of some phonemes that characteristic of the Polish language ([ɕ], [ʂ], [z], [d͡z]). These phonemes are considered difficult articulatorily because their correct realisation requires skills such as vertical positioning of the tongue, motor efficiency of its tip, and proper rounding of the lips. Consulting speech therapists tried to answer whether

²⁰ Norms established for monolingual children do not allow for determining the language development level of bilingual children; some recommend adopting more lenient diagnostic criteria (Czaplewska, 2018, p.45). Consequently, for diagnostic purposes, a tool for assessing the level of competence in the Polish language has been developed by Prof. M. Michalik from the Pedagogical University in Krakow and A. Szkotak, a neurospeech therapist and the author of this text.

the mentioned difficulties are a speech defect or a mistake, whose cause lies in language transfer, that is, a situation where a student replaces a phoneme from one language system with a phoneme from another. Their task was to find the cause of the articulatory difficulties. Were they caused by the influence of L2 on L1, or if the student had been a monolingual child, would the specific phonemes also constitute a problem? In many cases, the difficulties were not coupled with bilingualism. Often, the incorrect realisation of phonemes was due to organic causes such as improper functioning of the orbicularis oris muscle, lowered tongue activity, enlarged palatine tonsils, or a short lingual frenulum. In many cases, prior to the consultation, parents were unaware of these abnormalities, attributing unclear speech to bilingualism.

Another group of difficulties encountered by the consulted students were related to dyslexia. From a speech therapy perspective, this is a language communication disorder. It is indeed a disorder of written communication, in that its conditions are often closely related to a disorder or delay in the development of speech in a child - disrupted mastery of competencies and language skills, especially phonological-phonetic, but also morphological, lexical, or syntactic and related to text structure. Symptoms of dyslexia include disturbances in reading functions in terms of technique, pace, correctness, and understanding of the read text, disturbances in spelling and punctuation correctness, and disturbances in the correctness of writing, graphically²¹. Thus, we see how strongly these skills are coupled with language skills. These specific difficulties, which hinder a child from learning to read and write, are often not noticed and diagnosed in the target population before they meet with Polish-speaking specialists. They are frequently explained by the child's bilingualism, thus perpetuating myths about the impact of bilingualism on lowering the level of language competencies of students. Students did not receive support in this area in local schools, which only deepened their problem, causing frustration amongst students, in the school environment, and in families.

It is also worth noting that many of the students had problems with auditory processing disorders. Interestingly, these were often caused by otolaryngological episodes in the past. According to recommendations by the American Speech-Language-Hearing Association²², auditory processing disorders are discussed when at least one of the basic higher auditory

²¹ Bogdanowicz, 1996.

²² ASHA, 2005.

functions is disturbed. The symptoms of these disorders include difficulties such as: locating the source of the sound, differentiating sounds, recognising sound patterns, and analysing the temporal aspects of the sound signal including temporal resolution, temporal integration, perception of sound order, ability to understand distorted speech, and ability to understand speech in noise²³. For students, this translates into an inability to properly receive verbal information in classroom conditions, and therefore impacts educational achievements. For students from Polish diaspora schools, the issue is more complex, as their exposure and the need to switch between different linguistic systems requires even more effort. Students participating in this study had not previously received appropriate help in the host country. Despite their difficulties, they had not been previously referred for additional diagnostics to determine the causes of the difficulties and engage in therapeutic actions that could contribute to improving their auditory functioning. In interviews with parents, it often emerged that the students' hearing difficulties were interpreted as a problem resulting from bilingualism, thereby closing the path to further diagnostics.

5. Psychological challenges

5.1. Characteristics of psychological consultations in bilingual children

The psychological assessment of a student who operates daily in two language spaces differs from that of a student who uses one language. Differences can be seen at the level of the mind of a multilingual person, which is increasingly understood to function differently because it undergoes specific training. Both language systems of bilingual people are continuously active, and word representations constantly compete with each other. As a result, a multilingual person engages a mechanism to control the activation of both language systems that allows for the use of each of them in the appropriate context²⁴. However, according to the latest research on the impact of bilingualism on cognitive control functioning, it cannot be treated as a binary. Differences in brain functioning and structural changes do not result from the mere classification of a person as bilingual but from a combination of experiences related to bilingualism. Thus, the entire experience of bilingualism causes neuroplastic changes in the brain that

²³ Kurkowski, 2013.

²⁴ Wodniecka, 2018, p. 69.

translate both into language functioning and general cognitive control²⁵. This entire experience of bilingualism is precisely what formed the basis of the psychological consultations.

The socio-cultural diversity of students participating in the project was obvious. Most of them spent part of their day functioning in the language and culture prevailing in Poland, and the other part of the day, in addition to being in a different language system, they were often in a different culture. Therefore, psychologists needed to consider the cultural context of each family during consultations. The specifics of culture are associated, amongst others, with different rules of entering into interactions. As a result, the same behaviour in people from different cultures may be a manifestation of completely different factors²⁶. The people conducting the psychological consultations, in addition to knowledge of psychometrics and experience in applying various techniques for checking and describing cognitive and social skills, were required to possess cultural competencies. Therefore, following Stamplewska-Żakowicz²⁷, they identified the socio-cultural background from which the students came, recognised how cultural conditions could influence relationships with students, and were attentive to the recognition of their own beliefs, stereotypes, and prejudices towards culturally different individuals.

Cultural differences could also affect the dynamics of contact; in online consultations, without the possibility of face-to-face contact, additional difficulties arise. With this in mind, during the consultation, before formulating a report with recommendations, psychologists attended to issues such as the child's age, the period of exposure to languages, family environment, language skills, cognitive development, social development, and emotional development. These are considered psychological variables that are independent of culture. The consultants chose their material in such a way that it was not dependent on experiences specific to only one developmental environment, in this case, culture. Consulting specialists also paid attention to the fact that the way of establishing contact with another person is closely related to the rules prevailing in a given culture. Students socialising within traditional ethnic communities display behaviours indicating respect for the authority of the consulting specialist, striving to perform all his instructions, even when they are unable to understand the

²⁵ Wolna, 2022, p. 67.

²⁶ Barzykowski, Durlik-Marcinowska and Grzymała-Moszczyńska, 2018, p. 201.

²⁷ 2011.

command or when they will perceive it as senseless actions. A different type of contact in the specialist–student relationship occurs in a meeting with a child brought up within modern culture. In this case, strongly intensified individualism can be seen, and children show a tendency to ask a large number of questions and are likely to provide considerable information focused on themselves or refuse to provide any information at all²⁸.

Consultation within the “Polonia Clinic” focused on a screening assessment of the child’s cognitive and socio-emotional functioning, taking into account specific difficulties reported by guardians. Interviews were conducted remotely and separately: with parents and with the child independently. In the case of children younger than 7 years of age or reluctant to have independent contact, interviews were conducted in the presence and with the help of parents. Additionally, responses from an online socio-demographic survey and questionnaires prepared for the study by specialists supporting the assessment of the child’s functioning and serving to get to know the characteristics of parental care, were also employed. After the consultation, parents received a report with an analysis of the child’s functioning assessment along with recommendations for further action regarding the child and the parents themselves: psychoeducational, diagnostic, therapeutic, or even medical. For some of the examined participants, a repetition of the psychological assessment after one year, that is, during the next implementation of the “Flying Clinic” project, was planned.

5.2. Most common psychological challenges

Amongst the most frequently mentioned reasons for which families sought psychological consultations were stress, problems with self-regulation, difficulties in social relationships, depressive disorders, and parenting difficulties. In the issue of child migration as a whole, stress is an important issue. Children, like their parents, have different ways of managing such stress. Stress accompanies each person in every life stage. Students encounter stress whenever the activities they perform violate the body’s balance or disrupt the normal course of daily behaviours. Even a small change in the external environment or in the organism evokes a state of internal anxiety, irritation. Stress tends to grow quickly and is transferred to

²⁸ “Traditional ethnic community” or “modern culture” for the diagnosed children and their differences signifies the cultural diversity and type of tradition in upbringing (Barzykowski, Durlik-Marcinowska and Grzymała-Moszczyńska, 2018).

various life situations. In such cases, it is assessed negatively, as stressful events tend to accumulate, causing unquestionable changes in the organism, disrupting behaviour²⁹. Chronic stress often leads to negative consequences affecting the child's physical and mental health, disrupting the process of assimilating knowledge and affecting memory. Reports resulting from psychological consultations clarify that the most frequently mentioned difficulties parents report from stress are sleep problems, concentration problems, hyperactivity, and digestive problems and headaches. The stress level is also undoubtedly related to the ability to self-regulate, that is, the ability to control one's thoughts, emotions, and behaviours. It is an important developmental skill, as it allows us to achieve our goals, manage stress, and build relationships with others. It develops gradually throughout life, but its foundations are laid in childhood. Difficulties associated with self-regulation were often brought up by parents in conversations with psychologists.

