



The Baltic Sea Region in action to end corporal punishment

Regional developments in legislation, attitudes and behaviours



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Table of Contents

- Making non-violent childhoods a reality: Evolving laws, attitudes and behaviours in the Baltic Sea Region5**
 - The Baltic Sea Region – An almost no-corporal-punishment zone.....5
 - The Non-Violent Childhoods programme: From law reform to practice.....5
- Historic leadership in the Baltic Sea Region continues to inspire champions for children today.....7**
- Children’s views on corporal punishment: Voices from the Baltic Sea Region.....10**
 - Negative emotions prevent children from seeking help in situations of corporal punishment10
 - Children’s recommendations for better protection from corporal punishment11
- Research confirms the harmful impact of corporal punishment and the benefits of positive parenting14**
 - Research demonstrates the multiple harmful consequences of corporal punishment.....14
 - The benefits of positive parenting16
- International and European standards: A strong legal basis for prohibiting all corporal punishment of children17**
 - The UN Convention on the Rights of the Child obliges States to protect children from all forms of violence17
 - International treaties recognise corporal punishment of children as an act of cruel, inhuman or degrading treatment or punishment18
 - Incorporation of international standards into national law18
- National legal bans on corporal punishment: An evolution from generic to explicit prohibition21**
 - A diversity of legal regulations are in place to protect children from corporal punishment21
 - Progressive law reform was necessary to achieve an explicit prohibition of corporal punishment in all settings.....22
 - The social and educational dimension of legal bans on corporal punishment.....24
- The law reform process towards achieving a full and clear legal prohibition of corporal punishment: Country examples25**
 - Sweden.....25
 - Finland29
 - Poland.....30
 - Estonia.....32
 - Lithuania34
 - The Russian Federation35

| | |
|---|-----------|
| Attitudes towards corporal punishment and parental behaviour in the Baltic Sea Region | 37 |
| The dissemination of the law influences attitudes and behaviour change | 37 |
| Impact assessments help measuring the effectiveness of a legal ban | 38 |
| Some groups of children have a higher risk of experiencing corporal punishment..... | 39 |
| Evidence of social transformations: Changing attitudes and behaviours in the Baltic Sea Region | 41 |
| Sweden | 41 |
| Finland | 43 |
| Norway..... | 45 |
| Denmark | 45 |
| Latvia | 46 |
| Germany | 49 |
| Iceland | 50 |
| Poland..... | 50 |
| Estonia..... | 53 |
| Lithuania | 54 |
| Annex..... | 56 |
| National laws prohibiting corporal punishment of children in different settings..... | 56 |
| The Guidance Reports and Cartoon | 65 |

Making non-violent childhoods a reality: Evolving laws, attitudes and behaviours in the Baltic Sea Region

The Baltic Sea Region – An almost no-corporal-punishment zone

The Baltic Sea Region combines countries that have almost 40 years of experience of implementing legal bans on corporal punishment of children and countries that have just embarked on the journey to ensure childhoods free from violence. Sweden was the first country in the world to enact a legal ban in 1979, followed by Finland (1983), Norway (1987), Denmark (1997), Latvia (1998), Germany (2000), Iceland (2003), Poland (2010), Estonia (2015) and Lithuania (2017). The Russian Federation has yet to introduce a legal ban.

The developments in the Baltic Sea Region show that it is possible to change attitudes and behaviours and that social norms can be transformed in favour of positive, non-violent childrearing. Since the national bans have come into force, more and more parents have rejected the use of corporal punishment in the upbringing of children. Despite the significant progress achieved, too many children continue to experience physical and emotional violence as humiliating and degrading treatment.

Research from the region evidences that corporal punishment is still being used, even though the prevalence differs from country to country. Throughout the region, there is a trend that the use of corporal punishment is decreasing, with the most significant reductions in those countries where the legal ban has been in force for decades. Surveys show that particularly the forms of corporal punishment that are considered “light” or “mild”, such as smacking, are used less and less. The population is increasingly aware that corporal punishment of children is prohibited by law and the attitudes and behaviour are clearly changing towards positive parenting. In many countries, surveys show that the change in attitudes and behaviour sets in even before the legal prohibition of corporal punishment is adopted, which suggests a dynamic interaction between the social change towards non-violence and the law reform process.

The Non-Violent Childhoods programme: From law reform to practice

Children have the right to grow up free from violence and to enjoy respect for their dignity, physical integrity and to equal protection under the law. Promoting childhoods free from violence is one important entry point for governmental cooperation in the Baltic Sea Region contributing to a safe and secure region today and in the future.

The aim of the Non-Violent Childhoods programme is to promote the full implementation of the legal bans on corporal punishment in the Baltic Sea Region through collaborative, multi-stakeholder planning and action.¹ Its programme of work is managed by the Council of the Baltic Sea States Secretariat with co-funding from the European Commission. National ministries and institutions in the Baltic Sea region are supporting the project, in particular the Ministry of Social Affairs, Estonia; the Ministry of Social Affairs and Health, Finland; the Ministry of Welfare, Latvia; the Ombudsman for Children’s Rights, Poland; and the Ministry of Health and Social Affairs, Sweden. The Global Initiative to End All Corporal Punishment of Children is an international partner to the programme.

¹ More information on the reports and campaign is available from <http://www.childrenatrisk.eu/nonviolence>.

The Non-Violent Childhoods programme draws on the outstanding commitment and leadership demonstrated by change makers in the region. This includes politicians, public officials, service providers, practitioners from different fields and backgrounds, independent institutions, researchers, advocates, the media, church representatives and faith based organisations, as well as citizens, including children, young people and parents. The outcomes and lessons learned of the programme will continue to inform the work of the Council of the Baltic Sea States and its national and international partners. In particular, they will continue to inspire and sustain action and development in this area throughout Europe and beyond.

The Non-Violent Childhoods programme has developed a set of guidance reports and a campaign, which complement this regional report. The guidance reports offer a detailed insight on specific measures supporting the implementation of the legal bans, in particular in the following areas:

- Step-by-step guidance on implementing a legal ban from a perspective focused on the human rights of the child;
- Guidance on implementing the legal ban in the domestic setting in accordance with the principle of the best interests of the child;
- Guidance for service provision promoting the implementation of the legal ban in child protection and social services, education, health care and law enforcement;
- Guidance for awareness raising campaigns and communication to promote non-violent childhoods;
- Guidance on programmes for positive parenting;
- Guidance on research measuring progress with the implementation of the legal ban.

The reports and campaign offer inspiration, guidance and tools aimed at transforming societies and making non-violent childhoods a reality. Based on experience from the Baltic Sea Region, they convey key messages and highlight examples of good practice that have relevance not only to the 11 states in the region but also to Europe and beyond.

This regional report provides an overview of relevant laws and the progress made with their implementation and enforcement in the Baltic Sea Region. It reviews research from the region, synthesises the existing data on the prevalence of corporal punishment, as well as results from surveys on trends concerning attitudes and behaviour of the population. The report was informed by consultations with leading actors from the member States of the Council of the Baltic Sea States and the wide European region. They contributed by sharing, reviewing and discussing experiences in transforming attitudes, behaviours and social norms.

Historic leadership in the Baltic Sea Region continues to inspire champions for children today

In the wake of the violence and destruction brought about by the Second World War, the Universal Declaration of Human Rights of 1948 stated that human rights are inherent to all human beings, with no exceptions. Subsequently, the Declaration guided the development of legally binding human rights standards defined by two International Covenants. In the following decades, countries in the Baltic Sea Region pioneered an understanding of children as rights holders and citizens who have an equal right to protection from violence and punishment, just as adults. The 1924 Declaration of the Rights of the Child was revised and expanded and, in 1959, it was formally adopted within the framework of the United Nations. The international Year of the Child in 1979 became an occasion for Sweden to enact, as the first country in the world, a legal prohibition of corporal punishment of children in the home, complementing previous laws that outlawed corporal punishment of children in other settings.

In the same year, the Government of Poland took the initiative to present to the international community a draft treaty on the rights of the child, based on the 1959 Declaration on the Rights of the Child. Internationally, there was a nascent movement advocating for a legally binding treaty on the rights of the child, of the same standing as other international human rights treaties. The draft text proposed by Poland served as a basis for the international negotiations, which culminated in the adoption of the UN Convention on the Rights of the Child in 1989.

This initiative by the Government of Poland at that time had been strongly inspired by the legacy of Janusz Korczak, a pioneer for the rights of the child and for non-violent childhoods. Janusz Korczak was a Polish physician, writer and educator. As a director of an orphanage in Warsaw, he studied education theories and published articles and books that promoted an understanding of children as individuals who command respect for their personal situations, stories and aspirations. He sensitised adults to an understanding of children as equal members of society who have their own ideas, evolving capacities, resources and potentials. Korczak advocated for a reform of the education system and the way children were brought up. He was a role model for non-violent childhoods as he firmly rejected the use of corporal punishment and other forms of violence against children.

“... for the very first time, I spoke not to the children but with the children. I spoke not of what I would like them to be but of what they would like to and could be. Perhaps then, for the first time, I found out that one could learn a great deal from children, that they make and have every right to make demands, conditions, reservations.”

“I am a ruthless, inexorable opponent of corporal punishment. Whips, even for adults, will only be a drug, never a means of education. Whoever strikes a child is his torturer.”

Janusz Korczak

During the German occupation of Poland in the Second World War, Korczak was director of an orphanage within the Jewish Ghetto in Warsaw. In 1943, together with the orphanage staff, he accompanied around 200 children from the orphanage who were deported to the German extermination camp in Treblinka where they were murdered. Due to Korczak’s visionary and

determined leadership in these times of violence and destruction, his publications and the principles of non-violence that he represented are still highly relevant today and keep inspiring advocates for the rights of the child in Poland and beyond.²

The famous Swedish writer and children's book author, Astrid Lindgren, became another leader from the Baltic Sea Region inspiring the world to end violence against children. In 1978, when awarded the peace price of the German book trade, she held a speech about non-violence and peace, emphasising the importance of raising children free from violence, as a fundamental precondition for peace and stability in the world. To promote peace, she advised to start from the bottom, with children. Her speech "Never Violence!" subsequently inspired advocates, practitioners, researchers and policymakers in the region, in broader Europe and worldwide and continues to do so today.³

"She was a young mother in the days when people still believed in the idea of "Spare the rod and spoil the child" – or rather, she didn't really believe in it, but one day when her little boy did something naughty, she decided he had to have a good hitting, the first one of his life. She told him to go out and find a suitably supple stick or rod for her to use. The little boy was away for a long time. He eventually came back in tears and announced: "I can't find a rod, but here's a stone you can throw at me." At which point his mother also burst into tears, because it had suddenly dawned on her how her little boy must have regarded what was about to happen. He must have thought: "My mum wants to hurt me, and she can do that just as well by throwing a stone at me. She threw her arms round him, and they spent some time crying together. Then she placed the stone on a shelf in the kitchen, and it stayed there as a permanent reminder of the promise she had made to herself at that moment: never violence!"

Astrid Lindgren

The visionary leadership of these and other pioneers for non-violent childhoods continues to inspire action to date. Their legacy has guided actors across all levels and segments of the state and society to take a stand against corporal punishment, including heads of state and government, ministers, Parliamentarians, Ombudspersons for children and other human rights structures, researchers, professionals in different fields and civil society actors.

In the years following the adoption of the UN Convention on the Rights of the Child, other countries started to follow the example set by Sweden and adopted a legal ban on corporal punishment of children in all settings. At the international level, the United Nations, regional bodies such as the Council of Europe and its Parliamentary Assembly, the European Union and organisations like the Global Initiative to End All Corporal Punishment of Children have been forerunners in sensitising societies to the benefits of positive parenting. They have been promoting an understanding of corporal punishment of children as a harmful practice, which is in conflict with the rights of the child and children's status as citizens. More recently, the UN Sustainable Development Goals are generating new momentum for states to review their measures towards

² See: Council of Europe, Office of the Commissioner for Human Rights, *Janusz Korczak, The Child's Right to Respect, Janusz Korczak's legacy, Lectures on today's challenges for children*, 2009, https://www.coe.int/t/commissioner/source/prems/PublicationKorczak_en.pdf.

³ Swedish Book Review, *Never Violence!*, Astrid Lindgren, translated by Laurie Thompson, 2007:2, <https://www.swedishbookreview.com/article-2007-2-never-violence.asp>.

ending all forms of violence against children and define specific indicators to measure progress towards this goal.

At the national level, initiatives to change harmful practices and transform attitudes towards positive, non-violent upbringing of children have been launched by state agencies and civil society actors. Processes of change are initiated by the highest level of Government or the Parliament in some countries, or by decentralised and local initiatives in others. When all segments of society, politics and the state gradually reach a common understanding of the importance of non-violent childhoods, the preconditions for enacting a legal ban and ensuring its subsequent implementation are good. Ombudspersons for children and other independent human rights structures have played a strong role in promoting positive change in the Baltic Sea Region. The academia, civil society organisations and faith based organisations have been decisive to inform and support these processes of change.

Worldwide, more than fifty countries have a legal ban in place and many more countries are in the process of debating a legal prohibition. These countries are part of transforming a global culture that for centuries has been condoning and promoting corporal punishment of children to a new understanding where corporal punishment is seen as an infringement against the human dignity and right to physical integrity of the child. The High-Level Dialogues initiated by Sweden with the international conference *Childhood Free from Corporal Punishment* in 2014, and followed up by the Government of Austria in 2016 and the Government of Malta in 2018, have been instrumental for strengthening the interest and commitment to ending all corporal punishment, at the highest levels of states and governments around the world.

Children's views on corporal punishment: Voices from the Baltic Sea Region⁴

Girls and boys who participated in the Non-Violent Childhoods programme confirmed that corporal punishment continues to preoccupy children, despite the legal bans in force. Children experience or witness different forms of corporal punishment, including physical and emotional violence. They are talking about it with their peers, in families and communities and at school. Even though limited trust in service providers is a recurrent theme in their discussions, boys and girls tend to seek help when experiencing corporal punishment. While some talk to friends and peers, others contact helplines, approach psychologists, nurses or teachers at school or social and child protection services. These contacts offer important opportunities for service providers to hear the child and to offer advice and support. As experts of their own situations, children are also able to teach adults and service providers how to identify signs of violence. The consultations with children revealed that there continues to be a need to ensure children are fully informed and know where to turn to for help. Likewise, officials and professionals who are working with children have to be trained and skilled in child-sensitive communication and confident with referring children to services that help.

Negative emotions prevent children from seeking help in situations of corporal punishment

The children who informed the Non-Violent Childhoods programme talked about negative emotions they are struggling with when experiencing or witnessing corporal punishment, such as fears and concerns, feelings of shame and disappointments, as well as uncertainties due to limited information. These negative emotions, especially when they persist or cumulate over time, are often perceived as intimidating and might prevent children from seeking help. Identifying, understanding and regulating negative emotions is an important precondition for ending situations of corporal punishment and transforming harmful relations to more positive and supportive ones.

Fears and worries: Many children worry about how social workers, teachers, school psychologists or other service providers will respond when they disclose incidents of corporal punishment in the home. They are worried about the consequences for the family and how these may impact their relationship with their parents. In particular, they are scared of being placed in an institution, if social workers find out that they experience corporal punishment in the home. Many children have heard negative stories about institutions for children and would prefer remaining at home with their parents and siblings even when their parents use corporal punishment. Some children refrain from talking about corporal punishment in the home as they fear that their parents might be prosecuted or otherwise held responsible for it.

Feelings of shame: Children who are victims of violence, including corporal punishment, are often bothered by feelings of shame. Some children feel ashamed for experiencing violence and asking for help may be seen as a sign of weakness. Some children feel ashamed of their parents if they use corporal punishment because having violent parents is perceived as a stigma. They

⁴ This section was informed by: Non-Violent Childhoods Project, *National Consultation in Estonia*, 15-17 November 2017. Non-Violent Childhoods Project, *National Consultation in Finland*, 19-20 June 2017. Törneman, Janna, *Listening to Children and Their Recommendations*, Children's Ombudsman's Office, National Consultation Sweden, 8 May 2017. Aula, Maria Kaisa, *The Child's Right to an Upbringing, Family centre as a promoter of a rearing culture which respects the child*, In: Nordic Council of Ministers, *Family Centre in the Nordic Countries, A meeting point for children and families*, 2012, pp. 56-61, p. 59.

are concerned it could make them appear ‘in a bad light’ as children and as the type of person they will become when they are adults and parents themselves.

Feeling uninformed and insecure: Children feel they know too little about what kind of living situations and relations are considered “normal” and when or where they should seek help. They also feel uncertain about the roles and tasks of social workers and psychologists. They have no clear ideas about what to expect from them and how they can help. The role of a social worker is typically associated with negative themes and there is little awareness of their supportive and preventive mandate. In Sweden, for instance, children who were victims of violence informed the Ombudsman for Children that they did not believe the social services were there to help them. They thought that social services were to care for addicts, poor people or adults with social problems.⁵

Feeling disappointed: Many children reported that they felt disappointed after talking to teachers, social workers or psychologists at school because they felt that adults gossiped and shared confidential information with others while doing very little to help the child. Children who had approached professional service providers at school felt that they appeared too busy and overburdened to care about their problems. At the same time, some children thought that their own problems could be too insignificant or light to approach professionals for help. Some children preferred therefore to call a helpline, where the persons they talk to take the time to listen and the attention is all theirs.

Children’s recommendations for better protection from corporal punishment

The consultations with children in the Non-Violent Childhoods programme aimed to solicit recommendations on how to protect children better against corporal punishment and how to create positive relations between children and parents or teachers. In addition, Ombudsoffices for Children, children’s associations and councils, as well as researchers enriched the consultations by conveying children’s views and recommendations.

A prominent theme in the children’s recommendation is the need to engage children, parents, teachers and other service providers at eye-level to develop solutions together. Children would like to consider service providers as positive figures and partners in difficult situations. In particular, they would like schools to take on a more proactive role in supporting children and parents by offering a neutral place for information, joint learning and mediation.

- **Children would like to have more information** about their rights, the different services available to them and whom to call when they need help. Children recommend that social workers, school psychologists, teachers and other professionals provide this type of information, take time to talk with children, ask questions and listen to them.
- **Professionals should be supportive and sympathetic** when interacting with children. The children felt it was okay for professionals to ask a child explicitly about experiences of violence as that could make it easier to speak about it. Direct questions about experiences of violence are appropriate in individual meetings between a child and a professional who demonstrates genuine interest to listen and to take time to talk with the child about it, and to follow-up in an appropriate manner.

⁵ Törneman, Janna, *Listening to Children and Their Recommendations*, Children’s Ombudsman’s Office, Presentation, Stockholm, 8 May 2017.

- Children demand from officials and professionals that they **respect rules of confidentiality and protect the privacy of children**. Some children felt betrayed when they learned that adults to whom they had disclosed incidents of corporal punishment in the home were gossiping about these cases rather than to act responsibly and refer the child to meaningful help. Even if this experience remains limited to a single case, it can undermine the trust of a whole group of children and discourage them from disclosing.
- The children would appreciate **a more open debate on violence against children** in all its forms, including corporal punishment and different forms of emotional violence, within communities, on the streets, at schools, on the internet, in the media and in politics. They would like to see a stronger public debate among citizens on basic principles such as respect, dignity and non-violence.⁶
- Boys and girls are often able to identify from a child's looks or behaviour whether the child is experiencing corporal punishment at home or other forms of violence. They would like professionals to develop the same level of knowledge and sensitivity. **Professionals working with children have to be able to identify children who experience violence**. Besides carrying visible marks on the face or body, children who are beaten at home or experience other forms of corporal punishment might misbehave at school, have an aggressive behaviour and lower rates of academic achievements. Children who are victims of violent punishment at home tend not to respect teachers or other professionals as authority figures and are not afraid of the possible consequences of their behaviour such as exclusion from school.⁷
- Many children would like to see schools and teachers take a more proactive role in promoting non-violence. **Children would appreciate if schools are used as positive meeting places** that offer children, parents, teachers and other professionals a neutral space where to discuss issues that concern and bother them. Children appreciate when questions and problems are discussed at eye-level so that children and adults, families and professionals find solutions together.
- Some students recommended that it would be useful for **schools to organise parents' meetings, group activities or workshops at school** on different themes, such as the upbringing of children, positive parenting and the legal prohibition of corporal punishment.
- At school, many classes get the opportunity to meet with different professionals who come to visit schools and talk to the students about their work. **Students would appreciate if schools invited social workers and other social professions to talk to children about social and emotional skills**, respond to their questions and provide information and simply to establish contact. When there are conflicts, difficult situations or violence within a family or at school, students recommended that it would be helpful if there was **a trusted person who mediates** between the child and the parents or other persons. A teacher, school psychologist or social worker could act as mediator, as long as this person has the child's trust.

