

# RIGHTS OF THE CHILDREN AND THE UPBRINGING METHODS OF THE PARENTS: THE STATE POLICY FOR PROTECTION OF CHILDREN AND FAMILY IN BULGARIA

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„Not the obstinacy, nor the anger,  
Nor the shout, nor the plead, nor the questioning,  
But the calmness, the serious and business disposition  
– that’s what should be the family discipline technique”  
A. S. Makarenko

**Abstract.** *The paper discusses the relationship between the educational styles of parents and the issue of the children’s rights in families. It also highlights the influence of respecting children’s rights by the parents on child’s development in early childhood. In this context the legal role of the State in providing the welfare of the child and the family is also considered. We also pay attention to the pedagogical aspects of the problem and elaborate some conclusions, relevant to the legal culture of the parents, to the child’s growth and to the relationship child – family – State.*

**Keywords:** *upbringing, children’s rights, State, law, protection, safeguard, parenthood, style, family*

**Introduction.** Hardly there is a man who clearly and explicitly can declare what the right formula for raising a child in the family is. There is no one single opinion, there is no one single theory, there is no one single truth. The child’s bring up is a problem that will always be up-to-date because of:

- the constantly changing public perceptions, requirements and attitude towards the social processes and phenomena – upbringing, raising, safeguard and protection of the child;
- the dynamic lifestyle, where along with the professional, social, personal, populist etc. commitments, the parents are obliged to devote time and energy to their children;
- the children’s interests and needs and the philosophy of their position in society.

In recent decades there is quite an interest within the Republic of Bulgaria on the problem of children’s rights. This is an issue that might be addressed in the context of different research areas: pedagogy, psychology, sociology, law, etc. This paper aims to discuss the problem for the child’s upbringing in the context of the philosophy for children’s rights within one of the social constructive units, namely the family, where the child is born, where it grows and develops, gets social, where the child is educated, guided, supported and controlled. The paper also reviews the influence of the parental education style over the child’s development in its early childhood by analyzing different upbringing approaches and their results.

**State policy in Bulgaria in respect to the family and child.** Family education and the right of each family to raise and educate its own children in the way the parents think and understand to be correct, are widely publicly discussed issues. After the preparation of the new DRAFT of Child Protection Act, in Bulgaria these and other issues related to the children and the family, cause even wider public interest. The Child Protection Act /DRAFT/ is a law that "regulates the public relations and measures concerning the protection of the rights of the child, a Bulgarian citizen, as well as the authorities which have to achieve the law’s objectives" <sup>5)</sup> (Draft of the Child Protection Law, discussed on 12.01.2012 in the National Assembly of Republic of Bulgaria).

In summary, the law’s purpose according to this draft is: protection and safeguard of the child’s fundamental rights in all spheres of the country’s public life; protection of the mother and the motherhood; achievement the child’s best interests in all areas of his life as well as development and turning the interests of the child/ childhood into highest state priority <sup>5)</sup>.

Absolutely understandable, adequately and acceptably clear is that the CHILD and his/her interests, needs, rights is put at first place. But it also raises the following question – Why this draft is

so popular in the public space??? For example: The church is against the Child Protection Act – “For the second time the church is so explicit and united against this draft law”, “10000 angry parents: there is a risk to take children away from us”<sup>8)</sup> and even more There is a very intense discussion in the Parliament on the Child Protection Act – “Members of the Parliament defined the draft as “stupid and harmful”...<sup>3)</sup>, Children’s rights: now also according to the new draft law – “The child is a citizen and is a subject of rights ever since his/her birth”<sup>2)</sup>, The draft of the Child Protection Act – the cup is half full – “The draft creates a real possibility Bulgaria to begin following more fully the UN Convention on the rights of the child”<sup>6)</sup>. Together with all this there are a number of National protests in line with the draft of “Child Protection Act!