Another group of problems reported by parents were difficulties with social relationships. Such problems included individual differences amongst students, cultural differences, emotional difficulties, developmental disorders, and incorrect developmental patterns resulting from the student's social situation. The most frequently reported difficulties with social relationships included social isolation, feeling rejected by peers, aggressive behaviours, and social withdrawal. These difficulties seem to be common to the general population of contemporary students and are an integral part of adolescence regardless of issues related to bilingualism or migration. However, it is worth noting that students who face problems with languages (L1 or L2) indicated in conversations with psychologists that they feel worse than their majority-culture peers. They reported difficulties with understanding jokes, slang, and other aspects of colloquial language, which made them withdraw and feel excluded from the group.

Another visible category of difficulties is depression. A substantial part of the project took place in the years 2020–2022, that is, during the period of the COVID-19 global pandemic. Project participants clearly emphasised that the pandemic had changed everyday and school life. The necessity of social isolation, the long-term stay with the entire family at home, the limitation of activities, and remote education intensified symptoms of depression in children and adolescents. It should be noted here

²⁹ Korczyński.

that in many cases, families did not know how to manage this problem, as they did not have access to Polish-speaking specialists³⁰.

For the next category of difficulties that families raised, cultural differences in the process of raising children are important. Social norms and values are not universal for all countries. Often, Polish parents' parenting styles differ from their peers' styles in the host country. This can constitute a source of conflicts, especially in the context of growing children. Parents have difficulty, for obvious reasons, with adopting ways to convey social norms present in the cultures of the countries to which they emigrated. Using old patterns causes cognitive dissonance. The child must choose between the rules of coexistence found in the environment and the commands of the parents³¹. Additionally, parenting difficulties are certainly influenced by language differences. In many cases, among emigrating families, the children have acquired the host country language at a higher level than the parents. This can lead to the destabilisation of certain norms and affect the way a student perceives their parents, who should be an authority for them, in language and in life. Even mastery of the host country language does not always provide parents with the opportunity to use the language to convey abstract contents related to values or religious experiences³². When a child has higher language competencies in the host country, and their native language remains at a certain level, mutual understanding can be difficult. This can contribute to the parenting difficulties reported by parents.

Another challenge facing students of Polish-speaking schools is their difficulties with attention concentration. Concentration is an essential cognitive skill that allows us to focus on one activity and persist in it. Difficulties in this area can lead to difficulty in learning, performing tasks, and building relationships with others. In particular, the basis of relationships are sought in language. In some cases, consulting psychologists observed a relationship between the functioning of students in two linguistic systems and attention concentration. They assumed that the necessity of switching between two languages constitutes a source of effort for students and leads to attention dispersion. Moreover, among many of the students of the Polish diaspora schools, knowledge of one of the languages

³⁰ In many of the consulted families, the level of acquisition of the host country's language was insufficient to be able to benefit from the assistance of a local therapist.

³¹ Cieszyńska, 2022, p. 39.

³² *Ibid.*, p. 40.

is limited. This can result in misunderstanding of instructions, which also leads to attention dispersion.

Intellectual helplessness is an important concept in the context of psychological consultations³³. This refers to a state that denotes a permanent change in behaviour, as a result of which the individual ceases to make efforts even when something is possible. This issue can be found in various spheres of life; for the purposes of this study, we are referring to education. Students may put forth considerable intellectual effort with no possibility of influencing the course of events because attempts to master new material do not bring about the expected results. For bilingual children, linguistically difficult material and a lack of progress in solving problems despite intense intellectual effort can lead to cognitive exhaustion including a deterioration of performance in complex tasks, a loss of creativity and intrinsic motivation, that is, a denial of what bilingual education for children should be³⁴. This phenomenon is accompanied by frustration resulting from a disproportionately large amount of work in relation to the learning outcomes of the child. Thus, psychological consultations highlighted difficulties of students from Polish diaspora schools in social contacts, difficulties in the area of self-regulation and coping with stress, parenting difficulties, and difficulties in the attentional area. Consulting therapists, in their reports, tried to support families by providing tips and indicating therapeutic actions. Some of the psychological difficulties were strongly connected with language competencies.

6. Summary

Given the characteristics of modernity and changes in the functioning of young people, schools are increasingly becoming the main place for children and teenagers to meet their peers. Polish diaspora schools bear even greater responsibility, as often, apart from family members, they provide the only exposure to the Polish language and the chance to build peer relationships in this language. Time spent with peers thus satisfies many important needs, and the school becomes a space where students acquire extremely important skills. Therefore, it is worth looking for ways to provide the time and opportunity to build good relationships. Additionally, unbalanced bilingualism and asymmetrical exposure to the Polish language

³³ Otwinowska-Kasztelanic, 2023, p. 20.

³⁴ *Ibid.*, p. 20.

can cause students to be reluctant to learn in Saturday school and entail a heavy burden. During numerous meetings, teachers from Polish diaspora schools unequivocally stated that they are unable to offer psychological-pedagogical support due to the lack of access to Polish-speaking specialists with whom teachers could co-operate. As a result, children's difficulties and deficits are not diagnosed, and thus, therapeutic interventions are not implemented. Unfortunately, in many countries, local specialists whom parents or teachers from Polish schools meet often trivialise the reported problems, attributing them to the child's bilingualism. Every year, more students are found with developmental difficulties and attention problems in addition to language difficulties. Thus, there is a visible group of students who need therapeutic support that teachers are unable to provide, which consequently leads to frustration and professional burnout. Due to the varied level of Polish language among students learning in Polish diaspora schools, teachers' work on implementing the curriculum is often impossible. Students sometimes do not understand instructions and do not actively participate in the lesson, leading to frustration on both sides. These students are then reluctant to go to the Polish school, which can generate additional tension in families. Such highly diversified classes can also lead to professional burnout among teachers. They must, within one class, adjust their methods to numerous groups of students, often making them feel helpless and isolated in the face of their difficulties. Thus, it is clear that, due to numerous therapeutic challenges faced by students and teachers of Polish diaspora schools, solutions need to be introduced.

Introducing certain changes in the Polish diaspora education system that would ensure that teachers are properly prepared to work with students of varied levels of Polish language proficiency seems reasonable. It is necessary to increase extracurricular support for teachers, parents, and children. Above all, students from Polish diaspora schools should be guaranteed access to Polish-speaking psychologists and speech therapists who have basic skills in supporting multilingual students. Additionally, introducing mandatory training for teachers related to methods of teaching Polish as a foreign language is advisable. This training should cover issues related to teaching students of varied levels of advancement as well as methods of working with students with various motivations for learning Polish. It also seems reasonable to create a formal support network for teachers teaching in Polish diaspora schools. This network could include the possibility of exchanging experiences between teachers and therapists and

providing access to materials and educational tools, peer supervision, and support and the possibility of consultations and psychological support for teachers. Support for teachers and students in Polish diaspora schools abroad is crucial for ensuring the effectiveness of Polish diaspora education. These steps are important so that these schools can become places where students want to learn and develop as well as build ties with the Polish culture and language. To achieve this goal, there can be no place for feeling alienated and misunderstood. Therefore, it is extremely important for schools to create conditions conducive to integration. Beyond implementing the curriculum, they should conduct activities that allow students to get to know each other and build bonds. Psychological support should also be available for students' parents, who are often the main people supporting students in learning Polish. Support for the parents can help them manage their own emotions and problems and also provide necessary support to their children.

In summary, children in Polish diaspora schools face many challenges, both educational and psychological. To ensure the best conditions for their learning and development, Polish diaspora schools should offer therapeutic support, create conditions conducive to integration, and have help in adapting their teaching programmes to the needs of individual students.

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NOÉMI VIGH*

From them to us: How developmental trauma is significant in the life of children in asylums**

ABSTRACT: This study aims to enhance understanding of the trauma backgrounds of children in asylums and to offer possibilities for healing. Studying chronic or developmental trauma is a relatively new and growing field of psychology which offers important changes of perspective and possibilities of treatment. It is a valuable theoretical framework in the urgent global issue of refugees and asylum seekers. The concept explains how the inside scars of fleeing one's home or of other harmful events, often determines children's future. These scaring events can occur in these children's home country, or during their trip, but even in the countries where they arrive, where we are in a way responsible for them. Beyond the moral obligation to help these vulnerable children, I argue that in the long term, it is in our best interests to offer them help by professionals trained in trauma consciousness in all the institutions or system where they are handled. Education systems for instance could be key to the acculturation and integration process. Schools provide the basis for the right to education, structure, and community to provide knowledge and healing through relationships for the benefit of future generations. Raising consciousness and leaving hostile attitudes and rhetoric behind can be beneficial to newcomers but also to natives. I argue that we should replace the concept of differentiating, and talking about several isolated groups like natives, refugees, migrants etc. and begin to accept that in the perspective of the future, we are parts of the same "group" as a society.