⁶ Non-Violent Childhoods Programme, National Consultation Poland, December 2017.

⁷ Non-Violent Childhoods Programme, National Consultation Estonia, November 2017.

- Students of all ages would appreciate **opportunities to become more proactively involved in local and national activities for non-violence**. Children noted that **peer mediation is a positive initiative** that is worthwhile taking to scale at schools and in communities. In peer mediation, adolescents are trained as mediators to prevent peer conflicts and intervene when they happen. As youth workers, including young educators and mediators, have a strong influence on the boys and girls they work with, they have to be trained and supported to change their own attitudes and behaviours and to sensitise the youths they are working with. Students recommended that **youth workers are trained to understand and identify violence, risk situations and conflicts**, including corporal punishment in the home, at school, in sports clubs or any other context, and intervene early to prevent it.
- Despite the growing awareness of laws prohibiting corporal punishment, children see a **continued need for campaigns** to disseminate information about the legal ban on corporal punishment and positive relations in families. In particular, they would like to see a campaign addressing **children as the main target group**.⁸

⁸ Non-Violent Childhoods Programme, National Consultation Poland, December 2017.

Research confirms the harmful impact of corporal punishment and the benefits of positive parenting

Over many decades, research has been generating a compelling and growing body of evidence on how different approaches and behaviours in the upbringing of children impact children and parent-child relations. Studies are conducted in the Baltic Sea Region, broader Europe and worldwide, in countries with or without a legal ban in place. The research findings demonstrate the harmful impact of corporal punishment, the opportunities presented by non-violent parenting approaches, as well as the positive change that a legal ban on corporal punishment of children brings about for children, families and societies.

In the Baltic Sea Region, the available evidence has been used proactively to sensitise the society, different groups of professionals and practitioners, as well as policymakers to the harm caused by corporal punishment and the importance of positive and non-violent behaviour in parent-child relations. Evidence informs awareness raising campaigns, media reporting and national debates on child rearing, as well as the development of programmes and service models.

Research demonstrates the multiple harmful consequences of corporal punishment

Research provides evidence of the multiple consequences of corporal punishment for children, parents and the society. It shows that exposure to violence, including corporal punishment, is dangerous for the child in the moment it happens and continues to affect the child negatively in the medium and longer term, with potentially life-long consequences. The evidence demonstrates that the use of corporal punishment has no benefits for the child or the parent-child relation. Even mild corporal punishment decreases the quality of the parent-child relationship.⁹

Research has evidenced the harmful impact of corporal punishment on the child's health and wellbeing. Experiencing corporal punishment hurts the child, physically and emotionally. It is combined with feelings of intimidation and fear and is humiliating and degrading for the child. The use of corporal punishment is detrimental to the child's development as the associated violence and stress impair the child's neurological development. In particular, this leads to delayed cognitive development, including with regard to speech and communication. Violence in any form, including corporal punishment, harms the child's mental health and can cause different types of behavioural problems among the children who experience it. It can cause post-traumatic stress symptoms and lead subsequently to substance abuse, suicide attempts and anti-social behaviour. As the impact depends on a range of factors and circumstances, not all children are affected in the same manner. While some children are more resilient to the harmful impact of corporal punishment, others show more severe symptoms. The factors that make children resilient are still under-researched.¹⁰

The existing evidence shows that younger children are particularly vulnerable in situations of violence in the home, such as corporal punishment and inter-parental violence, because coping and self-protection skills typically develop with growing age. Younger children are known to be witnessing violence in the home more often than older children are. They are spending more time

⁹ Janson, Staffan, *The Swedish Experience – Cooperation between the society and the individual*, Presentation, Stockholm, 8 May 2017. Gershoff, Elizabeth Thompson, Corporal Punishment by Parents and Associated Child Behaviours and Experiences: A meta-analytic and theoretical review, Columbia University, *Psychological Bulletin*, Vol. 128, No. 4, pp. 539–579.

¹⁰ Janson, Staffan, *The Swedish Experience – Cooperation between the society and the individual*, Presentation, Stockholm, 8 May 2017. Almquist, Kjerstin, *Swedish Research on Children Exposed to Parental Intimate Partner Violence and Interventions*, Presentation, Stockholm, 8 May 2017.

at home where they are closer to their parents. Due to their young age, they may not be able to leave the home or go to their rooms and close the door in moments of aggressive conflicts or inter-parental violence, as older children might do. Young children are strongly determined by their attachment system and are often close to their mother during intimate partner violence, as they tend to turn to the attachment person when they perceive a threat or a risk.¹¹

Research shows that corporal punishment and violence against children in the home, such as hitting children, is perpetrated by mothers and fathers. The health impact on the child does not depend on whether the act of violence was committed by the mother, the father or both parents. The violence committed by mothers, however, has a worse impact on the mother-child relationship. The emotional relation changes more severely than in cases where the father is the perpetrator. This might be due to the fact that the mother is often the first attachment figure for a child.¹²

Furthermore, research from child and adolescent psychiatry has evidenced that children who are exposed to violence themselves while also witnessing inter-parental violence, have stronger symptoms and are more often diagnosed with post-traumatic stress disorder, they have more self-reported symptoms and also perceive the impact of the events as more severe. Evidence suggests also that this group of children are often more exposed to violence outside the family, including in the school. In general, studies have evidenced how violence nurtures aggression and that victims and witnesses of violence who do not receive help to leave the violent environment and recover are developing aggression and potentially violent behaviour themselves.¹³

Studies have confirmed that being spanked in childhood leads to higher rates of aggression, behavioural problems and antisocial behaviour during childhood. More recently, research has shown that these negative outcomes can persist into adulthood, especially in cases of harsh physical punishment during childhood, such as spanking, slapping, smacking, grabbing, or hitting with an object. Antisocial behaviour includes, for instance, violent behaviour towards another person, stealing and other infringements against the law, unethical behaviour, a weak sense of responsibility, manipulative and risk taking behaviour, difficulties in sustaining positive relationships in the private and work life, including in employment. Research has also shown that there is a link between the severity of the violence experienced in childhood and the health impairments during adulthood. The more severe the level of violence in physical punishment during childhood, the poorer are outcomes with regard to physical and mental health during adulthood.¹⁴

¹¹ Almquist, Kjerstin, *Swedish Research on Children Exposed to Parental Intimate Partner Violence and Interventions*, Presentation, Stockholm, 8 May 2017.

¹² Svedin, Carl Göran, *Evaluating Research: What do we know and what are the gaps in research on violence against children*, Barnafriid, Presentation, Stockholm, 8 May 2017.

¹³ Hultmann, Ole, *Children Exposed to Intimate Partner Violence and/or Abused – Findings from Swedish research projects in child psychiatry and child protection work*, University of Gothenburg, Presentation, Stockholm, 8 May 2017. Almquist, Kjerstin, *Swedish Research on Children Exposed to Parental Intimate Partner Violence and Interventions*, Presentation, Stockholm, 8 May 2017.

¹⁴ Global Initiative to End All Corporal Punishment of Children, *Corporal Punishment of Children: Summary of research on its impact and associations*, 2015, <http://endcorporalpunishment.org/wp-content/uploads/research/Research-effects-summary-2015-05.pdf>.

Global Initiative to End All Corporal Punishment of Children, *Prohibiting All Corporal Punishment of Children, Answers to frequently asked questions*, 2017, <https://endcorporalpunishment.org/wp-content/uploads/faqs/FAQ-2017-EN.pdf>.

Afifi, Tracie O., Fortier, Janique, Sareen, Jitender and Tamara Taillieu, *Associations of Harsh Physical Punishment and Child Maltreatment in Childhood With Antisocial Behaviors in Adulthood*, *JAMA Network Open*, 2019, 2(1), 25 January 2019.

The benefits of positive parenting¹⁵

Research provides vast evidence on the benefits of positive and non-violent parenting for the child, the family and the society. For children, the most direct benefits are obvious, as they are punished and humiliated less. Since the legal prohibition of corporal punishment has entered into force in Sweden, the country has observed a drastic decrease of the most severe forms of parental violence against children. The national statistics indicate a constantly decreasing number of child deaths as a result of parental violence. This positive development is attributed to the progressive implementation of the legal ban on corporal punishment and all the related measures to strengthen services for child protection, parental support and social welfare.

Positive parenting is good for families as it enables more conducive relations between children and parents, among siblings and with the extended family. Parents who build a positive and non-violent relation with their child are free from severe regrets, while regretting acts of violence is often disturbing to parents who use corporal punishment and compromises their mental health. Children who are brought up free from violence respect their parents more and do what parents say – not because they are afraid of them but because they care about and respect them.

A positive and non-violent approach in parenting has a lasting impact on the mental health and self-efficacy of the child that lasts into adulthood.¹⁶ Research has evidenced also that positive parenting can moderate the negative effect of socio-economic disadvantages on the development of the child. Its positive impact on the child's brain development reduces mental health outcomes caused by socio-economic disadvantages and enhances children's school performance.¹⁷ Positive parent-child relations strengthen the child's stress resistance and their ability to engage with others in positive social contacts. Also this effect is sustained into adulthood.¹⁸

Positive parenting and non-violent childhoods are also important for promoting an understanding of democracy. This is due to the fact that children and parents learn within the context of their family to hear and take into consideration the views and interests of all family members, to negotiate and make compromises in decision making.

¹⁵ Staffan Janson, Universities of Karlstad and Uppsala, Sweden, Presentation at the Non-Violent Childhoods Kick-off Meeting, Stockholm, 7 February 2017.

¹⁶ Tabak, Izabela, Dorota Zawadzka, The importance of positive parenting in predicting adolescent mental health, *Journal of Family Studies*, Volume 23, 2017, Issue 1, <https://www.tandfonline.com/doi/abs/10.1080/13229400.2016.1240098>.

¹⁷ Whittle, Sarah, Nandita Vijayakumar, Julian G. Simmons et al., Role of Positive Parenting in the Association Between Neighbourhood Social Disadvantage and Brain Development Across Adolescence, *JAMA Psychiatry*, 2017, 74(8):824-832, <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2631892>.

¹⁸ Shirtcliff, Elizabeth A., Martie L. Skinner, Ezemenari M. Obasi, Kevin P. Haggerty, Positive parenting predicts cortisol functioning six years later in young adults, *Developmental Science*, Wiley Online Library, Volume 20, Issue 6, November 2017, <https://onlinelibrary.wiley.com/doi/full/10.1111/desc.12461#accessDenialLayout>.

International and European standards: A strong legal basis for prohibiting all corporal punishment of children

International and European standards prohibit violence against children in all forms and in all settings – in the home, at school, in alternative care facilities and other institutions, in the context of vocational training and at the workplace, in the penal justice system and in any other setting. Several Conventions of the United Nations and the Council of Europe provide legally binding obligations for states Parties to prevent violence against children and assist children who are affected by it.

The UN Convention on the Rights of the Child obliges States to protect children from all forms of violence

The UN Convention on the Rights of the Child obliges States parties to ensure that children are able to grow up in safety and develop their evolving capacities:

- States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury, neglect or negligent treatment, maltreatment or exploitation, while in the care of parents, legal guardians or any other person who has the care of the child (Article 19.1).
- School discipline shall be administered in a manner consistent with the child's human dignity and in conformity with the Convention (Article 28.2).
- No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment (Article 37.a).
- States shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the Convention (Article 4).

As the Treaty Body of the Convention, the Committee on the Rights of the Child monitors the progress with its implementation. To support the implementation process, the Committee has developed general comments, which guide the interpretation and implementation of specific articles of the Convention. Some general comments relate specifically to the prevention of corporal punishment of children and the right of the child to grow up free from violence.¹⁹

In its General Comment No. 8 (2006), the Committee on the Rights of the Child defines 'corporal' or 'physical' punishment as

“any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (“smacking”, “slapping”, “spanking”) children, with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention.

¹⁹ Committee on the Rights of the Child, General Comment No. 8 (2006) on corporal punishment. Committee on the Rights of the Child, General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence.

These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.”²⁰

With this definition, the Committee recognises corporal punishment as a cruel or degrading form of punishment of children, which takes place in many different settings.²¹ As such, its prohibition falls within the scope of CRC Article 37.a.

International treaties recognise corporal punishment of children as an act of cruel, inhuman or degrading treatment or punishment

In accordance with international human rights standards, states are obliged to protect the physical integrity and inherent dignity of the person and their right to non-discrimination. In addition to the UN Convention on the Rights of the Child, several other international treaties provide for explicit prohibitions of cruel, inhuman or degrading treatment or punishment. Corporal punishment of children is considered to fall within the scope of these prohibitions:

- UN Convention Against Torture and other Cruel or Degrading Treatment (Article 16.1)
- International Covenant on Civil and Political Rights (Article 7)
- UN Convention on the Rights of Persons with Disabilities (Article 15)
- European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 3)

In the broad European region, the Council of Europe Social Charter provides for the rights of children and young persons to social, legal and economic protection. This includes the right to protection from violence and the right to receive the care they need (Article 17§1).

The European Committee of Social Rights monitors the legal prohibition of corporal punishment and its implementation in Council of Europe member States. It stated that the use of corporal punishment against children was a breach of the human rights standards afforded under the Social Charter. The Committee interprets Article 17 to require “a prohibition in legislation against any form of violence against children, whether at school, in other institutions, in their home or elsewhere. It furthermore considers that any other form of degrading punishment or treatment of children must be prohibited in legislation and combined with adequate sanctions in penal or civil law.” This prohibition includes also forms of punishment that do not involve the use of physical force, such as isolating or humiliating children.²²

Incorporation of international standards into national law

The incorporation of an international treaty into national law can have a significant impact on the citizens’ awareness of the treaty and the application of its provisions by courts of law and other

²⁰ United Nations Committee on the Rights of the Child, General Comment No. 8 (2006), The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia), CRC/C/GC/8, 2 March 2007, par. 11.

²¹ United Nations Committee on the Rights of the Child, General Comment No. 8 (2006), The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia), CRC/C/GC/8, 2 March 2007, par. 12.

²² European Committee of Social Rights, Conclusions XV-2, Vol. 1, General Introduction. Cited in: Council of Europe Commissioner for Human Rights, Children and Corporal Punishment: “The right not to be hit, also a children’s right”, The Commissioner’s Issue Papers, CommDH/IssuePaper(2006)11, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806da87b>, p. 5.

authorities.²³ It strengthens the possibility to initiate strategic civil litigation against the national authorities when the rights established under the treaty are not fully established or respected.²⁴

The Committee on the Rights of the Child recommends that Governments incorporate the UN Convention on the Rights of the Child into national legislation. It considers the full incorporation a necessary measure to ensure that all national laws are in line with the Convention and that the Convention will prevail where there is a conflict with national legislation or common practice.²⁵

Most countries in the Baltic Sea Region have so-called dualistic legal systems in place. This implies that international treaties do not automatically become part of the national legislation upon ratification. A process of law reform has to ensure that the provisions of the international treaty are fully reflected in national law. Only then, they become applicable and can be invoked at national courts.²⁶

The Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms has been incorporated into the national legislation of Denmark²⁷, Iceland²⁸, Finland²⁹, Norway³⁰ and Sweden³¹. It is therefore fully in force and can be invoked at national courts.

In Finland and Norway, the UN Convention on the Rights of the Child has a particular strong status as its provisions are directly applicable and can be invoked at national courts. In Norway, the Convention and several other international human rights standards, have been incorporated

²³ The Collaborating Group on the Children's Convention in Denmark, *Supplementary NGO Report to the Danish Government's 3rd Periodic Report Submitted to the UN Committee on the Rights of the Child*, Written by: Amnesty International, The Danish Youth Council, The Danish Council of Organisations of Disabled People, DUI – LEG og VIRKE, The Danish Institute for Human Rights, Save the Children Denmark, Save the Children Denmark Youth, and UNICEF Denmark, January 2005, http://www.crin.org/docs/resources/treaties/crc.40/Denmark_ngo_report.pdf, pp. 4-5.

²⁴ *Supplementary NGO Report to the Danish Government's 4th Periodic Report to the UN Committee on the Rights of the Child*, Written by The Rights of All Children, Amnesty International Danish Section, The Joint Council for Child Issues, Children's Welfare in Denmark, Disabled Peoples Organisation Denmark, DUI – Leg og Virke, Save the Children Denmark, Save the Children Youth Denmark, The Danish Red Cross Youth, The Danish National Committee for UNICEF, May 2009, English translation June 2010, p. 7.

²⁵ United Nations Committee on the Rights of the Child, General Comment No.5 (2003): General Measures of Implementation for the Convention on the Rights of the Child, CRC/GC/2003/5, 3 October 2003, [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/3bba808e47bf25a8c1256db400308b9e?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/3bba808e47bf25a8c1256db400308b9e?OpenDocument), par. 20.

²⁶ See for instance for Norway: Government of Norway, *National Report Submitted in Accordance with Paragraph 15(a) of the Annex to Human Rights Council Resolution 5/1, Norway*, 8 September 2009, http://www.regjeringen.no/upload/JD/Vedlegg/Menneskerettigheter/Menneskerettighetsrådet/UPR_Norway_final.pdf, p. 3. Sweden: United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Sixth Periodic Report, Sweden, CCPR/C/SWE/6, 5 December 2007, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/456/75/PDF/G0745675.pdf?OpenElement>, par. 27.

²⁷ Kofod Olsen, Birgitte, Christoffer Badse and Nanna Margrethe Krusaa, *FRA Thematic Study on Child Trafficking, Denmark*, European Union Agency for Fundamental Rights, undated, <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-dk.pdf>, p. 13.

²⁸ Gil-Robles, Alvaro, Commissioner for Human Rights on His Visit to the Republic of Iceland, 4-6 July 2005, for the attention of the Committee of Ministers and the Parliamentary Assembly, Council of Europe, July 2005, <http://www.humanrights.is/english/activities/reports/nr/2701>, pp. 2-3.

²⁹ Finland: The Finnish Constitution, Sections 94 and 95.

³⁰ United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under the Covenant, Fifth Periodic Report, Norway, CCPR/C/NOR/2004/5, 3 December 2004, [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.NOR.2004.5.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.NOR.2004.5.En?OpenDocument), par. 6. United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc>, par. 5. Government of Norway, *National Report Submitted in Accordance with Paragraph 15(a) of the Annex to Human Rights Council Resolution 5/1, Norway*, 8 September 2009, http://www.regjeringen.no/upload/JD/Vedlegg/Menneskerettigheter/Menneskerettighetsrådet/UPR_Norway_final.pdf, p. 3.