Some of the reasons for the above presented positive and negative attitude are:

- Unspecified texts in the draft, which naturally cause "fear" in the directly involved persons related to: deprivation of parental rights, take away of the child from his/her family, allow for "disagreements" between children and parents, etc.;
- Unnecessary replacement of terminology or drop off of conventional and known to the society terms and their replacement with others such as: replacement of leadership and education with support. According to Gayane Minasyan from the Movement for liberalization of education, this is due to the fact that education is regarded as obsolete<sup>7)</sup>;
- Repetition of texts which are discussed and specified in detail in other laws /for example: adoption in the Family Code/;
- Violation of fundamental principles and inconsistency with other legal documents - the Convention on the Rights of the Child, the Constitution of the Republic of Bulgaria;
- Treatment of the parents guilty as granted and deprivation of their rights. There is no description to what extent they can educate and raise their child without State interference;
- Lack of clear and explicit definition of State intervention for child protection1);
- Fear of deprivation of parents’ functions and their transfer to the State;
- Aim to educate the parents in new type of culture and ethics, to replace existing stereotypes with new values and attitude towards the child;
- Unclear relationship between rights and responsibilities;
- Imposition of the State as a leading figure in child care - "The state takes care of the moral and aesthetic education of the child and his/her morality" /Draft of the Child Protection Act!/
- Place the child and childhood in a new philosophy and rise the principle for "the best interest of the child";
- Children protection from harmful influences - religious, educational and family ones;
- Prevention of child from being abandoned;
- Provision the opportunity for the child to grow up in a suitable environment;
- Protection and safeguard from the State to all children, not just the ones at risk<sup>7)</sup>.

It is clear that a lot of pros and cons of this draft law can be indicated. Most of them are related to: the functions and the role of the family, protection of parenthood and child, the relationship between parents and children with all the typical processes of communication, support, management etc. Based on the above, two main directions in respect of the Draft could be outlined:

1. The Draft protects children and imposes a new philosophy for their upbringing from the family and the State;
2. The Draft threatens the family as the leading environment where the child grows up and educates, and aims to limit its rights.

The truth is that children should be protected - from violence, abuse, from being neglected etc. Their rights must be subject to legal protection both from the State and all public organizations and institutions as well as from the family. The legislation concerning the children and their rights should find the balance between the autonomy/ privacy of the family, of the parents and the children protection, when it is really needed, when they are at risk and there is a real danger for their physical, mental and emotional health and development. In all other cases the family should be supported and directed by the State and its authorities and institutions, to be accepted as the best environment for the child. The parents should not feel threatened with the worst penalty for them – taking away their child. Family and family environment by assumption are the best environment for upbringing the child and it should in no way be seen as an enemy of the child and his/her rights. The government needs to protect families and children, but not by restricting and threatening them, but by supporting and assisting them

when necessary in order to protect the child and his/her rights. The family must educate and raise the child in such a way that he/she should grow up as a citizen, who knows his/her rights and obligations, the social, moral and legal norms, with legal awareness and behavior. This tripartite process child - family - State (society) can be graphically presented with scheme № 1.