KEYWORDS: children in asylum, trauma conscious, developmental trauma, education system.

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1. An emotional grip on the topic

The experience of running away, leaving home, heading into the unknown, without any idea whether or when one can return those who know this experience will probably consciously and/or unconsciously “know” it forever, and the younger they are, the more likely the experience is to determine their future. However, this is not merely a distant or sad story; in a way, the fate of such children is ours, because on one hand, it is our moral, human obligation to provide shelter to the most vulnerable, and on the other, they may become our neighbours, which would be sustainable only if the “them–us” divide fades away and we learn to be just “us”.

As a psychologist, I am dedicated to understanding the individual experiences and formation of the soul; I examine society, history, and politics from this perspective. As a European citizen, I have never been forced to experience this topic first hand. Thus, I wish to be as humble as possible in handling this topic, which concerns the lives of some of the most vulnerable people in the world, that is, children in asylum. Their fate has political, social, legal, and many other aspects that I cannot fully grasp. I aim to use my professional and human perspective to obtain a better understanding of what happens to these children, and then introduce my views on how we are responsible for them and what we need to do for them as well as us.

Before we try to gain a cognitive grip on trauma and how it is an essential forming force in the lives of most refugee children, I aim to bring these children close enough so we have some emotional understanding and empathy for these fates.

Picture that many of these children are born into stressful surroundings. Their everyday life may lack stability from the start, with fear, stress, and frustration from their parents and/or society. Their parents likely grew up in similar surroundings, leaving them constantly alert and distrustful, or even frustrated and angry with someone or something. In such conditions, it is easy to grow up impatient, unfocused, and easily upset. This situation hinders parents from being accessible and attentive to their children, a requirement for healthy development. In these circumstances, youngsters may wish to escape and run away. At some point, it is possible that their parents give up, become desperate, and begin planning how to leave, giving the home a heavy atmosphere in anticipation of a drastic event. In other cases, the family might not have time to prepare for departure,

needing to make an immediate decision and leaving behind everything, without knowing where they are going or if they will ever return.

Sadly, it is not rare for parents to send their children alone, leaving them in the hands of people who often turn out to be untrustworthy. Unaccompanied refugee children might or might not know the people with whom they are traveling; sometimes, they have siblings to look after or be cared by. Do they speak a foreign language? Do they know the reason for leaving and where they are going to? Do they have papers or an idea of the process of applying for asylum? Do they know that they might not meet anyone again whom they knew before? If we imagine some of the answers to these questions, the situation is tragic enough already – add to this the terrible dangers that are also possible outcomes of dreadful journeys: human trafficking, prostitution, abuse, and child labour. We glean such events from the news – they happen to people we do not know, often somewhere far from us.

If the “story” does not end there, then these families and children reach a border of some more stable country where they are often further humiliated seeking help. While we can understand the alternative view that requires caution about our own safety, it must be acknowledged that the detention centres, interrogations, and the feelings of being unwanted and untrusted weigh particularly heavily on refugees and are especially torturous for children.

The dreamed next step of ending up in a new country with a new language and people remains elusive. Refugees may know some people, possibly even from back home, but most people around them are strangers. Hopefully, however, children are taken in by the education system, which might or might not be prepared to help, teach, and care for them.

Years can pass until refugees start to feel a little safe, if they ever do. In many cases, the series of traumatic events makes fitting in very difficult, and people from refugee backgrounds can end up in marginalised groups of society, bringing further danger, trauma, and frustration in their life. This causes even more distance, fear, and suspicion of refugees by the native population. In these circumstances, mainly with the help of political rhetoric and using fear to gain power, it is easy to conclude that refugees and natives are not compatible, they refugees do not integrate well, and that they are a source of trouble, dangerous, and ungrateful.

From a different perspective, there is much scientific research on trauma, its treatment, and how to decrease the fractions in society. We could

take steps toward helping refugees, which would help our own societies. Refugees will remain a fact of life given the likely prospect of wars and destruction from climate change in the future. Declining populations will be a problem for all welfare countries, and we may need to prepare for more immigration in the future.

We know from our personal life that change is not easy but can bring many positive effects, and sometimes we have to help ourselves to make the transition easier or at least make it possible to take opportunities as they arise.

This is not an exaggerated reality of children who are seeking asylum. We need to understand what happens to them so that a wide range of influencers, from policy-makers, teachers, and psychologists to volunteers, social workers, journalists, and neighbours can have an idea about what they need, what we all need, and how we can live together. In this study, I aim to examine what happens to these youngsters from the perspective of developmental trauma, and I seek to draw some guidelines for helping them in a constructive manner.

2. Developmental trauma

The phenomenon by which physically or emotionally harmful events can have long-lasting effects on one's personality and behaviour is not new. Sigmund Freud and Sándor Ferenczi, among others, introduced the importance of this topic at the dawn of the science of psychology. In recent years, research has proven long-lasting life- and personality-altering effects of trauma with neuroscientific results.¹ Just one traumatic event can cause an affected individual to develop post-traumatic stress disorder (PTSD) but the younger the individual is and the more often traumatic events occur in their life, the more long-lasting, severe scars develop on their soul.² "Soul" is a difficult concept to employ in scientific discourse, and thus, we seek to understand what happens through changes in the functioning of the nervous system, the body, and as a result, the behavioural and emotions of the affected person.

The psychological and neurological perspective can yield a better understanding of what happens to children in asylum and their reactions to their new homes, and can help establish the appropriate support. We observe

¹ Van der Kolk, 2020, pp. 20-85.

² Perry and Szalavitz, 2010, pp. 45-72.

that refugees' experiences are almost certainly traumatising. To understand how this happens and its outcomes, we need to learn more about PTSD and developmental trauma.

Harris and Falot³ define trauma as an experience that occurs when an external threat overwhelms a person's internal and external positive coping resources; however, I consider it crucial that we also keep in mind the long-term consequences, and thus, I prefer to use the extended definition of the Substance Abuse and Mental Health Services Administration (SAMSHA).⁴ This states that individual trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or threatening and that has long-lasting adverse effects on the individual's functioning and physical, social, emotional, or spiritual well-being.

We can see that the word "trauma" refers to the consequences of a traumatic event when the person experiences an overwhelming situation in which they do not have sufficient capacity to cope; it elicits the emotions of fear, helplessness, hopelessness, terror and it is often a subjective threat to the person's survival. Even witnessing or becoming aware of a seriously threatening event to others can be traumatic.⁵ The causal events need not be violent, but they do violate the person's sense of self and security.⁶ Importantly, an event that is not traumatic to one individual can easily be threatening and traumatic to another who gets triggered by their own perceptions and experiences of that event. This difference could be the result of different previous experiences, capacity to cope, and personal interpretations.⁷

To understand the functioning of the brain affected by trauma, I aim to give a simplified description. In case of an emergency, the perceived threat switches our brain into survival mode. In survival mode, parts of the brain that are responsible for specific human functioning, such as complex decision making and sophisticated communication, are "switched off," because they are slow. However, quicker, life-saving functions become activated; they detect danger, increase alertness, and activate fight-or-flight responses. When our evaluation of a situation suggests that we cannot avoid

³ Harris and Falot, 2001, cited in Evans and Graves, 2018, p. 2.

⁴ SAMSHA Trauma Definition, 2012, cited in Evans and Graves, 2018, p. 2.

⁵ Gohara, 2018, p. 14.

⁶ Haskell and Randall, 2013, p. 507.

⁷ Mogyoróssy – Révész, 2021, pp. 89–95.

the danger, than our brain freezes us to minimise the impending pain, blood loss, and the suffering.⁸ Young children who are sometimes found among dead bodies after traumatic events are seemingly unconscious, but are in a state of freeze, or an extremely low level of arousal.⁹

The more often the brain and the body turns to this survival state, the more normal this state becomes for the individual. Then, the stress response can become very sensitive and switch into survival mode for even the smallest perception of threat.

In everyday life, these symptoms can lead to decreased coping and connecting capacities, misunderstanding of social cues, paying attention only to possible harmful signs, and not noticing friendly or caring behaviour. Hence, the world soon turns into a hostile dangerous place, where it is not safe or smart to handle situations in a peaceful way. It might even seem there is no sense in trying to handle problems at all, but it is better to turn to external numbing and controlling of these states through alcohol or drugs.¹⁰

All these behaviours can be labelled by society as problematic and/or criminal, and thus, injured people can become easily marginalised, surrounded only by those who are similarly hurt, reinforcing the maladaptive patterns in each other.