³¹ United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Sixth Periodic Report, Sweden, CCPR/C/SWE/6, 5 December 2007, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/456/75/PDF/G0745675.pdf?OpenElement>, par. 27. United Nations Committee on the Rights of the Child, Written Replies by the Government of Sweden to the List of Issues (CRC/C/SWE/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Sweden (CRC/C/SWE/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/SWE/Q/4/Add.1, 24 April 2009, <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf>, p. 2.

into the Human Rights Act, which takes precedence over other national laws.³² In Finland, international treaties are incorporated by an Act of Parliament, which transforms the treaty into applicable law.³³ Additional law reform is needed to incorporate the specific provisions of the treaty into national law.³⁴

In 2016, the Swedish Government launched a process towards the incorporation of the UN Convention on the Rights of the Child into Swedish law. As a result of this intense reform process, the national Parliament adopted the bill on making the Convention Swedish law in June 2018, and the act will enter into force on 1 January 2020. Although specific laws affirming the human rights of the child and protecting children from all forms of violence are already part of the national legislation, the process for the incorporation of the Convention is expected to change the Convention's status and to promote the child's status as a rights holder, as well as the knowledge and awareness of the Convention. By incorporating the Convention into national law, courts and practitioners will be obliged more directly to consider the rights of the child as afforded under the Convention, in particular in assessments and decision-making.³⁵

In Denmark, the UN Convention on the Rights of the Child has the status of a relevant source of national law. It can be invoked at court and applied directly by courts and administrative authorities, even though it has not been incorporated fully into national law.³⁶

In Poland, international standards become automatically an integral part of the national legislation of the State Party upon ratification.³⁷

³² The Act of 21 May 1999 No. 30 relating to the strengthening of the status of human rights in Norwegian law. Human Rights Act, Article 3. United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under the Covenant, Fifth Periodic Report, Norway, CCPR/C/NOR/2004/5, 3 December 2004,

[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.NOR.2004.5.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.NOR.2004.5.En?OpenDocument), par. 6. United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc>, par. 5. Government of Norway, *National Report Submitted in Accordance with Paragraph 15(a) of the Annex to Human Rights Council Resolution 5/1, Norway*, 8 September 2009, http://www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsrådet/UPR_Norway_final.pdf, p. 3.

³³ United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Fifth Periodic Report, Finland, CCPR/C/FIN/2004/5, 24 July 2003,

[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/a7c930bfea7c9838c1256e31002ceec0?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/a7c930bfea7c9838c1256e31002ceec0?Opendocument), par. 97.

³⁴ Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, *Thematic Study on Child Trafficking: Finland*, European Union Agency for Fundamental Rights, undated, <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>, p. 16.

³⁵ Government Offices of Sweden, *Convention on the Rights of the Child will become Swedish law*, 14 June 2018, <https://www.government.se/articles/2018/03/new-legislative-proposal-on-the-convention-on-the-rights-of-the-child/>. Non-Violent Childhoods Programme, National Consultation Sweden, May 2017.

³⁶ United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc>, par. 14.

³⁷ The Constitution of Poland, 1997, Article 87.

National legal bans on corporal punishment: An evolution from generic to explicit prohibition

In the Baltic Sea Region, ten countries have enacted a legal prohibition of corporal punishment of children in all settings, Denmark³⁸, Estonia³⁹, Finland⁴⁰, Germany⁴¹, Iceland⁴², Latvia⁴³, Lithuania⁴⁴, Norway⁴⁵, Poland⁴⁶ and Sweden⁴⁷. An overview of relevant legislation is available in the Annex.

A prohibition in all settings applies to the home, public and private day care and schools, alternative care placements, penal institutions and facilities for alternative juvenile justice measures. It applies also to youth centres and sports facilities and any other setting where children spend their time.

A diversity of legal regulations are in place to protect children from corporal punishment

All countries in the region have laws in place that regulate matters pertaining to childcare and child rearing, parent-child relations and guardianship. A range of different laws prohibit violence against children in different settings, including domestic violence and violence in close relations, in alternative care and day care, in schools and institutions.

The law reform process to achieve a full prohibition of corporal punishment in all settings differs from country to country. Legal bans on corporal punishment have been introduced into criminal codes, law, laws on education and sports. Civil law provisions have been written into social codes, laws on families, parental responsibility and guardianship, childcare and the prevention of domestic violence. Several countries have enacted the prohibition of corporal punishment in stand-alone child rights acts, child protection or child welfare laws. Education laws include legislation regulating schools, pre-school and day care, as well as early childhood education and care. Criminal laws provide penal sanctions for different types of assault and violence against children, or corporal punishment specifically.

Poland and Sweden have introduced a broad prohibition of corporal punishment into their national constitutions. In Sweden, the protection of every person from corporal punishment is afforded

³⁸ Parental Custody and Care Act 1995 as amended in 1997. Danish Act on Parental Responsibility 2007, Article 2(2). Danish Criminal Code (Consolidated Act No. 1028 of 22 August 2013), Chapter 25, Article 244. Danish Order No. 276 Concerning the Promotion of Order in the Schools, 1967. Sentence Enforcement Act 2001 (amended 2012).

³⁹ Child Protection Act 2014 (entry into force on 1 January 2016), Articles 24, 37, 40.1. Family Law Act 2010, Articles 113 and 124(2). Primary and Secondary Schools Act, 2010, Articles 44 and 58. Criminal Code 2013, Articles 120 to 122 and 324.

⁴⁰ Child Custody and Right of Access Act, 1983/361 (entry into force in 1984), Article 1.3. Child Welfare Act, 2007/417, Articles 2 and 3. Penal Code 1889, Articles 5-7. Act on Primary Schools, 1957. Act on Comprehensive Schools, 1985. Basic Education Act, 1998. Vocational Education and Training Act, 1998. High School Act, 1998.

⁴¹ Civil Code as amended by the Act to prohibit violence in the upbringing of the child, 2000, Article 1631(2). Childcare law – tbc. Social Welfare Code Book VIII, Article 16(1). Criminal Code Articles 223-225. Act on the Execution of Sentences. Juvenile Detention Execution Order. Act on the Execution of Remand Detention. Juvenile Courts Act. Youth Prison Act. Federal administrative regulations on juvenile punishment. Basic Law (Constitution), Article 1(1) and Article 104(1).

⁴² Children's Act 2003, Article 28. Child Protection Act No. 80/2002 as amended in 2009, Articles 1(2), 82 and 99(1). Penal Code 1940, Articles 216-219. Preschool Act No. 90/2008. Compulsory School Act No. 91/2008. Upper Secondary School Act No. 92/2008.

⁴³ Law on the Protection of the Rights of the Child, 1998, Articles 9(2), 24(4), 39(1). Criminal Code, Articles 125-130 and 174.

⁴⁴ Law on the Fundamentals of Protection of the Rights of the Child 1996, Articles 2 and 49.1.

⁴⁵ Parent and Child Act 1981 as amended in 1987 and 2010, Article 30(3). Education Act, Sections 2.9 and 3.7

⁴⁶ The Constitution of Poland, 1997, Article 40; Law of 6 May 2010 "On the Prevention of Family Violence" (Article 2) amending the Family and Guardianship Code of 1964, Article 96 (entry into force on 1 August 2010). See also: CRC/C/POL/CO/3-4, 2 October 2015, Advance Unedited Version, Concluding observations on third/fourth Periodic Report, par. 24, 25.

⁴⁷ Children and Parents Code 1979, Article 6.1. Instrument of Government 2012, Cg. 2 Section 5. Penal Code, Ch. 3 Sect. 5 and 6. Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students, 2006, Article 13. Education Act, 2010. Chapters 5 and 6.

under the Instrument of Government, which is part of the national Constitution.⁴⁸ In Poland, the prohibition of corporal punishment of children can be interpreted to be part of a broader prohibition of torture and cruel, inhuman or degrading treatment or punishment under the national Constitution.⁴⁹ With regard to children, the constitutional prohibition in Poland was at first respected primarily in the context of institutions, such as alternative care institutions, schools and the juvenile justice context. The relevance of the prohibition for the family context, the home and private childcare was not immediately clear. In light of this limitation, the legislators adopted in 2010 an amendment to the Family and Guardianship Code, which explicitly outlawed the use of corporal punishment by parents, guardians or caregivers, including in the context of alternative care. This amendment helped to clarify the constitutional prohibition and its application to the domestic setting.⁵⁰

Finland has developed the concept of 'preventive child welfare'. It refers to laws and policies that address challenges in childcare and child protection proactively for the prevention of all forms of violence against children and the support of parents and families. Preventive child welfare laws complement the legal prohibition of corporal punishment and violence against children. They include provisions to ensure support of parents in fulfilling their childcare and child rearing roles as well as preventive tasks of social workers and other professionals working with and for children.⁵¹ Other countries in the region have developed laws, policies and programmes with a preventive and supportive character as well.

Progressive law reform was necessary to achieve an explicit prohibition of corporal punishment in all settings

The experience in the region shows that a general prohibition of violence against children, including in the family, was insufficient to protect children effectively from corporal punishment. In order to prevent corporal punishment and reduce its prevalence, in particular in the domestic setting, a clear and explicit prohibition of corporal punishment by law was considered necessary in most of the countries in the region.

The process of legal reform has been dynamic and lively throughout the region with several reforms following suit in most of the countries, sometimes over a period of many years or decades. Many countries made the experience that the first attempts to prohibit corporal punishment of children by law proved not to be sufficiently clear. The application of the laws by the courts brought some shortcomings or weaknesses to light where the law could be interpreted to justify the use of corporal punishment by parents under certain circumstances. New law reform processes were then considered necessary to ensure an effective legal protection. This process of progressive law reform gradually rendered the wording of the laws more explicit and their application in practice more reliable (see Box 1).

Across Europe, the experience has shown that a specific wording of the prohibition is necessary to guide the application of the law by courts of law and its implementation in practice in childcare and child rearing in the family, in alternative care, day care, schools and all other institutions for children. The European Committee of Social Rights advised that "to comply with Article 17 [of the

⁴⁸ Instrument of Government, 2015, Chapter 2, Article 5.

⁴⁹ The Constitution of Poland, 1997, Article 40.

⁵⁰ Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Poland*, Last Update October 2017, p. 1.

⁵¹ Child Welfare Act 2007, Article 3. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Finland*, Last Update October 2017, p. 1.

European Social Charter] with respect to the corporal punishment of children, states' domestic law must prohibit and penalise all forms of violence against children, that is acts or behaviour likely to affect the physical integrity, dignity, development or psychological wellbeing of children. The relevant provisions must be sufficiently clear, binding and precise, so as to preclude the courts from refusing to apply them to violence against children. Moreover, states must act with due diligence to ensure that such violence is eliminated in practice."⁵²

Box 1: The role of courts for the progressive law reform towards explicit prohibition and implementation

In **Finland**, the Supreme Court ruled that the Finnish Penal Code Article 7 on petty assault was applicable to cases of corporal punishment of children for disciplinary purposes in the home. Article 7 of the Penal Code criminalises petty assault and provides for the punishment by a fine.⁵³

In **Iceland**, the Child Protection Act has always been very clear that all forms violence against children were prohibited. The courts were however reluctant to apply the Act consistently to cases of corporal punishment in the home. It required a specific wording and explicit prohibition of corporal punishment of children in the law to limit the margin of interpretation and discretion in its application. Until an explicit prohibition was enacted in 2003, the courts' jurisprudence continued to tolerate certain forms of corporal punishment of children.⁵⁴

In **Lithuania**, cases of violence against children in the home, including corporal punishment by parents, have been tried by the courts. In some of these cases, the courts gave the parents a choice either to pay a fine or to attend a course on positive parenting. Many parents chose to pay the fine rather than to attend a parenting programme. This experience showed that the law reform process had to be combined with measures to influence the attitudes not only of parents but also of officials and professionals, including judges.⁵⁵

In **Norway**, a man who had used corporal punishment against his step sons, and who had been convicted for it by the first and second instance court, appealed to the Supreme Court. Although the Supreme Court upheld the conviction in 2005, it stated that light corporal punishment did not constitute a criminal offence.⁵⁶ This ruling led to a review of the law and subsequent law reform in 2010 in order to clarify the scope of the legal prohibition of all corporal punishment. The objective of the law reform was to reduce the judges' discretion and to ensure a more consistent application of the law by the courts.⁵⁷

⁵² European Committee of Social Rights, Collective Complaint No. 34/2006, OMCT vs. Portugal, Decision on the merits, December 2006, par. 19-22. Cited in: Council of Europe, Commissioner for Human Rights, *Children and Corporal Punishment: "The right not to be hit, also a children's right"*, p. 6.

⁵³ KKO 26.11.1993:151, Decision of the Supreme Court. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Finland*, Last Update October 2017, p. 1.

⁵⁴ Country briefing at the Non Violent Childhoods Kick-off Meeting, Stockholm, 7 February 2017.

⁵⁵ Country briefing at the Non Violent Childhoods Kick-off Meeting, Stockholm, 7 February 2017.

⁵⁶ Supreme Court, Norway, HR-2005-01865-A, 30 November 2005, cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Norway*, Last Update June 2018, p. 1.

⁵⁷ Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Norway*, Last Update June 2018, p. 1.

The social and educational dimension of legal bans on corporal punishment

As the countries in the Baltic Sea Region have enacted legal bans on corporal punishment in social and civil laws, in addition to the penal laws, they have made a clear statement on the social dimensions related to the use of corporal punishment in the upbringing of children. In Sweden, for instance, the law reform aimed from the beginning primarily at educating citizens, and in particular parents, and to prevent corporal punishment rather than to enforce criminal laws against parents.

The experience from the Baltic Sea Region shows how closely the prohibition of corporal punishment is intertwined with an evolving understanding of children who are increasingly considered as rights holders and citizens. In fact, the process in some countries of the region shows that this concept and approach succeeded in practice and that gradually attitudes towards children have changed. Rather than as property of their families or parents, children were perceived more and more as individuals with a right to full respect for their physical and mental integrity. This evolving understanding of children and childhood brought about another important change as the prevalence and severity of violence in the family diminished notably over the years. In Sweden, the reduced practice of corporal punishment has led also to a notable reduction of child deaths as a result of domestic violence.⁵⁸

As Thomas Hammarberg noted during his tenure as Human Rights Commissioner of the Council of Europe, the “purpose of prohibiting corporal punishment of children is precisely prevention. The idea is to encourage a change of attitudes and practice and to promote non-violent methods of child-rearing. An unambiguous message of what is unacceptable is very important.”⁵⁹

The implementation and enforcement of a legal ban requires a long-term commitment from the state and civil society as the challenges in the implementation process are evolving in the light of new developments in society, in childhood and family life that need to be addressed. Once the enactment of a legal ban has been achieved, the law reform process continues to evolve in some countries, as new requirements to clarify the application of the law and its relation to other laws emerge.

⁵⁸ Staffan Janson, Universities of Karlstad and Uppsala, Sweden, Presentation at the Non-Violent Childhoods Kick-off Meeting, Stockholm, 7 February 2017.

⁵⁹ Cited in: Government Offices of Sweden and Save the Children Sweden, *Never Violence, Thirty years on from Sweden's abolition of corporal punishment*, 2009, p. 5.

The law reform process towards achieving a full and clear legal prohibition of corporal punishment: Country examples

Sweden⁶⁰

In Sweden, the adoption of the legal prohibition of corporal punishment in 1979 was the result of a decade-long process of law reform and an intense national debate in the media, in politics and the academia, and in the society. By the time the law was adopted by the Parliament, a strong political consensus had been reached in favour of the law across all political parties.⁶¹

Many different factors had influenced this law reform process. The origins date back to 1858, when a law was enacted to prohibit corporal punishment of adult employees. During the 20th century, the rights of the child received increasing attention and recognition. In 1900, the publication of a book on the psychology of the child marked the beginning of a process where children started to be considered competent members of the society (Ellen Key, *“The Century of the Child”*). The book put the practice of physical punishment of children into question, arguing that there was no comparable practice concerning adults.

From the international level, the 1924 Declaration on the Rights of the Child generated a new momentum to promote the rights of the child as a member of the society, followed by the nascent welfare state in Sweden. In the 1930s and 1940s, a growing body of research evidenced the harmful impact of corporal punishment and other forms of violence on the child’s development. The medical sector and child psychiatry in particular had a prominent role in those times in raising awareness about these matters. There was also a growing understanding that national institutions, services and policy programmes needed to be informed by evidence to ensure quality. As the welfare state developed, the responsibility of the society and the state for matters concerning childcare and child rearing was increasingly recognised, as complementary to the role of parents and families. In 1958, corporal punishment of children was outlawed in schools. This law reform had caused a first intense public debate on the issue, as teachers were afraid of losing their authority when not resorting to corporal punishment and the related discussions sensitised professionals and the public to alternative, positive ways of ensuring school discipline.⁶²

The corporal punishment of children in the home was prohibited by law when the Children and Parents Code was enacted in 1979. The Code states in Article 6.1:

“Children are entitled to care, security and a good upbringing. Children shall be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment.”

Although the legal ban on corporal punishment in Sweden is discussed today strongly from a child rights perspective, at the time when it was developed, there was a strong public health argument driving the law reform process. In the Swedish society and politics, the social welfare and the best possible health for everyone has always been of central importance.⁶³

⁶⁰ Non-Violent Childhoods Programme, National Consultation Sweden, May 2017.

⁶¹ Janson, Staffan, *The Swedish Experience – Cooperation between the society and the individual*, Presentation, Stockholm, 8 May 2017. Ingrid, Henrik, *The Swedish Work on the Prevention of Violence Against Children*, Presentation, Stockholm, 10 May 2017.

⁶² Janson, Staffan, *The Swedish Experience – Cooperation between the society and the individual*, Presentation, Stockholm, 8 May 2017. Ingrid, Henrik, *The Swedish Work on the Prevention of Violence Against Children*, Presentation, Stockholm, 10 May 2017.

⁶³ Leviner, Pernilla, *The Swedish Ban on Physical Punishment of Children – Legal implications, implementation and challenges*, Presentation, Stockholm, 8 May 2017.

The Children and Parents Code is a civil law that does not provide for criminal sanctions. While the Swedish Criminal Code contains paragraphs on assault that can be applied in cases of corporal punishment of children, the Children and Parents Code was enacted primarily with an educational perspective, aiming to sensitise society and parents that violent behaviour in child rearing is not allowed.⁶⁴

The preparatory works to the 1979 law reform provide background information on the aim of the law. It made clear that children have to be raised without violence of any kind. In addition to its educational purpose, the law aims to promote an understanding of children as independent individuals whose integrity has to be respected and protected. It aims to enable and empower children to seek help and to give them thereby a voice and an active role in their own protection from corporal punishment. The primary intention of the law was not to facilitate the prosecution of corporal punishment cases but to change attitudes, to provide clear guidelines for parents and professionals in how to treat and raise children and how to act in a situation of corporal punishment. The law was also expected to enable earlier identification of children who experience corporal punishment and to strengthen early intervention.⁶⁵

The law reform was complemented by a massive communication and information campaign funded by the government. A brochure in Swedish and English was delivered to each household. This was the most large-scale public campaign that the national government has ever rolled out.⁶⁶

In Sweden, any person who works with children is obliged under the Swedish Social Services Act to report cases of violence against children to the social services. Health care and medical staff are also bound specifically by legal reporting obligations. These provisions on mandatory reporting are considered instrumental to make it clear that corporal punishment of children is not a private matter. When the social services become aware of a case where a child needs support or protection, they are obliged to launch an investigation into the child's situation, circumstances and needs. Social services are obliged to report cases of violence against children to the police, unless reporting is considered to be not in the best interests of the child. Irrespective of whether the police pursues an investigation in a specific case, the social workers continue working with the child and the family. In cases where a criminal investigation is launched, the case might be referred to a Barnahus ("Children's House") or other relevant services in the municipality where the child lives.⁶⁷

Today, there remains a certain level of uncertainty with regard to the relation between the legal prohibition of corporal punishment of children in the Children and Parents Code and criminal sanctions for assault provided for in the Criminal Code. The Swedish ban on corporal punishment in the Children and Parents Code defines the child's entitlements, as well as the conduct that is prohibited, however, without providing for any sanctions and penalties or criminalising the prohibited behaviour. It is clear that children must not be subjected to corporal punishment or

⁶⁴ Leviner, Pernilla, *The Swedish Ban on Physical Punishment of Children – Legal implications, implementation and challenges*, Presentation, Stockholm, 8 May 2017.