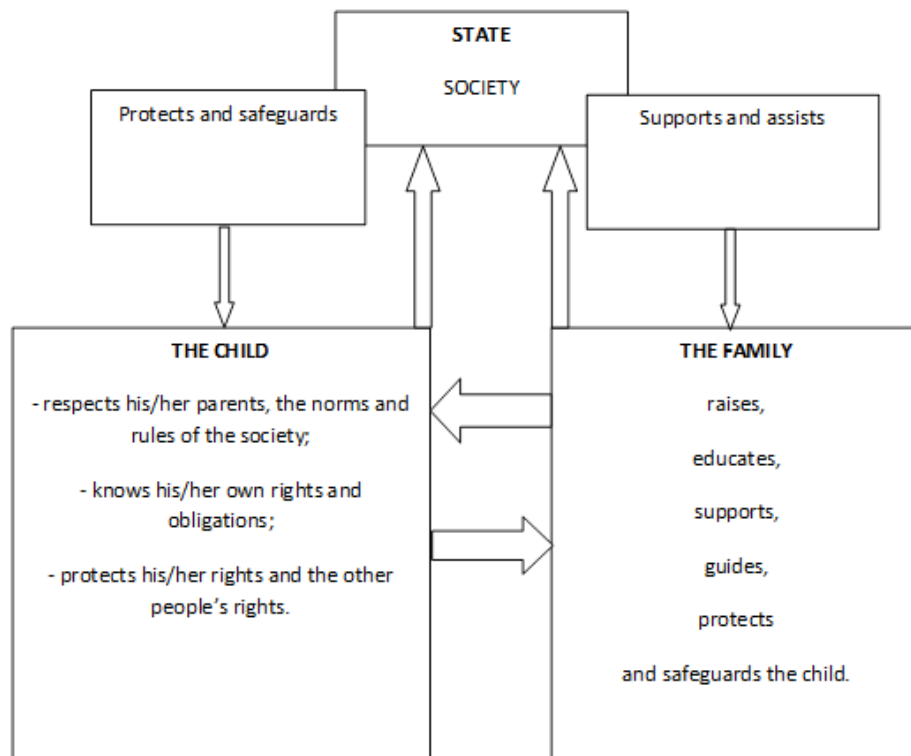


Fig. 1.

When the family effectively performs its functions, the role of the State is limited to providing specialized help and support. But when the family does not educate, does not grow, does not support, does not protect the child in a way to ensure his/her development as an independent, proactive, confident and active individual who is physically, mentally and emotionally stable, then the State must protect him/her by taking the necessary measures written down in the regulations: taking over the functions of the family, taking away the child from the adverse conditions, providing another environment for raising and educating the child which must be better and more effective – otherwise all actions are in vain.

**The Family /the parents in particular/ and the child.** Family upbringing or education style chosen by the family, is directly related to the above components - environment of emotional, mental and physical comfort, favorable or unfavorable family environment, relationships between family members etc. Accepting Victor Hugo's philosophy that "Principles enshrined in man's childhood look like letters cut in the bark of a young tree, stretching, developing with it, forming an integral part of it" and of F. Nietzsche "Unresolved contradictions in the relationship between nature and beliefs of the parents reverberate in the nature of the child and reveals the medical history of his/her mental suffering" (Nietzsche in 2001), we will try to present the relationship between the "significant" adults (the parents) and the child as a projection of upbringing on the individual.

The theory allows concluding that a man's behavior and condition can be explained by analyzing his/her childhood and receiving information about his/her relationship in the family, about the family values, beliefs and attitudes, about the approaches and the communication and education style of the parents etc. This is the main purpose of the present article – to outline the rights of the child. The adoption and respect of these rights affect child's self-esteem; create the bases for observing the social norms, the society's behavior and to be publicly involved in the context of family

upbringing, particularly the different parenting styles. These styles can be reviewed in correlation with (Ivanov, 1998a):

- Parents' impact on children;
- The place of the family in the social system - the "social class of parents, education level, profession";
- Interactions between family members;
- Peculiarities of the environment - lifestyle, morals and religions, institutions, beliefs and opinions;
- Ideology and ethnicity of the parents.

What is also important in this respect is the pedagogical skills, social skills and experience of the parents for communication and positive interactions with the children.

A lot of other relationships between the family and the selected educational style can be identified. Nevertheless we will pay more attention and go in more details to the relationship between the rights of the child and the styles of education in terms of interactions among family members, which are essential for the future development of the child as a socially adaptable and responsible person, with a clear sense for legality and existence of society rules. What is important here is:

- How the family sees the philosophy of children's rights?;
- What is the attitude towards the legal documents and legal environment in the country?;
- The specific views regarding children's education and upbringing.

Everyone knows that the family is the first cell where the child is socialized, where he/she learns behavior models, inherits culture and identifies himself/herself with the social group. Of course the family, considered also by Aristotle as "the fundamental cell of the society" (Argyle and Henderson, 1989) and its educational functions are the subject of scientific interest of many authors – pedagogues, sociologists, psychologists. Publications on these issues in the Bulgarian pedagogical science belong to J. Atanasov, S. Bycheva, I. Ivanov, E. Vasileva, E. Rangelova, T. Popkochev D. Kr. Dimitrov, E. Yanakieva, S. Chavdarova – Kostova, Sn. Popova, A. Pashova, R. Penev, M. Koleva, V. Kuteva etc. They discuss problems such as: family as a place and as a factor for socialization, specifics of family relationships and processes within different ethnic groups, the factors affecting them - parents' education, number of children, economic and social status etc. This is so because "exactly the adult is the one that acts as an intermediary between the child and the combination of socio-cultural values, attitude, norms which determine the living conditions of a given society and the ability to live a normal life in it" <sup>4)</sup>.