Possibly traumatic events show great diversity, and include human and non-human causes, violence, sexual abuse, physical assault, neglect, witnessing violence, war, natural disasters, serious injuries, accidents, loss of loved ones, and medical procedures. As for the victims, people from any socioeconomic background can experience trauma, but marginalised vulnerable members of society are at greater risk of developing traumatic responses.¹¹

As a result of deeper and more complex understanding, today, we distinguish between single, chronic, and complex or developmental trauma.¹² PTSD was first conceptualised as a result of World War I. Professionals coined the term “shell shock”, which described unusual psychological symptoms appearing among soldiers resulting from their exposure to battlefield, combat experiences. Examination and descriptions

⁸ Perry and Szalavitz, 2017, pp. 229–257.

⁹ De Deckker, 2018, p. 253.

¹⁰ Gohara, 2018, p. 22.

¹¹ Haskell and Randall, 2013. p. 508; Perry, 2019, pp. 291–311.

¹² Haskell and Randall, 2013. p. 507.

continued with the medical treatment of the veterans through the World War II, but the real breakthrough arrived through handling the veterans of the Vietnam War. The concept of PTSD entered the “civil world” by scientific and self-help literature that extensively discussed trauma as a result of sexual assault, rape, and domestic violence.¹³

PTSD is now a well-established diagnostic criterion in the DSM V¹⁴ diagnostic directory of mental health.

Simple PTSD is a neurophysiological response to a traumatic event that occurred once. It has three typical types of symptoms:

- *re-experiencing* phenomena: intrusive thoughts, rumination, flashback
- *avoiding/numbing*: avoiding anything that reminds one of the traumatic events, including thoughts, emotional numbing, and withdrawing from relationships
- *hyper-arousal response*: being alerted to danger, irritable, overly alert, lack of concentration.¹⁵

Focusing on traumatic experiences in childhood, in the 1990s, Vincent Felitti and Robert Anda conducted the Adverse Childhood Experiences (ACE) study, in which they compiled data from 17,421 patients from health maintenance organisations in the US. Participants filled in a questionnaire of 10 questions about whether they had experienced enumerated ACEs, including verbal and physical maltreatment, sexual contact with an adult, witnessing violence against their mothers, and having parents addicted to drugs or alcohol. Based on affirmative answers, the participants were assigned an ACE score from 0 to 10; 87% of the respondents scored 2 or more. The researchers also noticed that the higher a patient’s score, the greater the likelihood of adult life difficulties, such as relationship and employment difficulties, substance abuse, chronic depression, and suicide attempt.¹⁶

Developmental or complex trauma tends to be more extensive than PTSD; it can affect brain development, attachment patterns, and self-capacities, such as self-regulation and coping mechanisms. Complex trauma is a result of a group of precarious and damaging events that cause traumatic shock, disruption in one’s development, and the interruption of primary

¹³ Gohara, 2018, p. 22; Van der Kolk, 2020, pp. 13–29.

¹⁴ Association, 2022.

¹⁵ Haskell and Randall, 2013. p. 511.

¹⁶ Gohara, 2018, p. 14.

attachment bonds.¹⁷ The symptoms in this case can be summarised in six core categories:

- *affect dysregulation*: modulating emotion and impulse
- *changes in consciousness*: dissociation, attention deficit, overly alert
- *altered self-perception*: shame, guilt, responsibility
- *relation to others*: difficulties in establishing and maintaining intimate relationships, difficulties with trust
- *somatisation*: stomach pain, headache, or even more complex physical issues
- *alterations in system of meaning*: hopelessness, lack of purpose¹⁸

Learning about these outcomes of trauma helps us understand how a child with a difficult background can develop symptoms that can be considered “bad behaviours” by those who do not understand the nature of these mechanisms. For example, experiencing constant fear impairs concentration and performance, and can make children seem emotionally detached. “Problematic behaviour” or symptoms of children usually signal that something is imbalanced inside or around them. Sometimes it is just a temporary difficulty, like a bad day, too little sleep, or hunger. However, if these symptoms are prevalent for longer periods or the symptoms change but a healthy balance does not return, they signal that something may be hurting that child more severely.

The symptoms that we should notice may be apparent on many levels.¹⁹

- *Cognitive*: memory problems, poor verbal skills, difficulty focusing or learning at school, slow or poor skill development, developmental learning disabilities
- *Behavioural*: excessive temper, demand attention through both positive and negative behaviour, regression, acting out in social situations, screams or cries excessively, startles easily, tantrums, withdrawal, ignoring others, anxious behaviour, like biting nails
- *Psychological/emotional*: unable to trust others, development of new fears, nightmares, fear of being separated from caregiver, withdrawn, loss of interest in normal activities, irritability, sadness, anxiety, etc.

¹⁷ Ford et al., 2012, cited in Evans and Graves, 2018, p. 2.

¹⁸ Haskell and Randall, 2013. p. 511.

¹⁹ American Psychological Association, 2018, cited in Evans and Graves, 2018, p. 4.

- *Physiological symptoms:* poor appetite, or overeating, weight change, digestive problems, difficulties sleeping, enuresis, and/or encopresis, etc.

When we discuss the consequences and the symptoms of trauma, we need to consider if the trauma is acute or chronic/complex,²⁰ in relation to the occurrence and frequency of the traumatic event. Acute trauma refers to a single traumatising event, such as a car accident, natural disaster, terrorist attack, or assault. Such experiences can have long-term effects on stress level with implications for mental health and everyday life. PTSD and its symptoms could be the consequences of a single traumatising event and it can last for weeks, months, or years after the event.²¹ It is common for entire communities to be affected in cases of natural disasters or terrorist attacks, etc. The experience could affect an entire generation, and even subsequent generations through the suffering or untreated symptoms of the parents.²²

Unfortunately, among refugees and refugee children, chronic trauma is prevalent, because in most cases, they experience ongoing and multiple traumas. Their traumatic events are long lasting and/or reoccurring; war, continuous community violence, ongoing sexual abuse or parental neglect, and domestic violence are life threatening and occur over an extended period, thus lead to more comprehensive symptoms.²³

In our society, we are familiar with cases of children brought up in harmful circumstances, but in the world, many people suffer trauma as a result of war or political turmoil. In these areas, sexual assault (particularly for women), witnessing extreme violence, being forced to become a child soldier, and witnessing the effects of bombs and missiles are very common.²⁴

The effects of trauma may last a lifetime for some of these children and young people and become apparent at different stages of their lives in the form of typical reactions: anxiety, fear, mood swings, and irrational behaviours.²⁵

This could explain why it is likely that most refugee children will be affected by several severe traumatic events that leave a significant impact on

²⁰ NCTS, 2016, cited in De Deckker, 2018, p. 249.

²¹ Van der Kolk, 2020, p. 205.

²² Abrahms, 2009, pp. 79–80.

²³ NCTS, 2016, cited in De Deckker, 2018, p. 250.

²⁴ NSW Centre for Refugee Research, 2007, cited in De Deckker, 2018, p. 250.

²⁵ Sellars, 2019, p. 57.

their lives. Neurological, mental, emotional, and physical symptoms will further affect their vital skills, such as adapting, learning, relationship building, and emotional regulation.²⁶ The moral question then arises as to whether we are responsible for their well-being, or whether we should just agree that it is a tragic situation and not do anything about it. We could begin looking for those to blame, but soon, we would arrive at the responsibilities of welfare and consuming societies – not just some evil terrorists somewhere far away. However, let us not search for scapegoats in this way. Let us instead concentrate on two things we know for sure: these children cannot be held responsible for their past, but together, we can be responsible for their future.

3. Who is a child in asylum?

The United Nations High Commissioner for Refugees (UNHCR; 1951) formally defined a refugee as any person who, Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.²⁷

Roughly, in any one year, 1 million people seek asylum.²⁸ Those who are granted asylum are officially refugees, although in times of mass evacuation of countries when it is not possible to interview asylum seekers individually, they are considered “prima facie” refugees.²⁹

In this study, I do not differentiate between these two groups, as my focus is on the mental health and traumatisation of children in these groups and their needs, which is mostly the same in cases in which they do or do not have official refugee status.

²⁶ De Deckker, 2018, p. 254.

²⁷ Cited in Sullivan and Simonson, 2016, p. 504.

²⁸ Sellars, 2019, p. 53.

²⁹ Ibid.

To clarify the meaning of similar but sometimes mixed-up phrases, this study refers to the following definitions from the official website of the European Union (EU):

- *Refugee:*

In the global context, either a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it. (The source is: the Geneva Refugee Convention and Protocol.)

In the EU context, either a third-country national who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Art. 12 (Exclusion) of Directive 2011/95/EU (Recast Qualification Directive) does not apply.

- *Migrant:*

In the global context, a person who is outside the territory of the State of which they are nationals or citizens and who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate. (Source: UN Recommendations on Statistics of International Migration.)