⁶⁵ Leviner, Pernilla, *The Swedish Ban on Physical Punishment of Children – Legal implications, implementation and challenges*, Presentation, Stockholm, 8 May 2017.

⁶⁶ Leviner, Pernilla, *The Swedish Ban on Physical Punishment of Children – Legal implications, implementation and challenges*, Presentation, Stockholm, 8 May 2017.

⁶⁷ Blomgren, Karin, *The Role of Social Services in Family Support and Violence Prevention*, Presentation, Ministry of Social Affairs, 10 May 2017.

other forms of humiliating and degrading treatment, but it remains unclear if or how criminal law provisions on assault apply to these cases.⁶⁸

Parental violence against children can be criminalised under the assault section of the Criminal Code. The Criminal Code provides for sanctions if someone inflicts bodily injury and pain on another person. The preparatory works for the Criminal Code explain that physical punishment of a child is criminally punishable, if the pain or injury is neither mild or of short duration. In order to hold someone criminally responsible for corporal punishment of a child, there has to be evidence beyond reasonable doubt that an act of violence has occurred and that it has caused an impact of injury and pain in accordance with the law. Compared with the assault provision of the Criminal Code, the ban on corporal punishment in the Children and Parents Code has a wider scope. There is no requirement to prove that the child has suffered injury or pain. While all forms of corporal punishment are proactively banned in the Children and Parents Code, not all behaviours prohibited by the ban are also criminalised under the Criminal Code.⁶⁹

In light of the incorporation of the UN Convention on the Rights of the Child into Swedish national law, several proposals have been made to reform sections of the Criminal Code. One proposal was to introduce a section on child maltreatment (*barnmisshandel*) where it is not required to prove evidence that the violence has caused pain. The proposal aims to remove from the Criminal Code the requirement to prove that the act of violence has caused pain in cases where the assault is committed against a child. This law reform would remove also the potentially conflicting differences between the ban on corporal punishment in the Children and Parents Code and the criminal law provisions.⁷⁰

Many experts who reviewed the draft law have however criticised this proposal. An issue of debate relates to the potential criminalisation of parents in cases of corporal punishment that is considered “light” such as a “light” smack. The intense discussions of these issues illustrate the continued need to clarify the best interests of the child in this context and how to promote it effectively through the different provisions under civil and penal law.⁷¹

When the law reform of 1979 was prepared and enacted, opponents of the law predicted an increase in parents reported to law enforcement agencies and prosecuted for using corporal punishment against their children. After 40 years with the ban, the Government of Sweden ascertains that this concern has not come true. There are different factors that render the prosecution of parents for the use of corporal punishment difficult, especially because evidence for criminal offences committed in the privacy of the home are often hard to prove as the only witnesses available are typically the perpetrator and the victim. Since the aim of the legal ban in the Children and Parents Code was essentially educational rather than the prosecution of parents, there are a range of measures in place to ensure children and parents receive support or protection when corporal punishment occurs. Social services are held to investigate all allegations of child maltreatment, including corporal punishment. They have to assess the family situation,

⁶⁸ Sweden: Parental Code, Chapter 6, Section 1: "Children are entitled to care, security and good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment." Leviner, Pernilla, *The Swedish Ban on Physical Punishment of Children – Legal implications, implementation and challenges*, Presentation, Stockholm, 8 May 2017

⁶⁹ Leviner, Pernilla, *The Swedish Ban on Physical Punishment of Children – Legal implications, implementation and challenges*, Presentation, Stockholm, 8 May 2017.

⁷⁰ Regeringskansliet [Government Offices of Sweden], *Barnkonventionen blir svensk lag [The Convention on the Rights of the Child becomes Swedish law]*, SOU 2016:19. Leviner, Pernilla, *The Swedish Ban on Physical Punishment of Children – Legal implications, implementation and challenges*, Presentation, Stockholm, 8 May 2017.

⁷¹ Leviner, Pernilla, *The Swedish Ban on Physical Punishment of Children – Legal implications, implementation and challenges*, Presentation, Stockholm, 8 May 2017.

determine the parents' need for support and the protection needs of the child. On that basis, they provide supportive and preventive measures necessary to ensure the child's safety and wellbeing.⁷²

The legislation has increased the opportunities for early identification of children at risk, as evidenced by data and research. Due to the measures taken by social services, there has been an increase of the reported cases and this was in fact one of the aims of the legislation. As one of the implementation measures for the ban, the public was encouraged to report cases to social services and the state committed to equip and prepare the social workers to respond to these reports in an appropriate way.⁷³

The enactment of the legal ban has not led to an increase of the cases that are prosecuted and taken to court. Only approximately 15% of the cases of suspected child assault that are reported to the police are prosecuted. Although few studies are assessing the rate of convictions in cases of violence against children, the existing studies show that there are only convictions in cases where there is clear evidence of the pain inflicted on the child in light of the Criminal Code. There are also no indications of an increase of placements in alternative care of children due to corporal punishment after the ban has been adopted. The rate of children who are placed in alternative care is not higher in Sweden than in other countries, it is rather lower.⁷⁴

When social services report a case to the police, an investigation is made to establish the facts and the public prosecutor decides whether to indict the accused. In order to obtain evidence from a child affected by corporal punishment, the common practice in Sweden is to refer the child to the Barnahus ("Children's House") for a forensic interview and multi-disciplinary assessment in a child-friendly environment.⁷⁵

The Swedish Prosecution Authority has put in place special regulations and training for prosecutors handling criminal offences against children, for instance with regard to the timeliness of the prosecution and the quality of the investigation and prosecution. During the first years in service, all prosecutors participate in a comprehensive training that gives special consideration to cases of violence against children. Continued training on prosecuting cases involving child victims is available at an advanced level.⁷⁶

During the 20th century, the law and policy makers addressed different forms and contexts of violence against children and adopted specific laws, policies and programmes. For many decades, children have enjoyed a general protection from violence under the law. The more experience the society and policymakers have made with understanding and addressing specific child protection and child rights themes, the stronger is the recognition of the multi-dimensional aspect of violence against children and the factors that render children vulnerable to violence, including corporal punishment. Today, there is a trend to take the prevention of corporal punishment and other forms of violence against children into consideration in different policy

⁷² Government Offices of Sweden and Save the Children Sweden, *Never Violence, Thirty years on from Sweden's abolition of corporal punishment*, 2009, p. 18.

⁷³ Ingrid, Henrik, *The Swedish Work on the Prevention of Violence Against Children*, Ministry of Health and Social Affairs, Presentation, Stockholm, 10 May 2017.

⁷⁴ Leviner, Pernilla, *The Swedish Ban on Physical Punishment of Children – Legal implications, implementation and challenges*, Presentation, Stockholm, 8 May 2017.

⁷⁵ Government Offices of Sweden and Save the Children Sweden, *Never Violence, Thirty years on from Sweden's abolition of corporal punishment*, 2009, p. 15.

⁷⁶ *Handbook on child abuse*: <http://www.aklagare.se/Dokument/samling/Handboker/Handbok---Handlaggning-rorande-overgrepp-mot-barn/>. *Handbook on violation of integrity*: <http://www.aklagare.se/Dokument/samling/Handboker/Handbok-Handlaggning-av-fridskrankningsbrottenpdf/>. Cited from: CBSS Survey Response Sweden, p. 3.

sectors, political planning processes and implementation measures, not only those focused on children. Violence against children and the prevention of corporal punishment is therefore increasingly discussed from a broader perspective and in relation to other thematic areas such as gender-based violence, inter-parental violence, social service sector reform, the health care sector and child psychiatry, victims' rights and support, the rights of persons with disabilities as well as the reception of asylum seekers and migrants arriving in Sweden from abroad.⁷⁷

Introducing policy measures and programmes with a focus on children in all of these thematic fields has been instrumental to advance the broader preventive work for protecting children from corporal punishment. It has also helped to sensitise professionals who are working with adults and families in a range of sectors to pay attention to the specific needs and rights of children.

Finland⁷⁸

The Finish law prohibiting corporal punishment of children was enacted in 1983 and entered into force in 1984. The prohibition is provided for in Article 1.3 of the Child Custody and Right of Access Act (1983/361):

“A child shall be brought up in the spirit of understanding, security and love. He/she shall not be subdued, corporally punished or otherwise humiliated. His/her growth towards independence, responsibility and adulthood shall be encouraged, supported and assisted.”

Since 1914, different forms of corporal punishment have been prohibited by law. The first prohibition concerned the use of corporal punishment of children in schools, which remained ineffective as teachers continued to use corporal punishment so that a new law reform was considered necessary to prohibit it more explicitly in 1957 and then again in 1985. In 1969, the defence of “lawful chastisement” was removed from the Penal Code sections on petty assault. It had been interpreted to legalise corporal punishment in the family as it stated that petty assault did not constitute a criminal offence and was not punishable if committed by parents or others exercising their “lawful right to chastise a child”. Despite this law reform, the scope of the assault sections under the Penal Code and their application in cases concerning children remained unclear. A Supreme Court ruling of 1992 was instrumental to clarify that the section on petty assault applies also to children. Since 1992, it was therefore possible to prosecute cases of corporal punishment and petty violence against children in the home and in other settings.

In recent years, some major legislative reforms were undertaken to strengthen children's protection from violence. The reforms aimed in particular to strengthen early support for children, to enhance the reporting of cases of violence against children to the police and to strengthen the cooperation between police and social services in handling cases of violence against children, including corporal punishment. These law reform projects were guided by the legal obligations deriving from the UN Convention on the Rights of the Child, and the renewed momentum created by Finland's ratification of the Istanbul and Lanzarote Conventions of the Council of Europe⁷⁹, as well as the Government's support to the Sustainable Development Goals, especially the goals

⁷⁷ Discussion at the consultation hosted by the Ministry of Health and Social Welfare, 10 May 2017.

⁷⁸ Non-Violent Childhoods Programme, National Consultation Finland, May 2017.

⁷⁹ The Council of Europe Convention on preventing and combating violence against women and domestic violence, also referred to as Istanbul Convention, CETS No. 210, 2011, and the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, also referred to as Lanzarote Convention, CETS No. 201, 2007.

that focus on ending all forms of violence against children (16.1, 16.2) and ending violence against women and girls, as well as harmful practices (5.2 and 5.3).⁸⁰

In 2015, the new Social Welfare Act 1301/2014 entered into force. The aim of this law reform was to enable early support for children based on their individual needs, for instance in cases of domestic violence or substance abuse in the family. The revised Social Welfare Act obliges professionals working with children and families to refer children and families at risk to social services and to notify the child welfare services in cases where a child is subjected to violence. Changes have been made also to the Child Welfare Act to the effect that officials and professional working with children have a duty to notify the police when they have reasons to suspect a crime against the life or health of a child. In addition, the Criminal Investigation Act provides for the right of all citizens to notify the child welfare services or the police in these case. The Health Care Act, the Youth Act and the Disability Services Act were revised to strengthen the protection of children from violence. Each of these legislative reforms encourages also the collaboration between the different authorities with a view to enabling more coordinated prevention measures and more continuity in responding to cases of violence against children with appropriate assistance and follow-up services.

Poland⁸¹

In 1979, the initiative by the Government of Poland to draft an international convention on the rights of the child had been strongly inspired by the legacy of Janusz Korczak, a pioneer for child rights and non-violent childhoods. Janusz Korczak was a Polish physician, writer and educator. He studied education theories and published articles and books that promoted an understanding of children as equal members of society who command respect for their personal situations, stories and aspirations. He sensitised adults to an understanding of the evolving capacities, resources and potentials of children and advocated for a reform of the education system and the way children were brought up. As a role model for non-violent childhoods, Korczak firmly rejected the use of corporal punishment and other forms of violence. Due to his visionary and determined leadership, Korczak's publications and the principles of non-violence that he represented are still highly relevant today and keep inspiring advocates for the rights of the child in Poland and beyond.⁸²

The historically strong political commitment to the rights of the child is reflected in the Polish Constitution. It recognises the rights of the child, including their right to protection from violence. Article 72.1 states that the "Republic of Poland shall ensure the protection of the rights of the child. Everyone shall have the right to demand from organs of public authority that they defend children against violence, cruelty, exploitation and actions, which undermine their moral sense." Article 40 provides that "no-one may be subjected to torture or cruel, inhuman, or degrading treatment or punishment. The application of corporal punishment shall be prohibited." Article 40 ensures personal inviolability and security to all Polish citizens. As children are citizens, the provisions under the Polish Constitution are interpreted to protect children from corporal punishment.

⁸⁰ See: United Nations, *Sustainable Development Goals*, <https://www.un.org/sustainabledevelopment/>.

⁸¹ Non-Violent Childhoods Programme, National Consultation Poland, December 2017.

⁸² See: Council of Europe, Office of the Commissioner for Human Rights, *Janusz Korczak, The Child's Right to Respect, Janusz Korczak's legacy, Lectures on today's challenges for children*, 2009, https://www.coe.int/t/commissioner/source/prems/PublicationKorczak_en.pdf.

The practice showed, however, that the constitutional provisions alone did not suffice to ensure children legal protection from corporal punishment in the home and in other settings. Following the advocacy by child rights advocates, a group of Parliamentarians initiated in 2009 a proposal for law reform to explicitly prohibit corporal punishment of children in all settings. The proposal was driven by the understanding that children have to be recognised as equal citizens with their own rights, even the youngest ones. At first, this initiative was met with widespread resistance in the Parliament and in the society. The predominant belief at the time was that matters concerning children were private and concerned only the families. The conservative political parties were against the draft law and the Catholic Church continued to promote the understanding that parents had a right to use corporal punishment as a natural element in the upbringing of children. The campaigners for the draft law succeeded nonetheless to sensitise other Parliamentarians to the fact that corporal punishment was humiliating and intimidating. They were supported by the Prime Minister at the time, Donald Tusk, who mobilised the support of several ministers for the law proposal. The Ombudsman for Children's Rights and a group of lawyers advocated also strongly for the legal prohibition. In 2010, the prohibition was enacted through an amendment to the Family Code.⁸³

Even after the enactment of the legal ban on corporal punishment, there continued to be a lively and heated national debate on the issue. There were public protests by some social groups who perceived the legal ban as an interference with parental rights.⁸⁴

The Family Code regulates the role of parents and guardians in the upbringing of children. Article 96 provides that persons who have the parental responsibility or guardianship over a child or who have a child in their care are prohibited to use corporal punishment.⁸⁵ The prohibition in the Family Code is complemented by the Penal Code, which provides for penal sanctions for hitting a person and for causing grievous bodily harm and bodily injury or impairment of health, and mental or physical maltreatment within the family, including of children.⁸⁶

Traditionally, the members of the Senate of the Republic of Poland are senior representatives who tend to have more conservative attitudes than more junior Parliamentarians and the younger generations. Sensitising the Senators to the harmful impact of corporal punishment on the health and development of children was important for the law reform process to succeed. After a period of debate on non-violent methods for the upbringing of children and alternatives to corporal punishment, the Senate supported the law proposal.

The Senators keep debating matters related to violence against children in the family, for instance with regard to specific prevention measures and assistance for child victims. The Senate hears the reports from national ministries and relevant statistics and debates how measures against violence are integrated into the different policy areas. Once a year, the Ombudsman for Children's Rights presents his work to the Parliament and the Senate, including the survey findings on attitudes and trends with regard to the use of corporal punishment in the home. The periodic debate in Parliament and Senate has been essential for an active and critical political discussion of the effectiveness of national laws, parliamentary oversight and the evaluation of the impact of national laws on children, families and the work of professionals. As an independent institutions

⁸³ Magdalena Kochan, Member of Parliament of the Republic of Poland, National Consultation Poland, 29 November 2017.

⁸⁴ Country briefing at the Non Violent Childhoods Kick-off Meeting, Stockholm, 7 February 2017.

⁸⁵ Law of 6 May 2010 "On the Prevention of Family Violence" (Article 2) amending the Family and Guardianship Code of 1964, Article 96 (entry into force on 1 August 2010).

⁸⁶ Poland, Penal Code 1997, Articles 156, 157 and 217§1.

for the rights of the child, the Ombudsman informs the parliamentary debate with data, evidence and knowledge.

Estonia⁸⁷

The national debate for the prohibition of corporal punishment in Estonia has started almost at the time when the country became independent from the Russian Federation in 1991. The first public campaign to promote non-violent childhoods was launched by the Chancellor of Justice in 1997 and caught a lot of attention, including in the media. It involved information material for parents on alternatives to corporal punishment. Poster campaigns followed in 2001 and 2004.

The national campaigns against corporal punishment and for positive parenting were decisive to support the law reform process. Within the Parliament, the Social Affairs Committee had intense discussions of the draft law and the campaigns helped to influence the attitudes as well as the level of awareness among Parliamentarians and in the population. The most common objections to the proposed law in Parliament and in the population related to the views that parents had always used corporal punishment when raising children and that questions concerning child rearing are a private matter of parents and families.⁸⁸ There was also a general low level of knowledge of how to bring up children without using corporal punishment and concerns that there would be no discipline without the use of corporal punishment. Some opponents remarked that children only knew their rights and not their obligations.

In addition to the campaigns, also the intense political debate was important to achieve a higher level of acceptance of the law, which helped to promote its subsequent implementation. The law reform was facilitated by the joint efforts and shared values of the Chancellor of Justice and officials in different ministries, as well as NGOs. The push for the legal ban came therefore at the same time from within the state institutions, from the civil society and from the Chancellor of Justice as an independent human rights structure.

The decisive law reform was adopted in 2014 as part of the new Child Protection Act, which entered into force in January 2016. The overall aim of the law is to recognise the value of every child in the society and to ensure clear principles for safeguarding the rights of the child and ensuring children's wellbeing. The Act includes provisions for prevention and early intervention, a multi-sectoral approach and the integration of services as well as the cooperation between the national state and local authorities.

The Child Protection Act prohibits corporal punishment of children in Article 24:

(1) Neglect of a child, mental, emotional, physical and sexual abuse of a child, including humiliation, frightening and physical punishment of a child, also punishment of a child in any other manner, which endangers his or her mental, emotional or physical health is prohibited. (...)

(4) Physical force for the purposes of this Act may only be applied to restrict the child's moving or movements to an extent proportional to and the least necessary for the elimination of the risk threatening the child or originating from the child. Physical force may not be used for the purpose of punishment.⁸⁹

⁸⁷ Non-Violent Childhoods Programme, National Consultation Estonia, November 2017.

⁸⁸ Helgi Kundla, Member of Parliament, Social Affairs Committee, National Consultation Estonia, 17 November 2017.

⁸⁹ Republic of Estonia, Child Protection Act, 2014, accessed from <https://www.riigiteataja.ee/en/eli/506052015001/consolide>.

Measures for the implementation of the legal prohibition of corporal punishment in Estonia are integrated into a major overhaul of the national child protection system and guided by the collaborative commitment of different national ministries, national institutions, independent bodies such as the Chancellor of Justice, and an active civil society. A series of other law reform processes were instrumental to enable and support the implementation of the legal ban. In particular, the following cornerstones have been set up in law and policy:

- a) strengthened reporting obligations in cases where children are considered to be in danger or in need of help;
- b) clear regulations for the follow-up to these reports by local social services and the police;
- c) a revision of the data protection law to enable the cooperation between child protection and social workers and the police and border guards in cases of violence against children;
- d) a continued campaign for non-violence that reaches families in the home, through the media and in public events.

In addition, the implementation of the Child Protection Act is supported by the development of new operational methods and guidance to ensure children are safe from violence and corporal punishment in education, in alternative care and in the juvenile justice sector.