Ivanov, 1998 writes "Children's upbringing in the family is a process of influence, determined on one hand by the strategies of the family (with knowledge about the objectives pursued by the parents and the influence techniques they use, content and forms of the contacts) and by logic (the division of labor in the family - differentiation of the roles and coordination between parents and other education institutions – school, TV, specialists, etc.). Therefore, "The society itself can not afford to leave the family without control on children's upbringing. This control is imposed through the legal, social and educational institutions established according to one guiding philosophy that includes a new, democratic perspective upon marriage, upon the relations in a couple, the child and other core values of the family as a whole." (Ivanov, 1998 a:78). Obviously there is a need for legislation to protect the children and their rights, but it should support parents in their ambition to provide the best living conditions and only when necessary to guide them with expertise.

**Style and children's rights as fundamental terms.** Now is the time to determine the main terms and to clarify the sense in which we use them. STYLE – a term that is used in various areas: art, science, sports etc. It is used for "description of individual qualities, type of activity or behavior, implemented over a period of time" (Ivanov, 2003:29). In this article it describes a combination of individual qualities, interactions, subjective behavior, relationships that occur between parent and child in the process of educational activities carried out in family environment. CHILDREN'S RIGHTS comprises all recognized international and national laws that admit the need of special care and protection of the youngest age group – the children, encompassing protection of their specific rights and requirements for compliance with obligations.

**Correlation between parents' educational styles and the practical application of the child's rights philosophy.** In the next pages we will attempt to reveal the relationship between the implemented within families different educational approaches and the practical application of the

children's rights philosophy. "The family, which is the first and most important educational environment, is a micro- society integrated in a global society" and "in many ways it directs the man's next steps in his adaptation to society" (Ivanov, 1998 b). We assume that this idea presents the relationship between past, present and future and can be illustrated with the following scheme (№ 2).

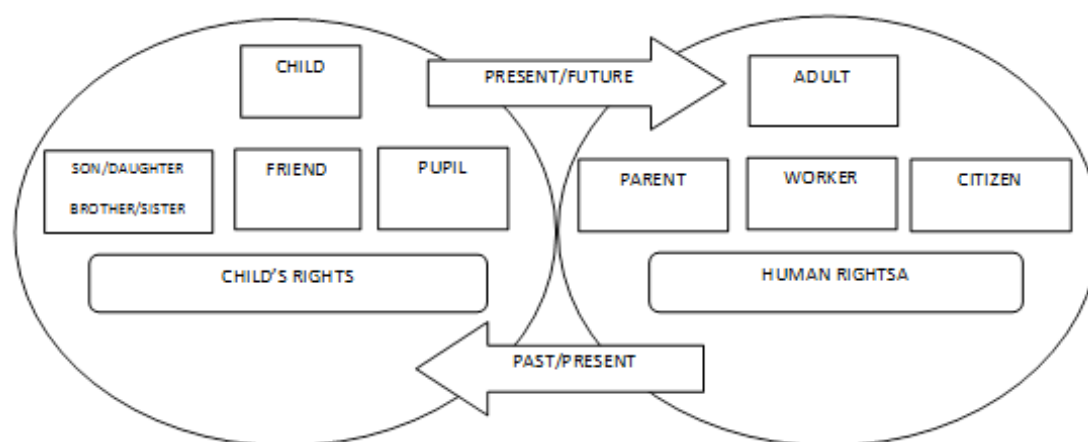


Fig. 2.

As Shalaev writes, following the adult's world towards the future the childhood world is constantly psychological directed to "overcome the present" (Shalaev and Shalaeva, 2004).

We support the understanding that "the relationship between the adults' and childhood's world is a problem as eternal as the society. These relationships are intrinsically inherent in any "live" socium. They are not smooth, but are complex and contradictory, sometimes reaching to obvious paradoxes" (Shalaeva, 2001).

A. Petrovski says "Every family raises its children in its own way according to its intentions for their future and its understanding for the means of upbringing " (in Koleva, 1998), following the objectives and tasks it sets. Citing the ideas of A. Adler, M. Valkova says that the organization of our lives today is more influenced by the goals that one expects to realize in the future than by his past experience. If the new people manage to apprehend this mindset, if they manage to master the ability of getting to know themselves, there will be an opportunity a generation to grow that will know how to become the master of its own destiny (Valkova, 2005).