In the EU/EFTA context, a person who either:

(i) establishes their usual residence in the territory of an EU/EFTA Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another EU/EFTA Member State or a third country; or
(ii) having previously been usually resident in the territory of the EU/EFTA Member State, ceases to have their usual residence in the EU/EFTA Member State for a period that is, or is expected to be, of at least 12 months. (Source: Eurostat's Concepts and Definitions Database and the UN Recommendations on Statistics of International Migration.)

- *Asylum seeker:*

In the global context, a person who seeks protection from persecution or serious harm in a country other than their own and awaits a decision on the application for refugee status under relevant international and national instruments. (Source: developed by EMN (European Migration Network).)

In the EU context, a third-country national or stateless person who has made an application for protection under the Geneva Refugee Convention and Protocol in respect of which a final decision has not yet been taken. (Source: Derived by EMN from Art. 2(b) of Council Directive 2005/85/EC (Asylum Procedures Directive).)³⁰

Refugees can come from a diverse background, but they all fled their home to avoid actual or feared persecution.³¹ This brings us to the distinction between refugees and migrants. Refugees, we could say, are involuntary migrants.³² More simply, we can say that these people did not really have a choice.³³ It is important to make this distinction even amid

³⁰ European Union (np date) EMN Asylum and Migration Glossary, [Online]. Available at https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary_en (Accessed 18 November 2024).

³¹ Sullivan and Simonson, 2016, p. 504.

³² Sellars, 2019, p. 53

³³ Koehler and Schneider, 2019, p. 2.

political rhetoric, because unwelcoming attitudes toward migrants are a further traumatising even to those who do not belong to this category, and they are already going through a lot.³⁴ Migration is a very complex global issue, and it raises different questions to asylum seeking, especially considering children. Here, I discuss their case.

Youths who end up seeking asylum in a foreign country are in most cases forced to leave because of war or natural disasters; their departure is often sudden, they may be separated from their family or leave without real plans of where or how they are going; some of them might not even have any official identification document.³⁵ Among refugees, youths are the most vulnerable; they are not only more sensitive to traumatising effects but also are in danger of missing out on schooling or any kind of education.³⁶ They can also easily become victims of human trafficking or abuse.³⁷ On their journey, they may end up for shorter or longer times in refugee camps, which are often the opposite of safe places; children there experience violations, persecution, and constant uncertainty, which easily gives them new scars.³⁸ Sadly, we need to face the reality that refugee camps are often not the first step toward safety but a further source of harm.³⁹

According to Chak, in 2018, there were about 170,000 unaccompanied and separated child refugees in the EU. The number of children among the world's 25.4 million refugees is 52%.⁴⁰ This trend has not changed much, as we by the end of 2021, the number of forcibly displaced people had reached almost 90 million, most of them leaving Syria and Afghanistan. Children comprise half these people globally and one-third of those who apply for asylum status in Europe. More alarmingly, 3% of children arriving in France, 40% arriving in Norway and Sweden, and over 80% arriving in Bulgaria were unaccompanied in 2021.⁴¹

The exploitation of unaccompanied and separated child refugees can be considered a humanitarian catastrophe for which the EU has taken responsibility in both the Geneva Convention (1951), which frameworks the Status of Refugees (1967 Protocol) and the Charter of Fundamental Rights,

³⁴ Chak, 2018, p. 8.

³⁵ Guruge and Butt, 2015; Koehler and Schneider, 2019, p. 6.

³⁶ Koehler and Schneider, 2019, p. 10.

³⁷ Sullivan and Simonson, 2016, p. 505.

³⁸ Guruge and Butt, 2015, p. 106.

³⁹ Chak, 2018, p. 14.

⁴⁰ Ibid. p. 7.

⁴¹ Dangmann et al., 2022.

as well as by the ratification of the United Nations Convention on the Rights of a Child.⁴² The UN CRC has been ratified by more than 180 countries in the world, and thus, it represents a universal standard which all countries who agreed to can be expected to follow, even if they have not agreed on other standards concerning refugees.⁴³

Thus, not only morally but legally too do we have to do our best to help these suffering children and to be prepared to efficiently help them across so many levels.

Regarding help and preparation, I will concentrate on two interrelated subjects: traumatised and periods without schooling. These two aspects severely affect these children's future as well as our shared future.

4. Traumatization of children in asylum

As we try to understand these processes, we need to be humble enough to confess that war, for example, for many in Western countries, is known only via old stories from history books, or pictures from blockbuster movies. Most of us cannot truly imagine all the fear, various sources of both physical and psychological suffering, and trauma which is the direct experience of people in the Ukraine, Syria, Gaza, etc. Numerous people in war-torn countries lack the basic necessities of life and the most basic human need to feel safe. Parents are not only trying to survive themselves, but also to ensure a future for their children; in the most desperate moments, they often decide to flee or even worse, they risk trusting their children's safety to unknown people, some of whom operate illegally.⁴⁴ It seems unbelievable that this could be a "better option", but social structures and families can be destroyed to such an extent that these parents may believe this.

The phenomenon of globally mobile populations seems to be the new normal, and even though the categories of migrants, refugees, and asylum seekers may be the same in the public discourse, the fate of children forced to seek asylum requires us to try to minimise the disavowal and disapproval channelled toward them.⁴⁵ The hostile, bureaucratic reception they face needs to be revisited.

⁴² Chak, 2018, p. 7.

⁴³ Crisp, 1996.

⁴⁴ Chak, 2018, p. 11.

⁴⁵ Taylor et al., 2016, p. 1.

A study in the United Kingdom found that 86% of adolescent refugees who participated in the research had witnessed or experienced violence on several occasions.⁴⁶ Furthermore, 37% of them had fled because a family member died or was persecuted, 21% were themselves persecuted, 15% were forced into war or sex slavery, 32% were raped, 13% were imprisoned or detained, and 16% had to live for some time in hiding.

All these are sources of chronic trauma for refugees and refugee children. Studies have estimated that between 5% and 54% of refugees suffer from PTSD.⁴⁷ This is a very high proportion and it may be even higher if we consider latency or the rate among children only.

Children are a lot more vulnerable to traumatising effects, because they are still in a sensitive period of their life, with fewer resources. Again, we must remind ourselves that children are not naturally resilient. They cannot just shake it off and become happy and calm once they have settled. We have to be conscious that long-term consequences are to be expected.⁴⁸

If the children's home is affected by war or another source of constant fear and lack of safety, or if they are surrounded and affected by frustration, aggression, fear, and violence, it would have long-lasting damaging affects.⁴⁹ Mental health and physical health can be seriously affected by displacement alone. Losing a sense of belonging and the concept of home is deeply traumatising, especially for children.⁵⁰

Beyond the direct traumatising experiences of "just witnessing" is interpersonal trauma, which also has emotional, mental, and physical impacts.⁵¹

After refugee children have left their homes, during their journeys or in refugee camps, assault, violence, hostility and the resulting lack of feeling safe deepen the trauma.

Unfortunately, even in their "new home", after surviving initial threats and losses, they often encounter racism, lack of acceptance, and hostility, and thus, fresh wounds are created, causing harm to their self-image and self-acceptance.⁵² However, even if nothing bad seems to happen, a child from a

⁴⁶ Thomas et al. 2004, cited in Sullivan and Simonson, 2016, p. 505.

⁴⁷ Baker and Shalhoub-Kevorkian, 1999; Bronstein and Montgomery, 2011; Ehntholt and Yule, 2006, cited in Sullivan and Simonson, 2016, p. 506.

⁴⁸ Sellars, 2019, p. 56.

⁴⁹ De Deckker, 2018, p. 252.

⁵⁰ Sellars, 2019, p. 56.

⁵¹ Sullivan and Simonson, 2016, p. 506.

⁵² Bryant- Davis, 2005, cited in De Deckker, 2018, p. 252.

refugee background can easily be overwhelmed and threatened by new classmates, a language they do not understand, new expectations, new food, and new clothing, even though everything appears safe and easy from the outside.

Traumatising experiences for children in asylum have three major stages.⁵³

- The experiences of the home country: war, persecution, combat, experiencing or witnessing serious violence, and the fact of needing to leave their home.
- The often long and dangerous journey on their way to the host country, during which they might even be alone.
- Even after arriving in the host country, acculturation and integration can be very challenging.

Such chronic traumas are immensely changing stress responses and neurological functioning.