The Child Protection Act obliges all citizens to report to the authorities when they get to know about a child who is in danger or in need of help. The Act does not provide for sanctions for persons who do not comply with this reporting obligation. Children are considered to be “in need of help” when a child’s safety, wellbeing and development is not guaranteed. The legal definition is very broad and leaves room for interpretation to include all children who need support and are denied such support. A child is considered to be “in danger” when the risk to the life or health of the child is acute and there are reasonable grounds to believe that the child is facing a concrete threat. Cases of children in need of help are to be notified to the child protection officer in the local government whereas children in danger, where immediate action is required, are reported to the police or border guards. When child protection officers receive notifications about children in need of help, they can decide to report themselves to the police or border guards if they see an acute risk to the child’s life or health. These authorities are all mandated to receive and handle personal data of children, even without the consent of the parents. They are also entitled to transfer the data in the context of the mandatory reporting with the purpose of ensuring the welfare of the child and to start the necessary investigations and proceedings.

After the enactment of the Child Protection Act in 2014, the national Parliament continued to pay attention to the supplementary law reform processes required to ensure the legal prohibition of corporal punishment is fully reflected in all relevant sectors, including with regard to social welfare, juvenile justice, education and alternative care.

The recent revision of the Social Welfare Act, for instance, has resulted in a significant re-organisation of the juvenile justice system as it repeals the Juvenile Sanctions Act and eliminates the Juvenile Committees in the local governments, which were the responsible bodies for young perpetrators of crime. The law reform connects the juvenile justice system stronger with the child protection system, considers juvenile perpetrators of crime as “children in need of help” as per the definition in the Child Protection Act. Young adults aged between 18 and 21 years old can also be included in this group. There is a trend to prioritise restorative justice approaches and mediation for the rehabilitation of children who got in conflict with the law based on an assessment of their needs of help and support.

This reform reflects the changing attitudes and practice in relation to young perpetrators with a shift from punishment towards help and support. A child who has committed an offence has the right to compensate the damage that he or she caused. In practice, this means that the social workers and child protection officials play a central role in managing the case, while the police have the right not to start an investigation, the prosecutor can decide whether or not to transfer the case to the court and the judge can exercise his or her discretion to apply restorative justice measures rather than criminal sanctions. Adolescents and young persons up to 21 years of age who are sentenced on criminal charges, are usually referred to social rehabilitation centres rather than to prisons. By law, the deprivation of liberty as means of criminal punishment can only be a measure of last resort where alternative measures cannot be applied. Imprisonment is used only for very serious crimes like murder or robbery.

Following the enactment of the Child Protection Act, the Cultural Committee in the Parliament started preparing amendments to the Basic School and Education Act with a view to strengthening the responsibility of the local government in the education field. The Act aims to support children with special education needs better. It introduces clear commitments and rules on non-violence into all areas of the education system, including for children with special needs.

The new Child Protection Act has initiated also a major reform of the alternative care sector. The aim is for more children to be placed in foster families or other family-like placements rather than in institutions. The law reform process has not only reaffirmed and clarified the protection of children from corporal punishment in alternative care but also set up a monitoring mechanism to ensure children's safety and wellbeing in placement, as part of the national child protection system.

Lithuania

The Government of Lithuania has been expressing its commitment to enact a legal prohibition of corporal punishment in all settings since 2006. A process of law reform and political debate followed and evolved over several years. In March 2010, a draft amendment to the existing law prohibiting violence against children was debated in Parliament. It aimed to prohibit corporal punishment in the home explicitly, but was eventually rejected. Despite this setback, the Parliamentary debate continued over a second law proposal, which was however rejected in autumn 2013.⁹⁰ In 2016, a new attempt was made and again a new draft law was developed and debated in Parliament. On 14 February 2017, the national Parliament convened in an extraordinary session specifically to vote on the legal ban and adopted the law, which entered into force promptly on 21 February 2017. The extraordinary session was convened in reaction to the death of a toddler in January 2017, which was followed by intense media reporting and a heated and controversial public debate on the risks associated with violence in the family and the failures of the state services to protect children.⁹¹

The law reform amended the Law on the Fundamentals of Protection of the Rights of the Child of 1996 and provides in Article 49.1 that

⁹⁰ Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Lithuania*, Last Update December 2018, pp. 1-2.

⁹¹ Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Lithuania*, Last Update December 2018, p. 2.

“parents and other legal representatives of the child may appropriately, according to their judgment, discipline the child, for avoiding to carry out his duties and for disciplinary infractions, with the exception of corporal punishment and any other form of violence.”

Corporal punishment is defined as “any punishment in which physical force is used to cause physical pain, even on a small scale, or otherwise to physically torture a child.” This definition establishes clarity on the conduct that is considered illegal. It limits the concept of corporal punishment of children to the use of physical violence. The use of mental or psychological violence as punishment for children, as included in the Committee on the Rights of the Child’s definition of corporal punishment, is not covered by the law.

Article 4 of the amendment provides for the right of the child to be protected from all forms of violence, including corporal punishment, by their parents or legal representatives, as well as persons living with them or any other person.

The 2017 law reform continues to be debated as the public resistance to the legal prohibition of corporal punishment in the home is still high. There are widespread fears that parents will be prosecuted and children will be removed from families to be placed in alternative care. Members of Parliament representing the opposition parties are debating the possibility to protect the family unit by a specific law and have developed a law proposal to define the concept of “violence against children” to require proof that pain was inflicted on the child as a result of the violence.⁹²

The Law on the Fundamentals of Protection of the Rights of the Child of 1996 provides for a range of articles that protect children from violence, including corporal punishment, in different settings. Article 6.9 establishes that the state is responsible to protect children from all forms of violence, including corporal punishment, while in the care of parents or other persons. It provides that the “State shall take all appropriate legislative, administrative, social, educational and other measures to ensure the protection of the child from all forms of violence, including corporal punishment, which the child may suffer from the parents, other legal representatives of the child, or any other persons looking after the child.” In addition, Article 57.2 clarifies the responsibilities of institutions, public officials and professionals working in institutions for children and the respective administrations to protect children from violence and corporal punishment: “Authorities of instructional, educative, treatment and other institutions, educators or individuals equivalent to them, and the administration of these institutions shall be held responsible for the education of the children under their supervision. These persons are held responsible according to the law, when they violate the rights of the child, do not fulfil their duties or perform them improperly, use corporal punishment or other violence against children”.⁹³

The Russian Federation

In the Russian Federation, there is currently no legislation in place that explicitly prohibits the use of corporal punishment of children in the home, in alternative care settings and day care. Corporal punishment is considered unlawful in schools and in penal institutions, although there is no explicit

⁹² Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Lithuania*, Last Update December 2018, p.1-2. See Delfi, The Lithuanian Tribune, “Farmers” call up L. Kukuraitis for explanation on children’s rights protection project, 3 December 2018, <https://en.delfi.lt/lithuania/politics/farmers-call-up-l-kukuraitis-for-explanation-on-childrens-rights-protection-project.d?id=79757199>, accessed 14 December 2018.

⁹³ Law on the Fundamentals of the Protection of the Rights of the Child, 1996, as amended on 14 February 2017. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Lithuania*, Last Update December 2018, p. 1-3.

legislation for its prohibition.⁹⁴ The Law on Guarantees of the Rights of the Child (1998) and the Law on Guardianship and Custody (2008) do not provide for any explicit prohibitions of corporal punishment of children. The Family Code 1995 includes provisions that protect children from abuse by parents, hold parents responsible to protect the dignity of their child and to use parenting methods that do not include neglectful, cruel or degrading treatment (Articles 54, 63 and 65).

The Criminal Code 1996 punishes “beating or other violent acts, which cause physical pain” without causing serious, less serious or minor harm to health (Articles 111-115 and 116, 116(1)). The Ministry of Justice stated in 2010 that these civil and criminal provisions together can be interpreted to prohibit the use of corporal punishment for disciplining children in childcare and child rearing. The experience from other countries shows however clearly that unless an explicit legal prohibition is in place, general child protection laws are often unable to effectively protect children from corporal punishment, including specifically in the home.⁹⁵

In July 2016, the Criminal Code was amended to make family violence a criminal offence. To this end, Article 116 on battery was modified to the effect that aggravating circumstances exist where the perpetrator and the victim have a family relationship. Subsequently, a new Article 116-1 was added to provide that the first occurrence of battery against a relative was to be considered an administrative offence. The amendments referred only to cases of battery, which does not cause substantive bodily harm and fell short of explicitly prohibiting corporal punishment of children. In January 2017, these amendments were however overturned by the State Duma adopting a new reform of the Criminal Code, which removed from Article 116 the reference to family relations as an aggravating factor and decriminalised domestic violence. Repeated acts of battery can however still be prosecuted under the Article, as long as they occur within the course of one year. In December 2018, the Russian Commissioner for Human Rights criticised the new law as it decriminalises violence within the family and called for new efforts to revise the law.⁹⁶

⁹⁴ See Annex for a full overview of the legislation concerning different settings.

⁹⁵ Global Initiative to End All Corporal Punishment of Children, *Corporal Punishment of Children in the Russian Federation*, Last update January 2017, p. 1.

⁹⁶ Global Initiative to End All Corporal Punishment of Children, *Corporal Punishment of Children in the Russian Federation*, Last update December 2018, p. 2. Child Rights Information Network, *CRINmail 1516*, 1 February 2017, <http://us12.campaign-archive1.com/?u=76b57aa44a860d071c2e9bf2f&id=d26e4bae61&e=5357da26f4>.

Attitudes towards corporal punishment and parental behaviour in the Baltic Sea Region

Research on attitudes towards corporal punishment and parental behaviour is available from all countries in the Baltic Sea Region, although the type and level of detail differs from country to country. A solid data and knowledge base and periodic surveys are essential for monitoring the implementation of national laws and assessing the progress made. Once baseline data have been established, studies and surveys assess the progress with the implementation of the legal bans, in particular with regard to changing attitudes and behaviours in the population.

The available studies explore the prevalence and scope of corporal punishment, attitudes with regard to the use of corporal punishment as well as developments over the years. While the findings from each country provide an overview of the situation and trends, the data have to be interpreted carefully, conscious of numerous biases. Data from different countries and years are not always comparable.

Research related to positive parenting and non-violent childhoods is highly prominent in the academic literature in the region. The academia, research institutes, human rights structures and monitoring bodies as well as civil society organisations and NGOs continue to generate new knowledge and evidence in support of the progressive implementation of a legal ban. International Treaty Bodies, such as the UN Committee on the Rights of the Child, are monitoring progress towards ensuring non-violent childhoods free from corporal punishment, in accordance with international human rights standards.

The dissemination of the law influences attitudes and behaviour change

The countries in the Baltic Sea Region have studied the awareness of the legal ban and prevailing attitudes with regard to corporal punishment of children. In the countries that have enacted a legal ban, the findings reveal generally a positive trend over the years following law reform, with a growing awareness of the legal ban on corporal punishment, increasing agreement that parents should use non-violent forms of discipline and that children have a right to grow up free from violence. The level of awareness and the attitudes with regard to corporal punishment differ however from country to country.

Many surveys demonstrate a rather high rate of awareness in the population that corporal punishment constitutes a form of violence against children and that it should not be used as a measure of discipline. In some countries, the same surveys reveal however also a widespread opinion that corporal punishment is sometimes inevitable and parents admit to use corporal punishment in child rearing. In some countries, studies reveal that there is more social tolerance to the use of corporal punishment against children than there is to violence among adults, including domestic violence between parents or the use of physical aggression to solve problems. The data suggest also that the use of corporal punishment is tolerated rather in the family home than in out-of-home childcare and other institutions for children, as for instance kindergartens, schools and alternative care institutions.

The experience from Sweden and other countries shows that attitudes change gradually and that, once attitudes have changed, the behaviour change follows suit subsequently. Achieving non-violent childhoods in practice therefore is often the result of a lengthy and staged process, which

evolves over many years or decades, and which requires continued attention and action from state agencies, service providers and civil society.⁹⁷

Impact assessments help measuring the effectiveness of a legal ban

Several countries in the region have developed survey methodologies that are applied annually or biannually, or periodically over a longer period of time. Where comparable indicators and representative samples are used, the findings shed light on the impact that the enactment of the legal ban has had on attitudes and behaviours. In several countries, these periodic surveys have demonstrated a gradual decline of the use of corporal punishment and attitudes in favour of it. The findings do however not allow to attribute this change only to the introduction and dissemination of the legal ban. It remains therefore difficult to establish a clear causality between the legal prohibition and specific measures for the implementation of the legal ban, and the factual decline.

In Sweden, research has identified three success factors for the effective implementation of the legal ban on corporal punishment: the growing recognition of the rights of the child in policymaking and in the society, which leads to a broad-based understanding of children as members of the society who have an equal right to protection from assault as adults. The activities of numerous champions for children has been instrumental to achieve this positive change. In addition, a growing body of research on child development has informed the measures for the implementation of the legal ban. Parents started to learn about child development and the harmful impact of violence and recognised professionals' capability to help and to provide useful guidance on child rearing and childcare.⁹⁸

The evolving understanding and role of children in society, in line with the rights of the child afforded under the UN Convention on the Rights of the Child, has also strengthened the role of children in advocating for childhoods free from violence. National Ombuds Offices and other human rights structures facilitated consultations with children on these matters and supported children in making their voices heard and in getting engaged. The Ombudsman for Children in Sweden, for instance, consulted with young people and encouraged them to develop recommendations for policy and practice, in support of the implementation of the legal ban on corporal punishment. In order to enable children to take part in decision making processes in a meaningful way, collectively and individually, careful preparations and follow-up of child consultations are required.⁹⁹

In Norway, the Ombudsman for Children noted that two approaches are important and effective with regard to preventing violence against children: political lobbying and the active participation of children. Children's voices and advice has been essential for understanding weaknesses and shortcomings in the child protection system and identifying solutions in Norway.¹⁰⁰

In Sweden, the reporting of cases of assault on children has increased since the 1980s. This trend is interpreted to reflect a reduced social tolerance for violence against children, which is partially attributed to the effective dissemination of the legal ban on corporal punishment and the comprehensive measures supporting its implementation. In 1981, within two years after the

⁹⁷ Staffan Janson, Universities of Karlstad and Uppsala, Sweden, Presentation at the Non-Violent Childhoods Kick-off Meeting, Stockholm, 7 February 2017.

⁹⁸ Country briefing at the Non Violent Childhoods Kick-off Meeting, Stockholm, 7 February 2017.

⁹⁹ Country briefing at the Non Violent Childhoods Kick-off Meeting, Stockholm, 7 February 2017.

¹⁰⁰ Country briefing at the Non Violent Childhoods Kick-off Meeting, Stockholm, 7 February 2017.

adoption of the legal prohibition of corporal punishment, over 90% of Swedish families were aware of the prohibition. This had been achieved as the law reform had been accompanied by a large-scale public awareness campaign, with pamphlets distributed to every household and an information campaign printed on milk boxes.¹⁰¹

The monitoring activities in the Baltic Sea Region reveal that typically the use of relatively “light” forms of corporal punishment of children is decreasing faster than more severe forms. In Finland, for instance, surveys conducted between 1988 and 2008 identified the most significant reduction with regard to the use of “relatively mild forms of violence” in childcare and child rearing that had previously been considered socially acceptable.¹⁰²

A study of five European countries, including Germany and Sweden, analysed the responses of 1,000 parents in each country in 2007 with regard to their use of corporal punishment, their own experiences of violence in childhood, their awareness of the legal prohibition and attitudes. The percentage of parents who used corporal punishment against their children was higher in Germany than in Sweden and the difference is especially high with regard to the use of “mild” slapping on the face and on the bottom. It is however also notable that the overall high levels of rejecting attitudes towards corporal punishment did not differ a lot between Germany and Sweden, although Germany had introduced the legal prohibition of corporal punishment approximately 20 years after Sweden. In Germany, the widespread attitude that non-violent child rearing is ideal is however not reflected to the same extent in parents’ childcare and child rearing practice as in Sweden.¹⁰³

Some groups of children have a higher risk of experiencing corporal punishment

Some groups of parents and families tend to resort to corporal punishment of children more than others. Despite the overall positive trend towards a reduction of corporal punishment, research findings suggest that some groups of children are disproportionately exposed to it. They include in particular children with disabilities and children living in institutions. Research has further evidenced that the use of corporal punishment in the home is typically connected with a range of social, economic and health related challenges that families are facing, which are increasing the overall stress level in the family and reducing capacities for coping with stress and resolving conflicts. Parents’ substance abuse and mental health problems have also been shown to increase the risks that parents use corporal punishment.¹⁰⁴ In addition, violence between parents increases the child’s risks of experiencing corporal punishment in the home.

¹⁰¹ Modig, C., *Never Violence – Thirty years on from Sweden’s abolition of corporal punishment*, Save the Children Sweden and Swedish Ministry of Health and Social Affairs, 2009. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Sweden*, Last Update January 2018, p. 4.

¹⁰² Ellonen, N., Kääriäinen, J. Salmi, V. & Sariola, H., *Lasten ja nuorten väkivaltakokemukset. Tutkimus peruskoulun 6. - 9. luokan oppilaiden kokemasta väkivallasta*, Poliisiammattikorkeakoulun Raportteja 71/2008, p. 160. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Finland*, Last Update October 2017, p. 5.

¹⁰³ Bussmann, K. D., *The Effect of Banning Corporal Punishment in Europe: A five-nation comparison*, Martin-Luther-Universität Halle-Wittenberg, 2009. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Germany*, Last Update June 2018, pp. 3-4.

¹⁰⁴ Almquist, Kjerstin, *Swedish Research on Children Exposed to Parental Intimate Partner Violence and Interventions*, Presentation, Stockholm, 8 May 2017. Ingrid, Henrik, *The Swedish Work on the Prevention of Violence Against Children*, Ministry of Health and Social Affairs, Presentation, Stockholm, 10 May 2017.

In Finland, a study with a representative sample noted that the use of corporal punishment was identified more often in families that were also struggling with alcohol abuse, depression, mental health problems, including schizotypal personality and suicidal tendencies.¹⁰⁵

A Swedish study from 2011 found that children with disabilities or chronic health problems responded twice as often that they have been hit than children without disabilities. The study identified several risk factors for children to get exposed to corporal punishment. It found that violence between adults in the family was the greatest risk factor. Children who grew up in families where there was violence between adults were ten times as likely to be physically punished than children in families where there was no violence between adults.¹⁰⁶

In 2009, a Norwegian study analysed the use and witnessing of violence in the home from a gender equality perspective. The findings revealed that the use of physical punishment by parents is associated with the degree of gender equality in decision-making in the home. 27% of the respondents who said their fathers made the decisions at home reported that they had experienced physical punishment or witnessed violence at home. In households where the mothers were the main decision makers, 17% reported experiences of violence while the rate was only 10% in households where both parents made decisions on an equal basis.¹⁰⁷

The Global Initiative to End All Corporal Punishment Against Children noted that little research has been conducted into the use of corporal punishment in foster care, residential institutions and day care for children. The majority of studies and reports are investigating the prevalence of violence more generally. The Global Initiative ascertains, however, that some groups of children are particularly at risk of corporal punishment. Children with disabilities, for instance, are at a higher risk of experiencing severe corporal punishment, especially in large-scale residential institutions. Due to their disabilities, it may be difficult for them to report incidents of violence. Young children are vulnerable to physical punishment because of their perceived low social status and their difficulties in reporting by themselves. In addition, children from minority groups, including linguistic minorities, and children of different sexual orientations and gender identity, may be more likely to experience corporal punishment than others, including specifically in an institutional context. Corporal punishment does also have a gender dimension, as girls and boys may be exposed to different types or frequencies of punishment.¹⁰⁸

¹⁰⁵ Österman, K. et al., Twenty-Eight Years After the Complete Ban on the Physical Punishment of Children in Finland: Trends and psychosocial concomitants, *Aggressive Behaviour*, 2014, 9999, 1-14. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Finland*, Last Update October 2017, p. 4.