There hardly is any teacher, psychologist and sociologist who can explicitly give the formula for the "perfect parent" because, as admitted by most psychologists, more precise wording is "good enough parent". This is the description for those parents who give enough of what their children need. Thus they provide them the opportunity to continue their development in the family and after that outside it. According to one of the most popular theories about parenting styles, developed by D. Baumrind, it is assumed that there are three main categories of parents: authoritarian (tell their children what to do), permissive (give their children freedom) or authoritative (stipulate rules and guidelines without being arrogant) (in Shapiro, 1999). On a later stage the theory adds also another category, namely the careless style of parenting (parents neglect children and focus on other interests).

*Authoritarian style* – a) high control by parents; b) a low level of support and assistance; c) inhibition of the activity and initiative of the child and undermining his/her authority and dignity; d) influence on the child by threats, insults, tougher penalties /performance of physical and psychological violence - author's note/; e) lack of love, attention, warmth, sympathy and understanding /neglect and emotional abuse-author's note/; f) ineffective communication /lack of dialogue - author's note/; g) failure to comply with the opinion, wishes and needs of the child; h) compliance and following the parents' rules and borders for acceptable and unacceptable behavior outlined by them without any motivation (Ivanov, 1998 a).

Children raised in these families can be described with the concept of Elizabeth Ellis in the book "To educate a responsible child" - "A lot of studies suggest that children from families with a strict authoritarian control are unsuccessful in life... They are not happy, closed in themselves and are difficult to trust others. They have the lowest levels of self-estimation...." (by Shapiro, 1999).



It is difficult to highlight children's rights that are respected in these families, but the rights that have been violated can be mentioned. They are: the right to - receive love, care, respect, to make choice, to have freedom and autonomy, opinion, security and protection, non-discrimination. This undoubtedly affects negatively the child's development at a very early age, and later also is an obstacle to establish personal values, convictions, attitudes and relationships.

*Permissive style* - a) parents impose little control over the children; b) they support and stimulate them in their daily activities; c) focus on child's freedom and his/her personal choice, the child should develop according to his/her natural inclinations; d) they do not accept and do not apply penalties; e) they provide the child full autonomy and initiation; f) they do not have explicit requirements and clear goals for their children (Ivanov, 1998 a, Shapiro, 1999).

Children brought up in this way are likely: not to comply with social norms and values because they are freedom-loving, active and enterprising; not to accept supervision and criticism; to be more difficult to adapt and to be out of control, to be more impulsive, emotionally confident and independent.

The fundamental rights respected in the interactions with the child at this educational style are: the right of - freedom, independence, choice, opinion, active participation, respect, love and care, protection from violence, security, privacy etc.

*Authoritative style* - a) parents have a leading role, but do not impose controls (Shapiro, 1999); b) they support the child in his/her desire to be independent; c) effective communication between children and parents; d) promotion of child autonomy and independent decision making; e) following the common standards of behavior and the child is required to comply with them, if necessary a motivated punishment is imposed, some explanations for the specific behavior are provided; f) positive attitude towards the rights and obligations and a positive assessment of responsible behavior; g) comply with the needs of the child and respect of his/her wishes, choices, opinions, freedom, ensuring the child's participation in important family matters; h) reasonably correct the child's behavior and attitude through information and guidance and direction towards the right decision (by Ivanov, 1998 a).

Children raised in such families are: confident, independent, adaptable, competent and emotionally intelligent, with high self-esteem, active, responsible and committed.

Based on this we can say that the following child's rights have been met: the right of - equality, communication, choice, freedom, independence, security, opinion, decision-making, favorable living conditions, a healthy family environment, active participation in family matters.

From the children's rights viewpoint we can comment on single cases affecting the early child development and find their projections also into the adulthood – neglect /careless parenting/, poor household, emotional etc. living conditions /indulgent parenting/, strong control and lack of freedom /model "deterrence"/.