The body and mind become prepared for constant life-threatening events, and react to the outside world from this alert state. Fundamental human emotional needs are corrupted, as the ability to trust and feel safe is no longer easy.⁵⁴

As explained above the more frequently the body and brain go into survival mode, prepared for either fight or flight, or freezing down to minimise injury, the more sensitive the individual becomes, and the easier it is for these survival instincts to take control. Enduring ongoing abuse or neglect or living in a war situation, constant life-threatening events profoundly change the brain and a threat response can become the normal state.⁵⁵

Symptoms of PTSD or developmental trauma can be diverse: sleep difficulties, irritability, anxiety, difficulty concentrating, oppositional behaviour, separation anxiety, fear, apathy, and other impairments, including reduced academic achievement.⁵⁶ We differentiate between externalising and internalising symptoms. It is not rare for refugee children's symptoms to be more internalising (e.g. constant anxiety, apathy,

⁵³ Fazel and Stein, 2002, cited in Sullivan and Simonson, 2016, p. 506.

⁵⁴ Blaustein and Kinniburgh, 2010; NCTSN, 2016, cited in De Deckker, 2018, p. 253.

⁵⁵ Van der Kolk, 2020.

⁵⁶ De Deckker, 2018, p. 252.

and lack of motivation), and thus, less noticeable to the outside world. This is a serious issue, because these symptoms often go untreated.⁵⁷

Often refugee children can look fine, feel true appreciation for their new home, or show gratitude to those who help them, but deep down are still suffering and grieving.⁵⁸

Anger is a common externalising reaction to inner wounds; it is often not understood or accepted in our society, and we react negatively to those who show anger. However, the source of anger may be the same as the source of depression – deep and hidden sadness and woundedness.⁵⁹

It is very common for human relationships and the capability to connect to be compromised. Feeling constant fear, and the unavoidable and unexplainable shame and guilt which are consequences of chronic trauma make it very difficult to connect or to be close to others. Attachment theory is a relevant psychological framework here. Bowlby argued that a long-lasting emotional response pattern is developed in early childhood based on the interactions with the primary caregiver, which determines infants' and later adults' response to stress and emotion regulation. Secure attachment is formed if a baby's caregiver reacts reliably, consistently, and reassuringly to biologically determined stress signals (e.g. crying). However, if the responses are unreliable, inconsistent, or neglectful then an insecure attachment style develops, which causes anxious or avoidant behavioural patterns in the close relationship with the caregiver, and later in life with other important attachment figures.⁶⁰ This framework explains in detail how insecure attachment develops in disrupted primary relationships, which may reflect the case of refugee families, where babies are born and raised in uncertain circumstances. The fundamental functioning in human relationships is determined by these experiences, as they not only affect the child's later relationship patterns but also their ability to regulate their emotions and impulses.⁶¹ Attachment style is an internal working model which gets formed in very early childhood, but in older children, developmental trauma can have very similar consequences, because it can

⁵⁷ Sullivan and Simonson, 2016, p. 507.

⁵⁸ Ibid. p. 507.

⁵⁹ Ibid. p. 517.

⁶⁰ Bowlby, 1982; Ainsworth, Blehar, and Wall, 1978; Cassidy, 1999, cited in Woodhouse et al., 2015.

⁶¹ East et al., 2017.

harm one's interactions with others and make it difficult to trust and form friendships or healthy intimate relations.⁶²

5. Community and relationships are essential

Relationships in which we feel connected and safe for us is for humans not a choice but our deepest longing and psychological necessity. Our most vital skill developed in thousands of years of evolution is living in cooperating communities. Loneliness destroys our psychological and eventually our physical health.⁶³ Even though human connections can become difficult as a result of trauma, relationships also hold the key to our psychological immune system, preventing and/or healing such wounds.

It is known that the same event can have very different effects on individuals. Resilience, which is psychological coping capacity in a crisis, develops from numerous cultural, familial, and experiential factors.⁶⁴ The determinants of someone's mental state after a traumatic event include age, gender, language knowledge, ethnicity, and, importantly, familial aspects, such as stability, emotional accessibility of others, parent-child relationship, or the existence of any warm, accepting relationship.⁶⁵

Even though traumatic experiences can be neurologically damaging, the plasticity of the brain makes a great deal of recovery possible.⁶⁶ Among the protective factors are genetics, good mental or physical health, financial background, and access to medical care. However, studies suggest that overall, the most crucial elements are relationships and community beyond family friends and relatives.⁶⁷ This makes the story of unaccompanied children even more tragic and the responsibility of the communities in which they arrive is extremely important.

The sense of belonging speeds up recovery, healing, and adapting, while social isolation provokes the effects of trauma.⁶⁸ Refugees and even children among them are not passive bearers of their fate; they are actively fighting to survive, and if they have the opportunity to flourish in a safe environment, they are able to make meaning of their lives without

⁶² Woodhouse et al., 2015.

⁶³ Perry and Szalavitz, 2017, pp. 229–257.

⁶⁴ Sullivan and Simonson, 2016, p. 505.

⁶⁵ Perry and Szalavitz, 2017.

⁶⁶ Van der Kolk, 2020.

⁶⁷ NCTSN, 2016, cited in De Deckker, 2018, p. 253.

⁶⁸ De Deckker, 2018, p. 257.

neglecting or suppressing their losses, grief, and trauma.⁶⁹ A society that is prepared to help and connect to refugees can be the best groundwork for so-called post-traumatic growth, which can lead to positive change, a greater appreciation for life, more meaningful interpersonal relationships, recognition of personal strength, changed life priorities, and spiritual/existential development.⁷⁰ We should mention both resilience and post-traumatic growth as possible positive outcomes of such heavy life events. By resilience, we often mean the ability to cope with traumatic events without developing PTSD-like symptoms, and to maintain stable and healthy psychological and physical functioning. Meanwhile, post-traumatic growth is the result of psychological adaptation after experiencing trauma; in children, it is associated with the presence of subjective psychological distress, social support/religious involvement, and cognitive, emotional coping strategies.⁷¹ In reality, post-traumatic stress and post-traumatic growth seem to co-exist in many cases. Luckily, there is proof of its existence in the form of stories of young refugees arriving to Europe, with their own traumatic history, where they could settle and flourish, become teachers, doctors, lawyers, and other very valuable members of the community.

Professionals that are the first line of interaction for asylum seekers have a key role to play. They need to be conscious of children's trauma, show great respect, and acknowledgement of their losses and grief, and empathise with their suffering; first and foremost, they should offer care.

Additionally, at the institutional level, available services, accessible care, and the treatment attitude these people receive are important factors. Last but not least, other determinants of healing or deepening traumas are the reaction of the broader community through such attitudes as discrimination, handling poverty, and accepting others.⁷² Here, the role of the media and politicians needs to be mentioned, because the formation of public opinion and attitudes depends on them to a great extent.

At the level of state policies and regulations, the focus should be on trying to avoid unnecessary, prolonged periods in transitory camps and detention centres. These places are not only themselves often sites of exploitation, abuse, and emotional damage, they also influence the host

⁶⁹ Ibid.

⁷⁰ Tedeschi and Calhoun, 2004, cited in De Deckker, 2018, p. 257.

⁷¹ Pacione et al., 2005.

⁷² Guruge and Butt, 2015, p. 106; Pacione et al., 2005.

countries' social reactions to the arriving people. If regulations and social practices can help employers, teachers, and social workers to have a deeper understanding of refugees' mental and emotional states and the consequences of trauma, all parties could benefit from a smoother, faster recovery and process of getting used to each other.⁷³

However, the opposite reactions, such as experiencing and observing racism and lack of acceptance, have damaging effects on both natives and arrivals. Children and youngsters especially can be affected by these forms of hatred while they are forming their own identity, values, and attitudes.⁷⁴

6. Vicious circle of trauma

Sadly, intergenerational transmission of trauma can prolong the damaging effect of such experiences. Europeans own experiences also show that the terror of wars and dictatorships in Europe in the last century and even before can still have consequences for current generations.⁷⁵ Emotional stability and accessibility as well as parents' levels of stress and frustration have a great impact on the neurological and emotional development of their children. According to attachment theory, insecure attachment patterns of parents have long-lasting effects on their children, and consequently, their grand-children and even later generations.⁷⁶ At the level of community trauma, frustration and aggression levels increase in whole communities, whose children suffer from individual traumas caused by the traumas of those around them. When these children grow up, if they have not had a chance to heal, then anger, aggression, frustration, and stress might be transferred to the next generation. Social, functional, and academic challenges become common and widespread in a variety of contexts, which not only affects individual lives but also the whole society and future.⁷⁷

Refugees are often affected by transgenerational trauma in their original home which is not only the result of their unbearable circumstances but it also causes the problems to a great extent. If the healing process does not begin, it recreates problems in both the country of origin and the host

⁷³ Sellars, 2019, p. 61.

⁷⁴ De Bellis, 2010, cited in Sullivan and Simonson, 2016, p. 507.

⁷⁵ Abrahms, 2009, pp. 79–80.

⁷⁶ Sullivan and Simonson, 2016, p. 505.