¹⁰⁶ Janson, S. et al., *Corporal punishment and other humiliating behaviour towards children in Sweden – a national study 2011*, Children's Welfare Foundation & University of Karlstad, 2012. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Sweden*, Last Update January 2018, p. 4. Country briefing at the Non Violent Childhoods Kick-off Meeting, Stockholm, 7 February 2017.

¹⁰⁷ Holter et al., *Gender Equality and Quality of Life: A Norwegian Perspective*, Nordic Gender Institute, 2009. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Norway*, Last Update June 2018, p. 4.

¹⁰⁸ Global Initiative to End All Corporal Punishment Against Children, *Ending Legalised Violence Against Children, Prohibiting and eliminating corporal punishment in all alternative care and day care settings*, October 2012, p. 5. See also: Pinheiro, P.S., World Report on Violence against Children, United Nations, 2006. EveryChild, Family Matters: A study of institutional childcare in Central and Eastern Europe and the Former Soviet Union, 2005. Cited from: Council of the Baltic Sea States, *Family Support and Alternative Care in the Baltic Sea Region*, Background Paper, 2015.

Evidence of social transformations: Changing attitudes and behaviours in the Baltic Sea Region

Sweden¹⁰⁹

Sweden succeeded to disseminate the legal ban on corporal punishment effectively in very little time. This was due to the massive public information campaign targeting every household at the time when the legal ban was adopted. In 1981, two years after the legal ban had been enacted, a survey established that more than 90 percent of the families in Sweden were aware of the new law.¹¹⁰

Sweden piloted a model of periodic surveys using a methodology and indicators that make the findings comparable over time. This approach has proven effective to monitor the progress made over the decades. It has helped to identify the success factors in the implementation of the legal ban on corporal punishment, as well as persisting challenges.

In 2009, 30 years after the enactment of the legal ban, the progress with its implementation was assessed. The findings revealed a consistent decline in the use of physical punishment and the number of adults who are in favour of it. In the 1970s, studies showed that approximately half of all children were smacked regularly. This rate had fallen to around one third in the 1980s and just a few percent after 2000. Children who were still being smacked, experienced this less often. Approximately 1.5 percent of the children in Sweden were estimated to experience physical punishment with an implement. In addition, the reporting of cases of assault on children has increased since the 1980s. This trend is interpreted to reflect a reduced social tolerance for violence against children.¹¹¹

In 2011, a study with 2,500 parents who had children under 12 years old and 3,207 children aged 15 and 16 years old was conducted. It used the same methodology as previous studies carried out in 1980, 2000 and 2006, so that the findings were comparable. In 2011, the findings revealed that 92 percent of parents were of the opinion that it was wrong to beat or slap a child. About 3 percent of the participating parents had hit their child at some point during the past year. This was a significant reduction from 28 percent in 1980. In 2011, 14 percent of the participating adolescents stated that they had been hit by their parents at least once in their lifetime. The study found no evidence to suggest that parents who avoided corporal punishment of children were resorting to other humiliating forms of punishment.¹¹²

In 2010, a multi-country study of the relationship between gender roles and physical punishment, which was based on interviews with around 4,000 mothers, fathers and children (7-10 years old), found that the participating children in Sweden had not experienced any incidents of severe corporal punishment by a person in their household over the past month. Severe corporal punishment included hitting or slapping the child on the face, head or ears, or beating the child

¹⁰⁹ Non-Violent Childhood Programme, National Consultation Sweden, May 2017.

¹¹⁰ Ewerlöf, G., Sverne, T., Singer, A., *Barnets bästa - om föräldrars och samhällets ansvar [The best interests of the child – The responsibilities of parents and the society]*, 2004. Cited in: Government Offices of Sweden and Save the Children Sweden, *Never Violence, Thirty years on from Sweden's abolition of corporal punishment*, 2009, p. 16.

¹¹¹ Modig, C., *Never Violence – Thirty years on from Sweden's abolition of corporal punishment*, Save the Children Sweden and Swedish Ministry of Health and Social Affairs, 2009. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Sweden*, Last Update January 2018, p. 4.

¹¹² Janson, S. et al., *Corporal punishment and other humiliating behaviour towards children in Sweden – a national study 2011*, Children's Welfare Foundation & University of Karlstad, 2012. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Sweden*, Last Update January 2018, p. 3.

repeatedly with an implement. None of the parents believed it was necessary to use corporal punishment to bring up their children. The study revealed a slight gender difference in the way that boys and girls experienced corporal punishment in Sweden. Nine percent of the participating girls and 6 percent of the boys had experienced “mild” corporal punishment by a person in their household over the past month.¹¹³

Despite the tremendous progress over 40 years with the legal ban in force in Sweden, a survey with school going children revealed in 2016 that there is still a certain level of social acceptance of corporal punishment among children and adults. The study found that the majority of pupils (81%) rejected the use of corporal punishment in all its forms. 88 percent of the pupils were of the opinion it was unacceptable to hit a child, whereas 82 percent found it unacceptable to smack a child. The findings were slightly contradictory as 13 percent of the pupils stated that the use of corporal punishment was acceptable under certain circumstances. This percentage had remained stable since the year 2000. Only three percent of the pupils thought it was okay if their parent hit them when he or she was angry with them. Accepting the use of corporal punishment in certain situations was more common among pupils who had themselves experienced corporal punishment in the home (30%), or who had been born in another country (33%) than among those who had grown up free from corporal punishment (8%), had been born in Sweden or other Nordic countries (11%). The rate of acceptance of corporal punishment was higher among boys (20%) than among girls (7%). It was also higher among pupils who lived in financially unstable situations (28%) than among those whose families had a stable economic situation (13%).¹¹⁴

16 percent of the pupils stated that they had experienced psychological violence by an adult, for 11 percent of the pupils, this referred to incidents of psychological violence in the home by one or both of the parents. Forms of psychological violence included threats of physical violence and systematic insults.¹¹⁵

The fact that surveys are often conducted with school going children, creates a bias as it leaves those children excluded who, for different reasons, are not in school. There is very little knowledge about the extent to which they are affected by corporal punishment and other forms of violence in the home or in institutions.¹¹⁶

Today, approximately 5-10 percent of the children in Sweden are living in families where they witness violence against a parent, most often their mother. In these families, the children often experience violence themselves. Violence becomes part of their daily lives and does not necessarily stop when the parents separate, as it is common in Sweden to assign joint custody to the parents. Children are considered to experience less violence from a step-parent as the social workers have a better margin of action under the law to intervene and protect a child against

¹¹³ Lansford, J. et al., Corporal Punishment of Children in Nine Countries as a Function of Child Gender and Parent Gender, *International Journal of Pediatrics*, 2010. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Sweden*, Last Update January 2018, p. 4.

¹¹⁴ Jansson, S., Jernbro, C., Violence Against Children in Sweden 2016, The Children's Welfare Foundation, Sweden, 2017, <http://www.allmannabarnhuset.se/wp-content/uploads/2018/03/A-national-survey-Violence-against-children-2016.pdf>, pp. 21-22. A total of 4741 pupils participated in the study.

¹¹⁵ Jansson, S., Jernbro, C., Violence Against Children in Sweden 2016, The Children's Welfare Foundation, Sweden, 2017, pp. 28-29.

¹¹⁶ Svedin, Carl Göran, *Evaluating Research: What do we know and what are the gaps in research on violence against children*, Barnafriid, Presentation, Stockholm, 8 May 2017.

violence from a step-parent than from a birth parent due to the strong protection of parental rights by law.¹¹⁷

After several surveys had asked parents periodically about their attitudes and behaviour with regard to corporal punishment, the parents started to note that they were only asked if they used corporal punishment and not about the positive things they did. In light of this feedback, the surveys started then to enquire also what parents did if they did not use corporal punishment. The parents indicated several strategies for solving conflicts with children: distract the child's attention, make jokes, support good behaviour, refrain from insulting the child consciously, calm down, hug and comfort the child to make her or him able to listen. The parents' responses are largely in synergy with key messages promoted by positive parenting programmes. This was taken as a sign that the roll-out of parenting programmes at a broad scale in Sweden has been effective to inform, inspire and guide parents to using alternatives to corporal punishment.¹¹⁸

Finland¹¹⁹

Since 2002, survey studies have assessed the effectiveness of campaigns for non-violent childhoods and how they have affected parenting in Finland. The surveys focus on the attitudes towards corporal punishment and the behaviour of parents. Studies have been rolled out consistently involving 1,000 persons aged between 15 and 79 years in survey interviews. The most recent study was published in September 2017.

The survey from 2012 found that 95 percent of the respondents were aware that corporal punishment is not allowed by law in Finland. 2 percent were not aware of it and 3 percent stated they did not know. These results remained unchanged in 2017.

Overall, the studies demonstrate a notable change from the 1980s. In 1983, the survey asked if people thought that physical punishment was an acceptable way of disciplining children in exceptional situations. At the time, 43 percent agreed that it was acceptable to use corporal punishment in exceptional situations. This rate went down to 34 percent in 2002, 29 percent in 2006, 15 percent in 2014 and 13 percent in 2017. The results show however also that a certain percentage of the population is still in favour of the use of corporal punishment. When asking about specific actions, for instance pulling the hair of a child, a much higher number of respondents found that acceptable in exceptional situations, 33 percent in 2014 and 28 percent in 2017.

In 2006, 45 percent of the respondents said that they had pulled the hair of their children. This came down to 36 percent in 2012 and remained almost stable in 2014 and 2017 with 25 percent and 24 percent respectively. Smacking was used less by the parents and went down from 17 to

¹¹⁷ Almquist, Kjerstin, *Swedish Research on Children Exposed to Parental Intimate Partner Violence and Interventions*, Presentation, Stockholm, 8 May 2017.

¹¹⁸ Porzig Drummond, Help – Not Punishment, Children Australia, Cambridge Journals 2016. Cited from: Jansson, Staffan, *The Swedish experience: Cooperation between the society and the individual*, Presentation, Stockholm, 8 May 2017.

¹¹⁹ Non-Violent Childhoods Programme, National Consultation Finland, May 2017. Hyvärinen, Sauli, *Finn's Attitudes to Parenting and The Use of Corporal Punishment 2017 – Summary*, Central Union for Child Welfare, 2017, https://www.lskl.fi/materiaali/lastensuojelu-keskusliitto/kuritusvakivalta_kysely_tiiivistelma_en-1.pdf. Central Union for Child Welfare, *Yhä harvempi hyväksyy kuritusväkivallan* [Fewer and fewer people accept violence], 2012, <https://www.lskl.fi/teemat/lastensuojelu/yha-harvempi-hyvaksyy-kuritusvakivallan/>. Central Union for Child Welfare, *Kuritusväkivaltaa koskevat asenteet ja lapsiin kohdistuvan väkivallan kehitystrendejä Suomessa* [Regarding Violence – Attitudes towards violence against children and developments in Finland], 2012, https://www.lskl.fi/materiaali/lastensuojelu-keskusliitto/LSKL_Kuritusvakivaltaa_koskevat_asenteet_ja_lapsiin_kohdistuvan_vakivallan_kehitystrendejä_Suomessa.pdf.

7 percent between 2006 and 2014. It went up slightly again to 8 percent in 2017. The use of spanking went down from 7 percent in 2006 to zero in 2014 but rose to 1 percent again in 2017.

The survey results show that parents continue to use corporal punishment to a certain degree, which has remained at a rather stable level in recent years. Parents keep threatening their children with violence. Between 2006 and 2014, the rate of parents who used threats against their children raised slightly from 11 to 12 percent and went up to 15 percent in 2017. There is less awareness that threatening the child with violence is itself a form of violence and that it can also be used as a form of corporal punishment of children. The survey results illustrate the need to sensitise the population to the fact that the law prohibits not only physical punishment but also emotional and psychological forms of violence used for the purpose of punishment. The surveys help to identify areas where more campaigning, sensitisation and prevention is needed.

In addition to the survey on attitudes towards corporal punishment in the population, the Central Union for Child Welfare conducts periodic child victim surveys with 15 year old school going children. The data from these surveys confirm the gradual decline in the use of corporal punishment. While in 1988, approximately 65 percent of the children stated they had their hair pulled by their parents, 35 percent were spanked, 22-23 percent were smacked or shoved. The percentages went down to under 10 percent in 2013 while approximately 17 percent of the children still reported that their parents were pulling their hair as a form of punishment in 2017.

The child victim surveys measure also experiences of emotional violence such as parents who refuse to talk to children, cursing and calling names, being aggressive towards an object or threatening the child with violence. The findings confirm the trends identified in the periodic surveys with parents and children. The level of emotional violence decreased significantly over the years, but remained slightly higher than the use of physical violence. There tends to be a higher level of acceptance of emotional violence than of physical violence. 42 percent of the survey respondents thought, for instance, that shouting was not at all harmful for a child or causes just minor harm. On the other side, there is a high level of awareness that it is harmful for children to witness violence between their parents, if parents spank the child, demonstrate low esteem of the child or disturb the contact between the child and the other parent.

The child victim survey reveals that approximately 10 percent of the school going children have experienced violence. It remains unclear, however, if these 10 percent have experienced all the different forms of violence that the survey has evidenced or if the prevalence of violence is more widely spread. The survey results show clearly that the prevalence of violence and corporal punishment of children appears to be higher when asking parents about violence against children than when asking 9th graders. This could suggest that small children are more exposed to corporal punishment than older children.

The child victim surveys have proved to be an important source of data on children's experiences of violence. They show clearly that the level of violence has reduced a lot since 1988. The numbers of children placed in out of home care has increased in the same time frame. In 1991, 9,000 children were placed in alternative care and 18,000 in 2014. The relations between children's experiences of violence and the placement in alternative care have however not been studied, so it remains unclear to what extent children are placed in care due to violence in the home. The number has decreased again slightly in recent years.

Overall, the results of these periodic surveys show that there has been a generational change in attitudes and behaviour, with regard to corporal punishment and other forms of violence. The legislation, the campaigns and the evolving understanding of children as rights holders have all contributed to this change. Nonetheless, there remains a need to continue sensitising and informing the population about the harmful effects of corporal punishment and about approaches for positive parenting strategies.

Norway

In Norway, a gender equality study from 2009, which involved 2,805 adult respondents, enquired from the participants if they had been physically punished or witnessed violence in their family as a child. The findings revealed a decline in the experience of corporal punishment and witnessing violence in the home since the 1970s. 16 percent of the respondents aged between 17 and 24 years old answered “yes” or “partly”, as opposed to 33 percent among the respondents in the age group 65-79 years.¹²⁰

In 2007, a self-reporting study with 18 year old students in the final year of high school revealed that approximately 25 percent had experienced at least “mild” forms of violence from one of their parents, including different forms of corporal punishment. 8% stated that they had experienced serious forms of violence from one of their parents.¹²¹

In 2011, a survey involving 1,199 school going children aged between 12 and 16 years old revealed a high level of awareness among the pupils that corporal punishment of children is not allowed. Approximately 92 percent shared the opinion that children must be protected from all forms of violence, 82 percent agreed that a child should never be corporally punished, and 86 percent rejected the idea that parents had a right to use mild forms of corporal punishment on their children. Nonetheless, 8 percent of the participating pupils were of the opinion that a mild forms of punishment, such as smacking, were acceptable.¹²²

Denmark

In Denmark, a 2010 study with almost 3,000 adolescents revealed that 20 percent of the participants had experienced some form of physical punishment by a parent over the past year. They had been pushed or pulled, had their hair pulled, been hit with a flat hand, a fist or an object or been kicked. Among this group, 8 percent had experienced such an incident once, while 12 percent reported that it had happened more than once.¹²³

In 2011, a survey involving 1,008 school going children aged between 12 and 16 years old revealed that 89 percent of the pupils agreed that children must be protected from all forms of violence and around 82 percent stated that a child should never be corporally punished.

¹²⁰ Holter et al., *Gender Equality and Quality of Life: A Norwegian Perspective*, Nordic Gender Institute, 2009. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Norway*, Last Update June 2018, p. 3.

¹²¹ Mossige, S. & Stefanson, K. (eds.), *Violence and abuse against children and young people: A self-reporting study among last year pupils in high school*, Oslo: NOVA Rapport 20, 2007. Cited in: Durrant, J. & Smith, A., *Global Pathways to Abolishing Physical Punishment: Realizing Children's Rights*, NY: Routledge, 2011. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Norway*, Last Update June 2018, p. 4.

¹²² (UNICEF (2011), *Nordic Study on Child Rights to Participate 2009-2010*, Innolink Research, Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Norway*, Last Update June 2018, p. 4

¹²³ Korzen, S. et al., *Vold mod Unge i Danmark*, SFI - Det Nationale Forskningscenter For Velfærd, 2010. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Denmark*, Last Update October 2017, p. 4.

Nonetheless, almost 10 percent were of the opinion that mild forms of corporal punishment, such as smacking, were acceptable.¹²⁴

Latvia¹²⁵

20 years after the legal ban on corporal punishment was enacted, attitudes and behaviours with regard to corporal punishment of children have changed notably. Yet, the law has not yet been implemented effectively and parents continue to use corporal punishment. While there is a higher level of awareness and sensitisation with regard to violence against children in the home, there remains also a rather high level of tolerance to domestic violence and acceptance of corporal punishment as a parenting method in the society. Many parents and professionals are still of the opinion that having been raised with corporal punishment themselves has not done them any harm. There is little understanding of the harmful impact that violence, and corporal punishment specifically, has on the child.

Surveys on attitudes and behaviours have been conducted by the Office of the Ombudsman of Latvia, the NGO Centre Dardedze and other actors. The data collected provide evidence of progress.¹²⁶ In 2009, 46 percent of the respondents were aware that corporal punishment was prohibited by law. Between 2005 and 2017, the view that corporal punishment can be used if considered effective has decreased steadily from 12 percent to 2 percent. In 2017, 49 percent of the respondents stated that corporal punishment should never be used, an increase from 39 percent in 2005. Overall, the findings demonstrate a growing rejection of corporal punishment.¹²⁷

Nonetheless, 32 percent of the survey respondents still used corporal punishment in 2017. 47 percent agreed that corporal punishment is a good measure. Corporal punishment is still considered largely a private matter that should be banned in education and institutions but not in the home. Most people tend to not interfere when they witness corporal punishment (76 percent), many because they are uncertain what to do. The main reason why parents still use corporal punishment includes tiredness and lack of knowledge about alternatives, but also a general conviction that it is right, efficient and good to use it.¹²⁸ The awareness of the UN Convention on the Rights of the Child is still rather low in the population and among professionals, including among teachers.

Some parts of the population perceive the prohibition of corporal punishment as an expression of Western culture, which undermines traditional family structures of post-Soviet countries. The prohibition raises many questions with regard to social concepts of authority and hierarchy in relationships and how to solve conflicts in families. As a post-soviet country, Latvia has been undergoing a socio-political and cultural transition. The older generations are still influenced by the strong normativity of Soviet culture, where family violence was not discussed openly.¹²⁹

¹²⁴ UNICEF (2011), *Nordic Study on Child Rights to Participate 2009-2010*, Innolink Research. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Denmark*, Last Update October 2017, p. 4.

¹²⁵ Non-Violent Childhoods Programme, National Consultation Latvia, October 2017.

¹²⁶ Rūsiņa, Zanda, Ombudsman's Office, Head of the Children Rights Division, *The Ombudsman's Research About the Spread of Violence Against Children in Latvia (2015)*, National Consultation Latvia, 9 October 2017.

¹²⁷ Avena, Anda, Centre Dardedze, National Consultation Latvia, 11 October 2017.

¹²⁸ Avena, Anda, Centre Dardedze, National Consultation Latvia, 11 October 2017.

¹²⁹ Žagare, Ilze, SOS Children's Villages Latvia, Latvia, National Consultation Latvia, 11 October 2017.

*The Ombudsman's survey on corporal punishment in Latvia*¹³⁰

In 2015, the Office of the Ombudsman of Latvia conducted a survey to assess the prevalence and scope of violence against children and relevant attitudes in Latvia.¹³¹ The survey revealed a high level of awareness of behaviour that constitutes violence against children but revealed also that the use of corporal punishment in the home and at school is still rather widespread. The study concluded that there is a need for more targeted measures to prevent violence against children in all settings and that the follow-up to cases and criminal investigations, where applicable, still needs to be strengthened.