**The relationship State – parent – child.** In cases when a parent happens to behave inadequately and to go too far in terms of control by imposing physical assault against the child and slap him/her, both parties have been hurt - the child and the parent. Here the question is whether the State should interfere and even go to extremes - to take the child away from the family? Undoubtedly the State should, through legal procedures, specialized institutions and agencies, provide protection and safeguard of children and their rights, but it should be done through legislation that allows every single case to be approached individually. There should be a legal framework and it should be applied, but it should not be perceived one-sidedly in terms of the different problems that need to be resolved. Presumption of parents being guilty must be subjected to a discreet investigation and proof. Unnecessary suffering of both the child and the family should be avoided. It should be very clearly determined when the State will help the family - by requiring attending specialist, workshops for parents, training, joint activities between parents and children, etc., and when will penalize it by imposing the ultimate penalty "taking the child away from the family". This very much depends on the answer of the following questions:

What are the rights of the child that have been violated? What is the real danger for the child?

How these rights have been violated in time /once, periodically, systematically/?

What are the consequences for the child and the parent / change in behavior, communication etc./?

The paradox here is that the legal framework for children's rights, their protection and safeguard should not make parents feel "dependent" on the will and decisions of the State. They need to see bodies and institutions that are willing to help and cooperate in solving different problems /social, economic, educational/ that influence the child's growth. On the other hand, the parents are the ones who have to try

to build the child's sense of "dependence" in certain range, because this is in the basis of the feeling of inferiority, and this feeling of inferiority establishes the child's desire to develop (in Valkova, 2005). This is the reason the child to strive for power, excellence, but also for aggression. Aggression is a reason for violating the rights of others, invading their space, violating their dignity and self-esteem.

It mostly depends on the parents whether this strive for excellence will be positive - self-affirmation through assistance and support of others or negative - through selfishness, malice, envy etc. Adler says that it is the interactions between parents and child that can compensate the feelings of inferiority and prepare the child for his/her future role – of a friend, worker, father/ mother, grandfather/ grandmother. Moreover from the care for the child, the characteristics of the educator, the position of the child in the family, it depends whether these strive will support the further development of the child (in Valkova, 2005). Also from the family environment and upbringing depends whether the child will develop a desire for community. According to A. Adler creating in the child a sense of cooperation, interest, friendly attitude towards the family members and the people outside the family to great extent depends on the mother. On the other hand the father is the figure that can stimulate the social interests in the child. At first place by he himself having a strong social interest and at the same time he is actively involved in the upbringing of the child and treats him/her as being equal. The attitude for community in general depends on family relationships: parent – parent, parent – child, child – child. It is good, by the upbringing style, the parents to aim developing in the child a sense of community and to prevent any hurts. Otherwise exactly the injured sense of community can lead to avoidance of cooperation, limited humanity, weakening the ability of social adjustment or refusal to take any obligations towards the society (in Valkova, 2005).

F. Dodson says "Modern society practically does not offer any training for the parent profession. So no one would think to appoint a secretary who is not proficient in typing and shorthand, only by telling her: "You are the secretary, do it!". But when a woman becomes a mother it seems as the society suddenly tells her: "From now on, you're a parent. Nevertheless we did not teach you much how to do this job, you try, make an effort!". Therefore it is necessary the State, represented by its institutions, to direct efforts mainly at supporting parenting - consultations, meetings, discussions, forums, schools, clubs etc., because Dodson also says "For all of us being a parent means to continuously learn. When we learn a new skill - driving, playing an instrument or taking care of a child – we progress by learning from our mistakes. Only that the lonely application of the trial and error method is the most inefficient training... Much more easy and effective way is to ask a competent and experienced player to tell you the rules" (Dodson, 2005).

**Instead a conclusion:**

Children do have rights.

The State must defend and protect the children and their rights.

The State must support and help the families.

The family is the best environment for raising a child.

Parents need professional help and support.

Child's development from an early age is in direct relation with the parenting style.

Parents, through the interactions with their children, put into practice the philosophy of children's rights.

The apprehension and respect from the parents of children's rights is the basis for the child to start adopting and respecting the human rights and the beginning of his/her legal education.

Taking away the child from the family and putting him/her in different environment is necessary only when it is indisputably proven that parents do not provide a safe living environment and harm the child.

It is necessary, when there is a signal for a child in danger, immediately a study to be carried out in order to provide the necessary information about the real situation and to allow the application of adequate and favourable for the child legal action in a long-term perspective.

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