⁷⁷ *Ibid.* p. 506.

country. East et al.⁷⁸ undertook research showing that in the case of children who were born from refugee mothers in western society, the mothers' posttraumatic stress and depressive symptoms significantly mediated the effects of their past experience on their children's adjustment. Such findings allow us to observe how intergenerational trauma affects the mental health and well-being of many.

In this way trauma recreates itself. Only those who can heal can ensure that their scars do not further poison themselves through anger, lack of trust, and fear and can slow down or change cumulative events, ending the vicious circle of trauma.⁷⁹ If we want to understand the process, imagine how much more difficult it is for a depressed mother to be emotionally engaged or playful with their child, to be sufficiently responsive to the child's emotional and physical needs. At the other end of the spectrum, the symptoms can be damaging. Parental outbursts, excessive anger, and PTSD can lead to a constantly alert, irritable state that creates an unsafe, unpredictable environment for the family, which can be the transmission path of developmental trauma. In this way, children bear the scars from their individual past as well as the scars of their parents' past.⁸⁰

The healing process is long and involves many different aspects: complex, flexible, and systematic solutions. The developmental and social context needs to be designed using scientific knowledge about treatment. Participating professionals should be educated and well prepared for such work; it would be best to offer them a setting in which they can work in teams.⁸¹

Overall, this requires thoroughly planned but flexible team work. Five central goals could make such processes in trauma healing effective: *self-regulation, self-reflective information processing, traumatic experience integration, relational engagement or attachment, and positive affect enhancement*.⁸²

A well-developed treatment process carried out by a team of professionals could be best executed in schools, which children must attend, and where there is a community and a structured flow of life.

⁷⁸ East et al., 2017.

⁷⁹ Perry and Szalavitz, 2017, pp. 229–257.

⁸⁰ East et al., 2017.

⁸¹ Sellars, 2019, p. 63.

⁸² Van der Kolk 2020, p

7. How can a school be healing?

In the EU, many different paths are followed when handling refugee children, but a common goal is to find and create strategies that help them integrate in their new homeland.⁸³ Among long-term strategies, the most important may be to involve refugees in the education system. The school environment is greatly influential and adaptable, giving youngsters several sources of recovery.⁸⁴

In Article 14 of Directive 2013/33/EU of the European Parliament and Council, Section 1 provides that children of asylum seekers and unaccompanied minors should be granted access to the education system ‘under similar conditions as nationals of the host Member State’. Section 2 provides that access to the education system should not be postponed for more than 3 months from the date on which the application for international protection was lodged and that preparatory classes, including language classes, should be given to minors where it is necessary to facilitate their access to and participation in education. Unfortunately, in reality, it may take at least 6 months to have a stable school that they attend because of bureaucratic procedures and relocations.⁸⁵

Although access to education can be severely compromised, it is both a universal human right of children and adolescents and a key for socio-economic success and overcoming disadvantage in European societies.⁸⁶ Furthermore, the right to education and the responsibility to provide it are two profoundly different phenomena. In the first case, the responsibility lies with the students or the family to take actions, even though the state has an obligation to make it possible and ensure it happens.⁸⁷ Clearly, it would be more helpful for asylum seekers if they did not have to shoulder this responsibility on their own. Even if it happens that pupils from refugee backgrounds get access to education, a schooling system that gives them the same standards of education as others might not be sufficient. Because of their background, the highly likely possibility of their traumatised psyche, possible grief, and different or absent former education, they may need special intervention by well-trained professionals. This would require

⁸³ Koehler and Schneider, 2019, p. 2.

⁸⁴ De Deckker, 2018, p. 257.

⁸⁵ Eurocities, 2017, cited in Koehler and Schneider, 2019, p. 7.

⁸⁶ Fazel et al., 2012 cited in Koehler and Schneider, 2019, p. 1.

⁸⁷ Koehler and Schneider, 2019, p. 8.

resources and financial dedication as well as great awareness of the situation to offer special attention without increasing segregation.

Simple factors in a school environment can contribute greatly to the recovery of traumatised students (not only children with a refugee background). Educators and other adults around these children must be aware of the neurological consequences of trauma. Thus, they might be able to see symptoms of suffering instead of “bad” behaviours, or anxiety instead of a lack of motivation. Adults should be conscious that there are reasons for children’s behaviour: it is almost never simply to annoy others or misbehave, or not knowing moral or other kinds of expectations. If we are aware, we can begin to help these children regulate their emotions, learn to connect, and adapt.⁸⁸

Moreover, creating a safe environment is an essential step in facilitating recovery. Emotionally and physically predictable, consistent surroundings are very supportive. Children with a traumatic background may suspect and expect threats from anything or anyone, and this may cause constant distress and frustration as well as a lack of concentration. By taking slow steps, we can help them feel safe and connected to others so that they become calm and open to learning. Beyond the physical surroundings, a welcoming and understanding social atmosphere is fundamental to the healing process, and it is essential that the child has one or more people to safely connect with. Integration requires entire communities to be accepting and offer social support; apparently, the most available and crucial element of support is offered by school communities.⁸⁹

Schools and the education system can comprise the best source of a structural, systematic, complex approach to integration. The school can create the basis for social and psychological support. Well-prepared teachers and social workers can ensure a safe, healing environment and help children in need obtain professional, and if necessary, therapeutic help.⁹⁰

Young children do not simply forget their trauma, but an environment that acknowledges their existing strengths and resources can build resilience, and a good school is a best place to offer such reinforcement. Educators who are motivated to offer a safe environment, human connection, and a supportive attitude in their classrooms can contribute a

⁸⁸ De Deckker, 2018, p. 254.

⁸⁹ Sullivan and Simonson, 2016, p. 517.

⁹⁰ De Deckker, 2018, p. 251.

great deal to the brighter future of children with an asylum-seeking background.⁹¹

Furthermore, schools offer the structure for social inclusion not only for children but on a wider social scale as well. Families can meet and get to know each other, which could have positive effects on their living and working side by side. If the whole family is addressed in the school system by also paying attention to parents, by inviting them to certain activities and events, it would improve communication between the school and parents as well as between parents and their children on school matters, as well as between refugee and native parents. At the same time, it should be noted that familial and parental support is not a necessity for education, and thus, a child can have opportunities even if they lack help from their family.⁹²

We should not forget to mention the original and most basic purpose of schools: education is the platform for new members of society to prepare themselves to become equal participants, as adults, and to play their part in the social and financial structure of countries' economic growth, innovation etc.⁹³

The question, however, of whether our schools and teachers are sufficiently prepared to accomplish the above-mentioned tasks remains difficult to answer. A lot depends on the policy of the countries, political attitudes, financial resources, and dedication to invest, among other factors. Therefore, a change of perspective from short term to long term at the level of policy and legislation is crucial in this regard. In the short term, this would require investment, as the education of refugees costs more than education of natives, but in the long term, it will be to our society's benefit. This is the case not only from the perspective of host countries, but also from the perspective of building peace and stability in refugees' countries of origin. In some cases, these children may return to their "first home", and everything they have learned in in our education system as well as the emotional stability they can gain in a safe environment may become tools they can apply for transformation processes to build safer communities.⁹⁴

It would be in our societies' best interests for policies to aim to build safety, resilience, and opportunities for connection to ensure the healthiest possible development of all children, including asylum-seeking minors. We

⁹¹ Sullivan and Simonson, 2016, p. 523.

⁹² Koehler and Schneider, 2019, p. 6.

⁹³ Ibid. p. 2.

⁹⁴ Ibid. p. 6.

need to improve the environment for future generations, in the form of good schools, clubs, and social circles outside of school; possibilities to play sports together; and visiting libraries, where real human connections can be built. Available health services, safe neighbourhoods, and community facilities are crucial for raising children who are mentally healthy. Positive perspectives automatically increase resilience, which is unfortunately in short supply among child refugees.⁹⁵

Meanwhile, if discrimination exists, it has negative effects on the integration process, school performance, and the whole community directly and indirectly witnessing such hostile attitudes. In addition, segregation may result from housing patterns or school selection, whereby native and middle-class parents choose schools with fewer migrants. Both native and refugee (or migrant) students suffer the consequences of segregation on personal and social levels. The results of such treatment can be radicalisation, xenophobia, social exclusion, and violence. These phenomena are poisoning the society from all sides.⁹⁶

Koehler⁹⁷ suggests the following basic guidelines for the best possible integration into the school system, which can only be carried out by trained professionals:

- *Immersion is better than separation:* Children with only very basic knowledge of the language and social environment should join regular classes as soon as possible (in terms of both age and after arrival). This would naturally speed up the learning process. This should be carried out while providing sufficient information to the children and parents.
- *Many refugee children will not go back:* Situations that cause people to flee are not likely to be resolved soon, but every moment wasted from education has higher costs and requires greater efforts toward integration in the long term.
- *The phenomenon is most probably not temporal:* The history of the world in recent decades and its effects indicate that more refugees and migrants will be appear in the future, making them a part of our lives and society. This phenomena needs more than immediate reactions – it requires planning and structural preparations.
- *Education does not end at age 16 or 18 years:* Refugee or migrant children might be aware of their ambitions later, or may be mature

⁹⁵ Sullivan and Simonson, 2016, p. 508.

