

# Young advisors to the Ombudsman as co-operators of child psychiatry

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## Abstract

In Slovakia, Legislation regulates the rights of individuals with mental disorders. Observance of these regulations is monitored by a designated Ombudsman or Public Defender of Rights which was created with the adoption of the Constitutional Act No. 90/2001.

The Public Defender of Rights pays special attention toward the young generation including mentally handicapped children which since 2002 serves as the basis for collaboration with Child Ombudsmen who also act in prevention of Child Abuse and Neglect Syndrome (CAN).

Problematic children receive little attention not only in Slovakia. Such children can be found in many other countries and this is where the Child Ombudsman could act with beneficial effect. Since December 2008, Slovak school children have selected from their ranks a “Child Ombudsman” who is willing to defend the rights of every classmate, including those with mental problems. The Child Ombudsmen become assistants in Pedopsychiatry.

An international network of Child Ombudspersons aimed at preventing development of mental and physical damage has been developed. Functioning in 22 European countries within The European Network of Ombudspersons for Children was implemented on a greater scale in April 2010. The Child Ombudspersons should be included in all public healthcare system.

## INTRODUCTION

Behavior of the adults towards others including minors is regulated by legislation in each participating country. A variety of behavioral disorders are covered by numerous legal regulations.

Legislation is a basic framework for ensuring dignity for individuals with mental disorders and for protection of their human rights (World Health Organization 2001). It also regulates the rights of individuals with mental disorders. Human rights apply not only to adults over 18 years of age but

also to embryo and fetus – before children are born. In observance of the rights of children, parents have an important role to play helping their offspring in personality development. Attitudes of teachers are also important, as they do not always act responsibly in the protection of children who are different. Well known is the importance of an harmonious family and the need to provide assistance to inadequately functioning families to prevent disturbing the personality of a child in the process of upbringing and education. This applies even more to children with mental disorders.

Observance of these regulations is monitored by a so-called Ombudsman or Public Defender of Rights in any given country. The Ombudsman institution was first established in 1713 by the Swedish King Charles XII, but similar system existed a long time ago in the Islamic world (in Turkey) as well as in China. The Ombudsman offers faster, less expensive and less formal solutions.

The Public Defender of Rights should participate in forming the personality of an individual and in teaching respect towards justice. The legal basis for creation of an independent constitutional authority of the Public Defender of Rights in Slovakia was the adoption of the Constitutional Act No. 90/2001 Coll. of February 23, 2001 amending the Constitution of the Slovak Republic No. 460/1992 Coll.

Besides general Ombudsmen, there are also special Ombudsmen with highly specified areas of activity (such as Child Ombudsman, Ombudsman for Prisoners, Ombudsman for Foreigners, etc.). Since 2002, special attention has been paid to the young generation in Slovakia within a cycle of meetings of the Public Defender of Rights with students of elementary schools and with children from Children's Homes under the name "The Public Defender of Rights to Children and Youth". Developmental problems and issues of rights of ordinary and mentally handicapped children have also been dealt with applying the paradigm that childhood is entitled to special care and assistance.

## CHILDREN'S RIGHTS IN THE BIO-PSYCHO-SOCIAL FRAME

In this sense, past President of American Psychiatric Association L. Hartmann (1992) refused to distinguish between so-called Biological Psychiatry and so-called Psychological Psychiatry. He held that it is impossible to separate Biological from Psychological and Psychological from Social. From the viewpoint of Bio-psycho-social Integration, the development of a child may be damaged by a defect of genome, a high level of some neuro-mediators of his mother, trauma from the delivery, or emotional, intellectual and socio-cultural deprivation. The biological basis of the symptoms is temporary or permanent reconstruction of different neuronal maps. Again, the nature vs. nurture debate. This holistic view was applied some three centuries ago by Ján Ámos Komenský (Comenius) who just used different wording. He pointed out that the proper development of a forming human embryo is influenced by the way of life of both parents, especially the mother, during the pregnancy. Upbringing and education may mitigate mental and physical deficiencies and integrate the handicapped individual to the human collective as a beneficial person. Employees and clients of schools, children's homes and other educational institutions for children and youths may prove helpful in an essential prophylactic way. As far as they can, they should bring to the fore any case of improper treatment of minors.

And, this is the ground for collaborators of the Public Defender of Rights, i.e. for School or Child Ombudsmen at elementary and secondary schools in Slovakia. They are helpful to parents of the minor, to teachers, healthcare professionals and to other adults working with minors. Thus the Child Ombudsmen become assistants of Pedopsychiatry.

## A CHILD PSYCHIATRIST AND CAN SYNDROME

From the viewpoint of a Child Psychiatrist, it was important to solve cases of bullying, physical punishments, inadequate restrictions, negligence of children in lives of ordinary families, as well as in stressful situations that are connected to divorce or misunderstandings in a school environment. According to Psychiatrists, there are cases of a variety of active as well as passive Child Abuse and Neglect (CAN) Syndrome.