Almost half of the children (47%) responded that they had experienced violence against them (rarely, sometimes or often). The most common forms of violence the children mentioned included smoking near the child (59% of the child respondents had experienced that); calling names, scolding, insulting, humiliating or yelling at the child (56%); threatening to physically hurt the child (46%); and slapping, punching, jostling, hitting or pinching the child (37%). A third of the children (33%) had been smacked. 20 percent of the children who had experienced corporal punishment such as shouting, insults or humiliation, had experienced this at least once a week while 13 percent have been hit at least once a week.

The survey revealed that different forms of violence were committed by different groups. While parents, siblings and other family members were mostly responsible for smacking children, confining them or locking them in as a form of punishment, other forms of violence were committed by peers, friends, classmates, including physical and emotional violence such as beating and kicking, slapping, showing or sending texts or photos with sexual content, touching intimate body parts, calling names, offending, scolding and humiliating, yelling and threatening or ignoring.

The survey assessed the acceptance of different forms of corporal punishment in the upbringing of a child and revealed that 13 percent of children found yelling was acceptable while 10 percent stated that smacking a child was acceptable. Among the parents, 19 percent stated that yelling was an acceptable method parents could use, while 10 percent agreed that ignoring a child was a legitimate form of punishment. The parents noted however also, that teachers should not yell at children at school. 4 percent of the teachers stated that yelling at students at school was acceptable while 72 percent of them said they knew someone who is used to yelling at students in the class. Only 1 percent of the children stated they had never witnessed another child being maltreated at school, while half of the children (54%) stated that they were not maltreated by other children at school. 12 percent of the children said they did not tell their parents about violent behaviour at school. Among the teachers, 68 percent stated that they had encountered cases where children have suffered from domestic violence. Most of them tried to solve such situations at school by mobilising support for the child, for instance from a school educator, or talking to the child about the situation at home.

¹³⁰ Rūsiņa, Zanda, Ombudsman's Office, Head of the Children Rights Division, *The Ombudsman's Research About the Spread of Violence Against Children in Latvia (2015)*, National Consultation Latvia, 9 October 2017.

¹³¹ Ombudsman of Latvia, *Tiesībsarga Pētījums par Vardarbības Izplatību pret Bērniem Latvijā [Judicial Study on the Prevalence of Violence against Children in Latvia]*, 2015, accessed from http://www.tiesibsargs.lv/uploads/content/legacy/4239_TNS_Vardarbibas_pret_berniem_izplatiba_Latvija_2015.pdf. The survey involved students in the 5th to 12th grade, parents and teachers. The participants responded to questions about what violence against children meant to them, how often children suffered from violence in Latvia, which forms of violence against children were particularly prevalent and how students, parents and teachers respond when witnessing violence. The survey was conducted with 1,552 respondents, including 500 children, 517 parents or guardians of the children, and 535 teachers.

The survey revealed a relatively high level of understanding and awareness of what constitutes violence against children in Latvia. The vast majority of children, parents and teachers stated that violence included physical, emotional and sexual forms of violence. Most respondents recognised also neglect as a form of violence. The physical forms of violence that the respondents mentioned most frequently included slapping, punching, jostling, hitting and pinching, while most considered calling names, scolding, insulting, humiliating and yelling as emotional forms of violence. The results showed that children were less aware of different forms of violence than parents and teachers. Threatening a child with physical violence, for instance, was considered a form of violence by 54 percent of the children, 66 percent of teachers and 72 percent of the parents. Smoking near to a child was to a lesser extent identified as a form of violence. 55 percent of the children, and 66 percent of the parents and teachers identified it as a form of physical violence.

The survey results are considered to be biased as it cannot be excluded that the participants' responses reflect an idealised view, which is more positive than their actual behaviour in daily life. The phrasing of the questions can also cause biases as respondents interpret concepts such as violence and corporal punishment in different ways.¹³²

While research in Latvia has thus far focused mainly on corporal punishment in schools and families, the Ombudsman aims to assess and address violence and punishment also in all other contexts, including in extracurricular activities, sports clubs and other contexts. The Ombudsman's Office has been informed about cases, where trainers in sports clubs resigned from their positions because they did not agree with the prohibition of corporal punishment and because they felt they could no longer use the methods they believed in.

*Centre Dardedze surveys on physical punishment of children in Latvia*¹³³

The periodic surveys conducted by Centre Dardedze demonstrate a growing rejection of corporal punishment of children. Between 2005 and 2017, the view that corporal punishment can be used when considered effective has decreased steadily from 12 percent to 2 percent. In 2017, 49 percent of the respondents stated that corporal punishment should never be used, while 47 percent thought that it should not be used but could sometimes be justified. In 2005, these views were shared by 39 percent and 45 percent respectively.

The surveys reveal strong differences with regard to the rejection of corporal punishment in the home and in kindergartens. In 2017, 18 percent of the respondents stated that corporal punishment should be prohibited by law in the home, while 71 percent supported the legal prohibition in kindergartens. 10 percent were against the prohibition in the home, and 3 percent against the legal prohibition in kindergartens. The attitudes are therefore more tolerant with regard to corporal punishment in the home, which might reflect a sense of parental ownership of children.

When asking survey participants what types of physical punishment should be prohibited by law, the responses indicate a strong consensus on the prohibition of severe forms of violence such as hitting with the hand or beating with a belt, shaking and pulling hair. 45-48 percent of respondents confirm that this should be illegal. Female respondents were more strongly in favour of legal prohibition of these forms of punishment than male respondents. Only 17 percent of the respondents supported the idea that spanking and smacking should be prohibited by law.

¹³² Putniņa, Aivita, Associate Professor, Department of Anthropology, Faculty of Humanities, University of Latvia, National Consultation Latvia, 11 October 2017.

¹³³ Avena, Anda, Centre Dardedze, National Consultation Latvia, 11 October 2017.

The survey asked also, whom children could rely on when they suffered from violence in the home. The responses show that the social services and welfare centres are trusted the most, followed by the police, the judiciary, teachers and kindergarten staff, as well as non-governmental organisations.

7 percent of the respondents stated that they had never witnessed a situation where an adult used physical violence to discipline a child. For 1 percent of the respondents, this happened however daily. 9 percent witnessed physical punishment several times a month, 29 percent several times per year and 54 percent once or several times in their life time. When asked if they interfered in these situations, 34 percent denied that because they thought it was a family matter or because they were afraid of harming the children even more when interfering, or thought they would be placing themselves at risk. 42 percent did not interfere because they did not know how, and 24 percent of the respondents confirmed that they interfered. The results suggest that more people might interfere if they had the knowledge on how to react in these cases.

The sources of information that parents rely on with regard to the upbringing of children are the sources that they trust most. 60 percent trust their own knowledge most while the second most important source of information and advice are friends and family, followed by psychologists and teachers, then doctors and medical staff. The internet as a source of information ranks not very high and pre-school staff are even less considered a source of advice.

When asked about their own parenting practice and discipline in child-rearing, as well as corporal punishment, 70 percent of the respondents confirmed that they prohibit the child to use certain equipment or to see friends. 67 percent used verbal punishment like raising the voice, yelling, criticising or threatening the child. Physical punishment such as smacking, hitting or slapping is used by 32 percent. 10 percent said they never used any of these. The most important reasons for parents to use corporal punishment include a loss of control (39%), being tired and feeling helpless (24%), while 21 percent referred to the child's temperament and 19 percent thought that it actually worked. 10 percent said they did not know any alternatives and 10 percent thought corporal punishment was good for the child. Only 3 percent said it was a family tradition. 29 percent of the respondents stated that they did not use corporal punishment. This level of response does not match with the responses to other, similar questions, so that there are obvious biases in the way people respond, based on how the questions are phrased and what they consider as corporal punishment.

Only 42 percent of the respondents stated that they knew about the discipline methods that their child's kindergarten staff used. 52 percent said they did not know, and 6 percent said they did not need to know because it was the teacher's choice. The survey revealed that 2 percent of staff in kindergartens and day-care nurseries used physical punishment, while the broad majority praised the children for good behaviour and explained the rules and expectations of the children (67% and 66%). 14 percent used different forms of punishment such as isolating the child or depriving the child of the desert after lunch.

Germany

In Germany, a study conducted in 2011 with 9,500 respondents aged between 16 and 40 year old found that 52 percent of the respondents had not been physically punished in childhood. This rate had gone up from 26 percent of respondents in a similar survey in 1992. The 2011 study found that young people aged between 16 and 20 years old were more likely to have grown up

without physical punishment (63%). The percentage of respondents who had experienced “light” forms of violence in childhood had decreased from 58 percent in 1992 to 36 percent in 2011.¹³⁴

In 2007, a multi-country study assessed attitudes and behaviours of parents, their knowledge of the legal ban on corporal punishment and experiences of violence in their own childhood. The survey was conducted in five European countries, Sweden, Austria, Germany, France and Spain, with a sample of 1,000 respondents per country. In Germany, 28 percent of the responding parents declared to never use corporal punishment. 87 percent were of the opinion that non-violence child rearing was the ideal and 88 percent agreed with the statement that corporal punishment of children should be used as little as possible. Despite the rather high rate of awareness of the legal ban and attitudes rejecting the use of corporal punishment, 43 percent of the respondents stated that they had “mildly” slapped their child on the face; 68 percent had hit their child on the bottom; 13 percent admitted to have given their child a “resounding” slap on the face, and around 5 percent stated they had beaten their child with an object.¹³⁵

Iceland

In Iceland, several studies have monitored the progress with the implementation of the legal ban on corporal punishment by assessing attitudes and prevalence. The studies have evidenced a gradual decline in the use of corporal punishment in the home over the past decades. The trend is comparable to those of other countries and set in already prior to the enactment of the law prohibiting corporal punishment in 2003.¹³⁶

In a 2011 survey engaging 827 school going children in the age of 12 to 16 years old, 89 percent of the pupils agreed that children must be protected from all forms of violence, whereas 71 percent stated that a child should never be corporally punished. 14 percent of the students, however, were of the opinion that mild forms of corporal punishment are acceptable, such as smacking.¹³⁷

Poland¹³⁸

Surveys have evidenced a growing rejection of corporal punishment in the Polish society, although more recently the progress with the dissemination of the legal ban is stagnating. Since 2008, the Ombudsman for Children’s Rights has been conducting surveys on the use of corporal punishment in the upbringing of children in Poland, the level of awareness of the law prohibiting corporal punishment and the attitudes in the society. Since 2001, these surveys have been conducted annually with a view to monitoring progress.¹³⁹

¹³⁴ Pfeiffer, C., Weniger Hiebe, mehr Liebe. Der Wandel familiärer Erziehung in Deutschland, *Centaur*, 2012, 11(2), 14-17, cited in Pfeiffer, C. (2013), *Parallel Justice – Why Do We Need Stronger Support for the Victim in Society?*, Address at the closing plenary session of the 18th German Congress on Crime Prevention, April 23, 2013. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Germany*, Last Update June 2018, pp. 3-4.

¹³⁵ Busmann, K. D. (2009), *The Effect of Banning Corporal Punishment in Europe: A Five-Nation Comparison*, Martin-Luther-Universität Halle-Wittenberg), Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Germany*, Last Update June 2018, p. 4.

¹³⁶ Country briefing at the Non Violent Childhoods Kick-off Meeting, Stockholm, 7 February 2017.

¹³⁷ UNICEF (2011), *Nordic Study on Child Rights to Participate 2009-2010*, Innolink Research. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Iceland*, Last Update September 2017, p. 4.

¹³⁸ Non-Violent Childhoods Programme, National Consultation Poland, December 2017.

¹³⁹ Ombudsman for Children, *Violence in Upbringing – Time to end this! The Ombudsman for Children’s Report 2017*, by Ewa Jarosz, Social Advisor of the Ombudsman for Children, University of Silesia, 2017, http://brpd.gov.pl/sites/default/files/violence_in_upbringing_report_2017_poland_.pdf. The survey was implemented by the University of Silesia with a representative sample of 1,042 respondents aged 15 years and above who participated in personal interviews at the beginning of September 2017, following the CAPI method. The respondents were a randomly chosen representative sample. The respondents included 273 parents who had children under 18 years old.

The Ombudsman's surveys demonstrate a decline of social approval of corporal punishment by 14 percent, whereas the disapproval has increased by 19 percent.¹⁴⁰ In 2008, 78 percent of the survey respondents agreed that "there are certain situations where a child needs to be smacked". The support to this statement decreased to 69 percent in 2011, one year after corporal punishment had been prohibited in all settings. A further decrease to 60 percent was documented in 2013. In 2016, the approval went further down to 46 percent and then up again to 52 percent in 2017.

In 2017, still about one fifth (21%) of the respondents considered beating the child an effective method of upbringing, while only 37 percent were definitely opposing it. The survey results from 2017 demonstrate still a rather high level of acceptance of severe forms of corporal punishment as for instance 27 percent of the respondents did not find anything wrong in thrashing children, while 33 percent of the respondents clearly disapproved. The social acceptance of spanking children was significantly higher. In 2017, 52 percent of the respondents agreed that there are situations where children have to be spanked, while only 21 percent clearly rejected the idea. Since 2008, the approval of parents spanking their children dropped by 26 percent, while the disapproval has risen by 29 percent.

The growing rejection of corporal punishment of children in the population is considered to be related to the introduction of the legal ban and the measures taken to support its implementation such as campaigns, programmes and services. The 2017 survey revealed, however, that only 28 percent of the respondents were aware of the legal prohibition of corporal punishment. This rate was slightly higher among respondents who were parents of children under 18 years of age (35%). 42 percent thought that corporal punishment was "rather" against the law, and 11 percent stated that it was definitely not against the law. These responses represent a downward trend as 37 percent of survey respondents were aware of the legal prohibition in 2011 and 39 percent in 2012.

The 2017 survey results show that other forms of emotional and physical violence are still largely accepted and used by the respondents for the purpose of punishment. There is a limited awareness that shouting, isolating and threatening children are forms of violence. The respondents expressed a high level of approval of shouting at the child (66%), isolating the child for a couple of hours (42%), threatening the child with thrashing (37%), offending the child (35%), squeezing the child around the shoulders or other body parts (30%), pulling the child's hair (17%), beating the child with an object (16%), comparing the child to others in a negative way (15%) and slapping the child in the face (7%).

The 2017 survey asked about situations where the respondents thought that it was right to beat a child. 26 percent of respondents considered it legitimate to beat a child when the child has committed a serious offence or crime, or when the child behaves in a way that is risky for the child's health. 24 percent considered it legitimate to beat a child when the child puts his or her life at risk, 21 percent when the child lies or cheats, 20 percent when the child is persistently disobedient and does not behave according to the parent's request, and 16 percent when the child does not want to learn, has bad marks at school, or in case of truancy. 39 percent of the

¹⁴⁰ Sources: Ombudsman for Children, *Violence in Upbringing – Time to end this! The Ombudsman for Children's Report 2017*, by Ewa Jarosz, Social Advisor of the Ombudsman for Children, University of Silesia, 2017, http://brpd.gov.pl/sites/default/files/violence_in_upbringing_report_2017_poland_.pdf. Jarosz, Ewa, *Violence in Upbringing in Poland*, Presentation at the National Consultation Poland, Non-Violent Childhoods Project, 30 November 2017. See also: Global Initiative to End All Corporal Punishment of Children, *Corporal Punishment of Children in Poland*, October 2017, <http://www.endcorporalpunishment.org/assets/pdfs/states-reports/Poland.pdf>.

respondents stated that no corporal punishment should ever be used against a child, regardless of the circumstances.

In 2017, 19 percent of the respondents agreed that the legal prohibition of corporal punishment was important and that it was effective. 36 percent agreed somewhat with it, while 12 percent did not see any benefits of or reasons for the legal prohibition. 4 percent of the respondents thought that the use of corporal punishment was “definitely” a private matter, while 29 percent considered it “rather” a private matter. 24 percent of the respondents disagreed with the idea that corporal punishment was a private issue and 43 percent “rather disagreed” with it. These findings show that there are chances to influence and mobilise the population to intervene more proactively in cases of corporal punishment. When asked what should be done when parents beat their children, 25 percent of the respondents would like to see support services for parents in place to help them cope with stress, to control themselves, or to protect the child by appointing a legal guardian. 22 percent stated that education on positive parenting would be helpful. The respondents expressed less support for more forceful interventions, such as mandatory treatment of parents who use corporal punishment (9%), placing the children in alternative care (7%) or imprisoning the parents (4%).

The survey asked the respondents also to what extent they actually used corporal punishment themselves. Survey data collected by asking direct questions about corporal punishment are generally considered to be biased as they tend to indicate rather the respondents’ willingness to admit the use of corporal punishment than their actual behaviour. In fact, 84 percent of the respondents stated that their child has never been thrashed, while 8 percent stated their child has been thrashed once or a couple of times, 7 percent from time to time, and 1 percent quite often. When asked about spanking their child, the responses differed notably. 45 percent of the respondents stated that they had never spanked their child, 29 percent said they had spanked their child once or a couple of times, 25 percent from time to time and 1 percent quite often.

The survey results give rise to concern as the progress with the dissemination of the law and the correlated social and behaviour change has been slow or stagnating. For the national government, state agencies and civil society, the results represent a clear call to action to work together even more for the continued dissemination and implementation of the law.

The circumstances for the progressive implementation of the legal prohibition of corporal punishment are at present not ideal. The ministerial plans to shift the political attention from „family violence” towards „family conflicts” and to amend the Family Code in this light could weaken the implementation of the legal prohibition of corporal punishment in the home or limit its scope. There is a risk that this conceptual change deprives children who have experienced violence in the home from their rights and entitlements as victims of crime.

Children and parents, as well as professionals from education and social sectors, reported during the national consultation that corporal punishment is still widespread and common. Children are subjected to physical and emotional violence for the purpose of punishment in the home, at schools and in institutions. The Ombudsman for Children’s Rights, helplines for children, journalists and others receive notifications and complaints about cases where children experience corporal punishment, including in very severe forms.

Despite the decreasing number of cases of violence against children that are registered in official databases in Poland, the prevalence, including of severe cases, is still high. The existing

databases and statistics are challenged by numerous biases so that the real scope of violence against children remains unknown. There is a strong public interest and intense media reporting on particularly severe cases, which is a sign of growing public sensitisation to the issue. Although evidence suggests that parenting practice is improving, parents still require support, including with regard to parenting skills and knowledge, as well as basic support to reduce stress and burdens deriving from socio-economic constraints.

In 2017, the Empowering Children Foundation in Poland conducted a survey on attitudes with regard to corporal punishment of children and parental behaviour. The survey was made around the same time as the survey conducted by the Ombudsman's Office and the findings of both surveys corroborate each other.¹⁴¹

When asked if they had ever witnessed parents using corporal punishment against their child, 58 percent of the respondents affirmed that they had witnessed it a few times, 20 percent had witnessed it a few times per year and 4 percent a few times per month. No respondent said to witness it daily. 33 percent of the respondents who had witnessed parents using corporal punishment had also reacted, while 46 percent said they wanted to react but did not know how or what to do. This finding suggests that a large part of the population would be receptive to information, training and advice on how to respond in cases where a parent hits a child or uses other forms of corporal punishment. 22 percent of the respondents stated that they did not react because they considered this a private matter of the family.

Estonia¹⁴²

In 2012, a first survey assessed the attitudes and behaviour with regard to corporal punishment in Estonia.¹⁴³ The survey results show that severe and violent physical punishment takes place although it is relatively rare. 2% of the child respondents said that they were often beaten with an implement. 5% stated they sometimes or often had to stand in a corner or were sent out of the room for punishment. On the other side, 72% of the responding children affirmed that their parents encouraged them to change their behaviour when they had done something wrong and 43% of the children were reminded of the rules by their parents in such cases.