⁹⁶ Koehler and Schneider, 2019, p. 11.

⁹⁷ Ibid. p. 14.

enough to make decisions about their educational careers compared to native students. The system should give opportunities for them to return to the education system, even if their education or career path is slower or irregular.

- *Foreigners' and asylum legislation should not overrule perspectives of education and work:* all destination countries of refugees and immigrants in Europe are in need of young people – as labour force, as future high-skilled talents, and as tax payers – so offering a residency status on the basis of having found access to vocational training or to higher education can be considered a triple-win situation.⁹⁸

Thus, legal background should aim not to create obstacles in the way of education, but rather promote it, and create conditions that help integration, education, and work.

- *Minors have a universal human right to education:* It cannot be dependent on the child's or the parents' legal status.

The results of following these guidelines are convincing: the earlier children get into educational system, the more chances they have of learning the language of the host country quickly and efficiently, and families can become familiar with the education system itself. Of course, this is the case only if the institution is prepared for multilingual, intercultural functioning, with the purpose of helping these children integrate efficiently.

If children with an asylum seeking background are given wide range of possibilities, they are usually able to live with their situation; however, if they are limited in any way (e.g. taught in their mother tongue, placed on a certain academic track), their chances of dropping out increase. Even though their school careers may be more bumpy than those who did not experience such traumatic events, if they have the option of returning to school, even after the obligatory age, they often take the opportunity

If these children spend a longer time being educated, beyond the direct positive effects on income and job opportunities, this contributes to a general identification with their new “home” and prevents nationalistic, fundamentalist tendencies.⁹⁹

⁹⁸ Koehler and Schneider, 2019, p. 11.

⁹⁹ Ibid. p. 6.

According to Hart,¹⁰⁰ school programmes need to focus on improving emotional and mental well-being to provide the most help. This should involve collaboration by professionals who supervise and implement the plan, including educators and specialist clinicians. In this way, advance preparation can be made to help children reach their full potential.

On this path to emotional and mental well-being, many models and frameworks have been developed on a scientific basis to support the healing of developmental trauma. Here, I introduce the attachment, self-regulation, and competency (ARC) framework,¹⁰¹ which has three components. The model aims to decrease the vulnerabilities of these children, which are caused by overwhelming life events that have disrupted their healthy development. This model emphasises building skills, stabilising internal distress, and strengthening the security of the caregiving system, while seeking to offer generalisable tools for building resilience.

The primary training components of each focus point are shown in Table 1.

Table 1 Training components of the ARC framework.¹⁰²

Attachment	Self-regulation	Competency
<ul style="list-style-type: none"> • Routines and Rituals • Caregiver affect management • Attunement • Praise and reinforcement 	<ul style="list-style-type: none"> • Affect identification • Affect expression • Modulation 	<ul style="list-style-type: none"> • Mastery • Building connections • Enhancing strengths • Promoting self-efficacy • Adjunctive activities; that is: <ul style="list-style-type: none"> ○ Sports ○ Arts ○ Community games

Inside or outside education, these children need assistance to overcome their past; on the healing journey, some attention should be paid to the concept of home. In a psychological perspective, home is not just a place to live but an inner experience of knowing one's place, knowing who one is, and where one belongs. Refugee children (and adults) lose this sense,

¹⁰⁰ Cited in Sellars, 2019, p. 63.

¹⁰¹ Arvidson et al., 2011.

¹⁰² Ibid.

and homesickness is a more serious concern for them than we could imagine. A new place, with new people, new language, new customs, new views, new weather, new smells, and the idea that perhaps one may never return home is torturous. Dieterich-Hartwell and Koch¹⁰³ argue that, among others, art therapies can offer a bridge toward forming a sense of home in a new location, and these methods can be applied in education.

Movement and dance therapies can help people feel at home in their bodies and help them reach a more regulated state of the nervous system. Music and other forms of creative, performing, or visual arts can channel nostalgia, and help merge the old and the new. Acculturation needs to occur inside these children; they need to integrate their old self with their new experiences and let a new identity form step by step.¹⁰⁴

8. Conclusions

In this study, I aimed to introduce developmental trauma and its effects on children in asylums and consequently the effects on communities and our shared future. I sought to offer a perspective on how we could work to heal and live together in peace. School and education are crucial components of this aim; however, to accomplish this task, political will, societal effort, and real change in attitudes and adaptivity are essential.

Unfortunately, the European Court of Human Rights has ruled against several Member States for violating the EU's legal regime on refugees about issues that contribute to traumatising effects on children (as well as adults). These issues relate to detention, status of reception facilities, and lack of legal remedies.¹⁰⁵

Change is needed and urgently so. In this regard, I underline the difference between having adequate legal background and actually take steps upon these laws toward change.

According to Sim,¹⁰⁶ in Germany, one in five refugee children suffers from PTSD, yet only 4% of people in refugee centres receives mental health support.

¹⁰³ Dieterich-Hartwell and Koch, 2017.

¹⁰⁴ Ibid.

¹⁰⁵ Chak, 2018, p. 8.

¹⁰⁶ Sim, 2016, p. 48.

On a practical level, legislative actions require well-trained, sufficiently paid professionals who understand the persistent and diffusive effects of refugee trauma and are prepared to deal with it on their professions.¹⁰⁷

The isolation of people who are suffering from mental illnesses is an issue in our society that needs to be addressed in general, but especially for both children and adults in asylums.

We need to stop interpreting these actions as noble, generous, and altruistic deeds. The truth is that we are facing real and urgent demographic issues in Europe. The workforce and tax payers are declining, a problem that is going to become even more acute in the coming decades. If we want to sustain our quality of life, we need to consider learning for sharing with others. This is an even more sensitive topic if we consider minors who do not even have real choices.

Unfortunately, awareness about mental health and how it is shaped by experiences does not receive enough attention in general. Alternatively, communities face real challenges in funding the needs of unprivileged children, and we have to learn to live together. This requires effort; we should not imagine it will be an easy path, and those who arrive at the destination should not have to pay the price of peaceful cohabitation on their own.

It would not be fair to focus only on what goes wrong and what we do not yet do efficiently. Many European countries are trying hard to find the right solutions and help as much as possible. The media is picking up on the topic of the asylum seekers, and NGOs, volunteers, and social services are working hard. The strong voices are not only hostile ones; there are those emphasising the seriousness of the problem and our role in it.

However, trauma is not only a problem of those from the outside. Abused, neglected, and marginalised children are growing up among native populations as well. By improving the education system, paying attention to social structures, and humanistic attitudes, we can reduce their helplessness and hopelessness. Science has shown that traumatic experiences cause changes in interactions, when interpreting the world, damaging not only our minds but also our bodies. Stress induces illness, addictions have become a very worrying concern for the health-care systems of countries; prevention via trauma conscious institutions could decrease these numbers.

The financial perspective should also be considered. Many resources are required for prevention via resettlement processes considering both the

¹⁰⁷ East et al. 2017, p. 12.

human and economic costs. However, these costs are still far lower than the costs of military interventions. A better option for everyone would be lower incidence of mental and physical illness in local and wider communities, a larger working force, and more taxpayers and fewer terrorists and armed conflicts.¹⁰⁸

Finally, I emphasise that my intention was not to draw the wrong picture of people in asylum. It would be a mistake to think that they are a totally dependent population, or that person is harmless or innocent. I would rather examine their outcomes and our responsibilities from a trauma-conscious perspective, which could help prepare our institutions, with special focus on education for children. I hope that this path could lead to healing and moving beyond maladaptive, harmful, dangerous patterns for children, while communities could prepare themselves for peaceful, fruitful cohabitation.

In conclusion, I highlight that scientific evidence shows that the hostile, mean, and isolating initial experiences of refugees form the basis for worse mental and physical outcomes, including poorer sense of inclusion, educational performance, employment outcomes, and social and economic productivity.¹⁰⁹ Thus establishing a more compassionate discourse and attitudes toward refugees is essential. This could hopefully extend to the media, political will, institutional and civil initiatives, and everyday lives of people.

It is especially important for children to receive appropriate assistance because of their vulnerability and their greater readiness to adapt and internalise new norms, values, and customs. For all children, our increasing compassion and consciousness is essential.

¹⁰⁸ Sim, 2016, p. 47.

¹⁰⁹ Taylor et al., 2016, p. 2.

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