At the turn of the Millennium, we brought to the fore the social background of 97 adolescents with addictions to psychoactive substances during the period between 1981 and 1995. The minors between 11 and 18 years of age met characteristics of the CAN Syndrome in 37.2% (beating and apathy), while 3.1% of educators strongly hated and abused such children. The minors came from disharmonic families in 56.7%, but 69.6% of them had very good social conditions. The worst perception of methods used by the educators was observed in those using heroin and mixed types of substances abuse (Škodáček 1999).

In statistical overviews, the CAN Syndrome may be unseen or ignored in various surgical and psychiatric diagnostic units. Aggressive and violent behavior, such as bullying among youths, is a widespread problem that is present around the globe resulting in a growing number of deaths of adolescents (Preidt *et al.* 2005). The bullying may be characterized as atrocious, evil, sarcastic, wrathful, etc. acts. At least in some cases, it is a lack of self-constraint, when an emotionally tempting goal motivated by immediate greed takes an upper hand over objections of reason and scruples of higher emotions. Temptation of the target may paralyze objections that are applied by personality against means. The purpose is attained even against the objections of reason and moral restrains with an awareness of the consequences of such conduct (Dobrotka & Fedor 1963).

Bullying is widely present at schools and it is growing. Infringement of children's rights, including those of children with mental disorder and behavioral disorders may be detected by their peers who can be called Child Ombudspersons. A basic responsibility of the Child Ombudsmen is to report any cases that call for Pedopsychiatry Intervention. The CAN Syndrome also may be the reason behind other socially unacceptable behavioral patterns in children and youths, such as fleeing from home accompanied by prostituting for food, stealing etc. This effects further development of a child's

psyche and can result in spiritually ecologic psychopathology that is closely connected to the absence of culture and to the devaluation of values in the society.

### THE MAIN AIM OF THE CHILD OMBUDSMEN & THE PUBLIC DEFENDER OF RIGHTS IN CHILD PSYCHIATRY

Since December 2008, a project for creating the network of child advisors of the Public Defender of Rights is in operation in Slovakia and is supported by schools and other institutions for children. Today, these Ombudsmen are selected by children themselves with minimum interference from teachers or other adults. Both boys and girls are equally represented. The instructed Child Ombudsmen may notice early symptoms of disorders in behavior, attention and moods of their peers, and they can contribute to better understanding for their classmates without labeling them as mentally ill. The Child Ombudsmen protect the rights of their schoolmates by contributing a sympathetic view toward possible disorders of a minor.

Appointment of Child Ombudsmen at schools means improved chances to detect negative phenomena related to children and their families. We expect Child Ombudsmen to act as mediators between their peers and the Public Defender of Rights in solving their everyday problems. What is also important is the cooperation with managements of schools and other institutions for children, with psychologists, educational counselors and other educators, employees and parents.

In the past, problematic children received little attention. In Slovakia, only some one of thirty actually existing cases of children with the CAN Syndrome underwent professional Pedopsychiatric examination. That represented 5300 children in one year. Similar problems may be trans-geographically and trans-culturally expected in many other countries.

Preventing occurrence and development of childhood physical, mental and emotional damage is one of the most important tasks for every society. No one should make excuses that there are no monetary funds for that. A significant development of international cooperation of Ombudsmen for Children takes place in 22 European countries within the ENOC (The European Network of Ombudsmen for Children) which was commenced on a greater scale in 2010. In April 2010, a project called ENYA (ENOC Network of Youth Advisors) started – it is designed for the discussion of the young collaborators on such subjects as education, Internet and privacy, violence and health.

### DISCUSSION

The cooperation of the Child Ombudsmen with the Public Defender of Rights and with Child Psychiatrists contributes to locating children with problems and to healing their physical, mental and emotional challenges.

The aim of the Child Ombudsman initiative is to sensitize society to numerous demonstrations of prejudice, intolerance and violence, and to regulate minors so that they behave in socially acceptable ways that will allow them to find their place in life – in school, in sports and later in work – in their culture and their society. This will contribute to a reduction in the number of socially diminished and damaged youths as reported by The Foundation for Child Development on conditions of children (Land 2005).

The Child Ombudsmen may act in various developing countries around the globe as effective defenders of children's rights. They can assist in helping children and youths in places with less developed Pedopsychiatry, lack of teachers and Pediatricians in primary healthcare, weak social network. In this way, the Child Ombudsmen contribute to increased protection of rights of the child and mental health of their peers in coordination with the environment in which they live and grow.

The World Psychiatric Association (WPA) supports the development of community when, as has happened too often, that families of discharged patients, also with severe mental illness, have been left alone with their problems (Maj 2010). The project of Child Ombudspersons should be one of the possible ways in which the WPA contributes to creation and insemination of the principles of preventive psychiatry where narrower international collaboration may be applied (Lecic-Tosevski *et al.* 2003).

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