The survey gathered recommendations from children on what parents could do when a child has done something wrong. The most frequently mentioned suggestions were for parents to discuss what went wrong, tell the child how he or she should behave instead and to remind the child of the rules. Children suggested also that parents could punish them by prohibiting them to watch TV, to use the computer or to eat sweets.

The survey involved 1,000 parents and 1,000 children aged between 10 and 17 years old. It revealed that 25 percent of the participating parents did not consider physical punishment of children a form of violence. One third (33%) agreed that the use of corporal punishment was necessary and justified under certain circumstances. 38 percent of the parents thought that the use of corporal punishment can be understandable in some circumstances. 59 percent of the

¹⁴¹ Włodarczyk, Joanna, *A Spank as Punishment, Result of the study on attitudes and use of corporal punishment in Poland*, Empowering Children Foundation, National Consultation Poland, 1 December 2017. The survey was conducted in Croatia, Latvia and Poland in August 2017. It was co-funded by the European Commission Daphne Programme. The survey in Poland was implemented by the Empowering Children Foundation. It was carried out as a telephone survey following the CAWI method. There were 1,005 respondents in Poland, 500 in Latvia and 500 in Croatia. The participants were selected as a representative sample. In Poland, 26% of the respondents were parents.

¹⁴² Non-Violent Childhoods Programme, National Consultation Estonia, November 2017.

¹⁴³ Karu et al., *Lapse õiguste ja vanemluse monitooring. Laste küsitlus, 10-17a [Monitoring Child Rights and Parenthood, Survey with children aged 10-17 years old]*, 2012.

surveyed parents stated that they strongly disagreed with the use of physical punishment as a means to solve conflicts or problematic situations. They still thought, however, that it was permitted. 65 percent of the parents disagreed strongly or rather disagreed with the use of physical punishment as an educational method in the upbringing of children. 44 percent considered physical punishment of children a form of violence rather than a method of upbringing.¹⁴⁴

In 2010, a survey with representative sample of 1,517 respondents aged between 15 and 74 years old, 14 percent strongly agreed and 33 percent agreed that corporal punishment of children was sometimes inevitable. 49 percent disagreed or strongly disagreed with this statement. Within the same sample, 89 percent disagreed or strongly disagreed that physical reprimanding of a spouse or partner is sometimes inevitable. 63 percent agreed or strongly agreed that persons should interfere if they see or hear a violent domestic quarrel. 23 percent disagreed or strongly disagreed with this statement.¹⁴⁵

One of the main challenges in Estonia is the implementation of the legal ban in institutions.¹⁴⁶ The monitoring activities of the Estonian Chancellor of Justice during 2009 had identified children in special schools and in a children's shelter who were punished by being locked in isolation rooms, in some cases wearing only their underwear. The reports from 2008 and 2010 revealed similar findings.¹⁴⁷

Lithuania

In Lithuania, a survey found in 2009 that 38 percent of the respondents agreed that corporal punishment should never be used. The survey was conducted with 500 respondents aged 15-74 years old. 56 percent were of the opinion that corporal punishment should generally not be used but that it was justifiable to use it in certain situations. 5 percent of the respondents thought that using corporal punishment was acceptable in situations where the parent thought that it was effective.¹⁴⁸

A 2013 survey generated slightly different results. Among the 500 respondents including children above 15 years of age and adults, 30 percent agreed that corporal punishment should never be used. The rate was lower than the results of the 2009 survey and those of a similar survey conducted in 2005, when 40 percent sustained this position. In 2013, 64 percent of the respondents who were parents admitted that they had smacked their child, 53 percent had beaten or hit their child, whereas 10 percent had slapped their child on the face. The findings were stable compared to the results of a similar survey conducted in 2010.¹⁴⁹

¹⁴⁴ Karu, M. et al., *Monitoring of the Rights of the Child and Parenting*, Praxis Centre for Policy Studies, 2012. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Estonia*, Last Update September 2017, p. 6.

¹⁴⁵ Järviste, L., *Gender Equality and Inequality: Attitudes and Situation in Estonia in 2009*, Policy Analysis: Series of the Ministry of Social Affairs No. 3/2010. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Estonia*, Last Update September 2017, p. 7.

¹⁴⁶ Country briefing at the Non Violent Childhoods Kick-off Meeting, Stockholm, 7 February 2017.

¹⁴⁷ Chancellor of Justice (2010), *2009 Overview of the Chancellor of Justice activities for the prevention of torture and other cruel, inhuman or degrading treatment or punishment: Statistics of proceedings*. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Estonia*, Last Update September 2017, p. 6.

¹⁴⁸ Children Support Centre, *Attitude towards physical punishment of children*,

www.canee.net/files/Omnibus%20research%20Lithuania%202009.pdf. Childhood Without Abuse project, which includes studies carried out in Bulgaria, Lithuania, Latvia, Macedonia, Moldova, Poland, and Ukraine in 2005 and 2009. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Lithuania*, Last Update December 2018, p. 8.

¹⁴⁹ Nobody's Children Foundation (2013), *The Problem of Child Abuse: Comparative Report from Six East European Countries 2010-2013*, Warsaw: Nobody's Children Foundation). Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Lithuania*, Last Update December 2018, p. 8

In 2012, a survey conducted in the context of Save the Children's "Educate, Do Not Punish" project (2011-2012), revealed that 43 percent of the participating parents admitted to slap their child a few times a year, whereas around 17 percent embarrass and ridicule their child and 16 percent beat their child with an object. The survey involved 1,004 parents, 540 children and 250 social workers and other professionals working with children and parents. The participating children were asked about their views on corporal punishment and explained that they felt anger (38.7%), argue with adults (34.6%), are lazy (25.5%) and have conflicts with adults (24.2%). Nearly 60 percent of parents were of the opinion that corporal punishment was justified in certain situations. 37 percent stated that it should not be used; 23 percent were in favour of a legal ban on all corporal punishment of children, while 44 percent were rejecting the idea.¹⁵⁰

¹⁵⁰ Save the Children Lithuania (2012), *The Situation of Invoking Corporal Punishment of Children in Lithuania: Study Summary*, Save the Children Lithuania). Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Lithuania*, Last Update December 2018, p. 8

Annex

National laws prohibiting corporal punishment of children in different settings

| Law | Provisions |
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| Denmark¹⁵¹ | |
| Parental Custody and Care Act 1995 Parental Custody and Care Act 1995 as amended in 1997 | Parental custody implies the obligation to protect the child against physical and psychological violence and against other harmful treatment. The child “may not be subjected to corporal punishment or any other degrading treatment”. |
| Danish Act on Parental Responsibility 2007, Article 2(2) | “Children have the right to care and security. Children must be treated with respect for their person and must not be exposed to corporal punishment or other humiliating treatment.” |
| Danish Criminal Code (Consolidated Act No. 1028 of 22 August 2013), Chapter 25, Article 244 | Punishes crimes against life and body, including the violation or otherwise attacking of someone else’s body, which is punishable by a fine or imprisonment up to 3 years. |
| Sentence Enforcement Act 2001 (amended 2012) | The Act provides for disciplinary punishment in penal institutions, and does not include corporal punishment as admissible disciplinary measures. |
| Estonia¹⁵² | |
| Child Protection Act 2014 Article 24 (entry into force on 1 January 2016) Child Protection Act Article 37(1) Child Protection Act 1992 Article 40.1 | (1) It is prohibited to neglect a child, to mentally, emotionally, physically or sexually abuse a child, including to humiliate, frighten or physically punish a child, and also to punish a child in any other way that endangers the mental, emotional or physical health of a child.... (4) The use of physical force is only permissible for the purpose of this Act to restrict the movement or movements of a child to the extent that is proportionate and necessary to avert the danger either threatening the child or coming from the child. It is not permitted to use physical force for the purpose of punishment. A child whose liberty is restricted or who is detained shall be treated in a manner appropriate for a child, without harm to his or her dignity. Instruction shall not involve physical violence or mental abuse. |
| Family Law Act 2010 Article 113 Article 124(2) | A parent and a child are required to support and respect each other and take each other’s interests and rights into account. Physical, mental and emotional abuse and application of other degrading educational measures with respect to a child is prohibited. |
| Primary and Secondary Schools Act 2010, Article 44 | The school must ensure the mental and physical safety and health protection of the student. |

¹⁵¹ Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Denmark*, Last Update October 2017.

¹⁵² Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Estonia*, Last Update September 2017.

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| Article 58 (1) | <p>[This provision is interpreted to include protection from corporal punishment.¹⁵³]</p> <p>In order to influence students in a school under the Rules of behaviour and respect for others and to prevent the occurrence of threatening the security of the school, the student may be subjected to reasonable, appropriate and proportionate supportive action measures”.</p> <p>[Permitted measures are specified and do not include corporal punishment.]</p> |
| Criminal Code 2013 Articles 120 to 122 | <p>The Criminal Code punishes acts of violence, including threats of violence, by a fine or imprisonment up to one year (Article 120) Causing damage to the health of another person, or beating, battery or other physical abuse which causes pain is punished by a fine or imprisonment up to three years (Article 121) Continuous physical abuse or physical abuse, which causes great pain is punished by a fine or imprisonment up to five years (Article 122).</p> |
| Article 324 | Provisions protecting the dignity of detainees. |
| Code of Criminal Procedure, 2004, Article 9(3) | Provisions protecting the dignity of detainees. |
| Police Act 1991, Article 4 | Provisions protecting the dignity of detainees. |
| The Imprisonment Act 2000, Article 63 | Specifies permitted disciplinary sanctions, which do not include corporal punishment, though they do allow “commitment to a punishment cell” for young prisoners. |
| Finland¹⁵⁴ | |
| Child Custody and Right of Access Act, 1983/361 Article 1.3 | A child shall be brought up in the spirit of understanding, security and love. He shall not be subdued, corporally punished or otherwise humiliated. His growth towards independence, responsibility and adulthood shall be encouraged, supported and assisted. |
| Child Welfare Act, 2007/417 Article 2 | Parents and guardians are responsible for the child’s well-being as specified in the Child Custody and Right of Access Act 1983 |
| Article 3 | Support for parenting as an element of preventive child welfare |
| Penal Code 1889 Articles 5-7 | <p>Parents and others who inflict corporal punishment on children may be prosecuted for assault, aggravated assault and petty assault.</p> <p>If the assault, when assessed as a whole and with due consideration to the minor significance of the violence, the violation of physical integrity, the damage to health or other circumstances connected to the offence, is of minor character, the offender shall be sentenced for petty assault to a fine. (Article 7)</p> |
| Act on Primary Schools, 1957 | Corporal punishment is prohibited |
| Act on Comprehensive Schools, 1985 | Corporal punishment is prohibited |
| Basic Education Act, 1998 Vocational Education and Training Act, 1998 | Corporal punishment is not enlisted among the permitted disciplinary measures. |

¹⁵³ National report to the European Committee of Social Rights, 14 March 2011, RAP/RCha/ES/VI(2011), p. 93. Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Estonia*, Last Update September 2017, p. 2.

¹⁵⁴ Cited in: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Finland*, Last Update October 2017.

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| High School Act, 1998 | |
| Germany¹⁵⁵ | |
| Civil Code as amended by the Act to prohibit violence in the upbringing of the child, 2000, Article 1631(2) | Children have the right to a non-violent upbringing. Corporal punishment, psychological injuries and other humiliating measures are prohibited. |
| Social Welfare Code Book VIII, Article 16(1) | The Social Welfare Code Book VIII was amended to provide for the promotion of non-violent conflict resolution within families: Family support measures should help to ensure that mothers, fathers and other guardians carry out their parental responsibilities better. They should also identify ways in which conflict situations in the family can be resolved without violence. |
| Criminal Code Articles 223-225 | It is a punishable offence to physically maltreat a person and to endanger a person's health. Grievous bodily harm and serious bodily harm constitute punishable offences. In cases, in which bodily harm is inflicted by a public official in the course of carrying out his or her duties, the provision governing bodily injury on duty applies. § 225 of the Criminal Code refers specifically to the abuse of position of trust. |
| Act on the Execution of Sentences Juvenile Detention Execution Order Act on the Execution of Remand Detention Juvenile Courts Act Youth Prison Act Federal administrative regulations on juvenile punishment | Corporal punishment is not a permitted disciplinary measure in penal institutions. |
| Basic Law (Constitution) Article 1(1) Article 104(1) | Human dignity shall be inviolable. Persons in custody may not be subjected to mental or physical mistreatment. |
| Iceland¹⁵⁶ | |
| Children's Act 2003 Article 28 | It is the parents' obligation to protect their child against any physical or mental violence and other degrading or humiliating behaviour. |
| Child Protection Act No. 80/2002 as amended in 2009, Article 1(2) Article 82 | Parents are under an obligation to treat their children with care and consideration, and to fulfil their duties of guardianship and upbringing of their children in the best manner for their circumstances and needs. They are under an obligation to provide their children with acceptable conditions during their upbringing, and to safeguard their welfare at all times. Others involved in the raising of children shall show them respect and care. |

¹⁵⁵ Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Germany*, Last Update June 2018.

¹⁵⁶ Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Iceland*, Last Update September 2017.

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| Article 99(1) | Prohibits any physical or mental punishment of the child and confinement, isolation and other comparable coercive measures or disciplinary penalties unless necessary. Any person who inflicts punishments, threats or menaces upon a child, which may be expected to harm the child physically or mentally, is subject to fines or imprisonment for up to three years. |
| Rules on the rights of children and coercive measures in state treatment homes, 1999 | Rules prohibit corporal punishment, stating that application of physical punishment and solitary confinement, administration of drugs without medical consultation, and any application of restraints, such as ropes, adhesive tape, belts or other similar means of physical restraint, are prohibited, whether as a means of punishment or for the purpose of treatment or upbringing. |
| Penal Code 1940 Articles 216-219 | Assault is criminalised and punished. |
| Preschool Act No. 90/2008 Compulsory School Act No. 91/2008 Upper Secondary School Act No. 92/2008 | The education-related legislation does not include any provisions that would allow the use of corporal punishment as a disciplinary measure in schools and pre-schools. |
| Latvia¹⁵⁷ | |
| Law on the Protection of the Rights of the Child, 1998 Section 1 Clause 9 prim Section 1 Clause 11 Articles 9(2) Article 24(4) | Prohibition of abuse – physical or emotional cruelty of any kind, sexual abuse, negligence or another treatment which endangers or may endanger the health, life, development or self-respect of a child Physical abuse – the application knowingly of such force as threatens the health or life of a child in connection with the child or intentional exposing of the child to harmful factors, including tobacco smoke. A child cannot be treated cruelly, cannot be tortured and physically punished, and his/her dignity and honour cannot be offended. The Law makes the failure to discharge parental obligations ... the malicious usage of parental authority, the physical punishing of a child, as well as cruel behaviour against him/her offences under the law. A child who is taken under outside-family care cannot be humiliated, cannot be continually reminded of his/her vulnerability or dependence, or his/her dignity and honour offended in any other way. |
| Administrative Violations Code, Section 167 ² Section 214, Paragraph 1 | For minor bodily injury, which has caused short term, minor consequences but has not caused health disorders or general loss of work ability a fine in an amount from 210 to 430 euro shall be imposed. For such kind of a violation recommitted within a year after the imposition of an administrative sanction or if it has been committed to a person with whom the offender is in the first or second degree kinship or to the spouse or former spouse or to the person with whom the offender is or has been in unregistered marriage relations or to the persons with whom the offender has a common (undivided) household a fine in the amount of 430 to 700 Euro shall be imposed. |

¹⁵⁷ Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Latvia*, Last Update September 2017. Council of the Baltic Sea States, Survey on national measures to implement the legal prohibition of corporal punishment, Survey Response Latvia, 2016.

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| <p>Section 172</p> <p>Section 236 Paragraph 1</p> <p>Section 210 Paragraph 5</p> | <p>The competent institutions to enforce such an administrative punishment are the State Police (Section 214 Paragraph 1) and the police of a local government.</p> <p>In the case of physical or emotional child abuse, a warning shall be issued or a fine in an amount up to 70 Euro shall be imposed. In the case of the same violations, if recommitted within a year after the imposition of an administrative sanction or if they are performed by a State or local government institution official or employee – a fine in an amount from 35 up to 210 Euro shall be imposed.</p> <p>In cases this administrative violation mentioned in Section 172 is committed by officials or employees of an institution, the State Inspectorate for Protection of Children’s Rights is competent to enforce administrative punishment.</p> <p>In case the administrative violation mentioned in Section 172 is committed by a natural person, the competent institution to enforce the administrative punishment for such a violation is the administrative commission of the local government.</p> |
| <p>Criminal Law Articles 125-130 and 174</p> | <p>The Criminal Code punishes slight, moderate and serious intentional bodily injury (arts. 125 to 130). Where moderate or serious injury has not occurred, prosecution may be pursued under article 174.</p> <p>According to Section 174 Paragraph 1 for a person who commits cruel or violent treatment of a minor, if physical or mental suffering has been inflicted upon the minor and if such has been inflicted by persons upon whom the victim is financially or otherwise dependent and if the consequences provided for in Section 125 or 126 of this Law (intentional serious bodily injury or intentional moderate bodily injury) are not caused by these acts, the applicable punishment is deprivation of liberty for a term up to three years or temporary deprivation of liberty, or community service, or a fine, with police supervision for a term up to three years.</p> <p>According to Section 174 Paragraph 2 for a person who commits the same acts, if commission thereof is against an underage person, the applicable punishment is deprivation of liberty for a term up to five years or temporary deprivation of liberty, or community service, or a fine, with police supervision for a term up to three years.</p> |
| <p>Lithuania¹⁵⁸</p> | |
| <p>Law on the Fundamentals of Protection of the Rights of the Child, 1996, Article 2 (as amended on 14 February 2017)</p> <p>Law on the Fundamentals of Protection of the Rights of the Child, 1996, Article 6.9, (as amended on 14 February 2017)</p> <p>Law on the Fundamentals of Protection of the Rights of the</p> | <p>Article 2, as amended on 14 February 2017, provides for the definition of corporal punishment as any punishment in which physical force is used to cause physical pain, even on a small scale, or otherwise to physically torture a child.</p> <p>The State shall take all appropriate legislative, administrative, social, educational and other measures to ensure the protection of the child from all forms of violence, including corporal punishment, which the child may suffer from the parents, other legal representatives of the child, or any other persons looking after the child.</p> <p>Parents and other legal representatives of the child may appropriately, according to their judgment, discipline the child, for avoiding to carry</p> |

¹⁵⁸ Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Lithuania*, Last Update December 2018.

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| <p>Child, 1996, Article 49.1 (as amended on 14 February 2017)</p> <p>Law on the Fundamentals of the Protection of the Rights of the Child, 1996, Article 49.2</p> <p>Law on the Fundamentals of Protection of the Rights of the Child, 1996, Article 57.2 (as amended on 14 February 2017)</p> <p>Law amendment adopted by the Seimas on 14 February 2017, Article 4</p> | <p>out his duties and for disciplinary infractions, with the exception of corporal punishment and any other form of violence.</p> <p>Disciplinary and educative enforcement measures: criticism, reprimand, severe reprimand, appropriate evaluation of behaviour and other enforcement means, established by laws, may be applied to a child for violations of internal order regulations of teaching and educative (care) institutions.</p> <p>Authorities of instructional, educative, treatment and other institutions, educators or individuals equivalent to them, and the administration of these institutions shall be held responsible for the education of the children under their supervision. These persons are held responsible according to the law, when they violate the rights of the child, do not fulfil their duties or perform them improperly, use corporal punishment or other violence against children.</p> <p>Article 4 of the amending Law recognises children's right to be protected from of all forms of violence, including corporal punishment, by their parents, other legal representatives, persons living with them or other persons.</p> |
| <p>Law on Education, 1991, Article 25</p> | <p>Parents, guardians, and teachers who do not carry out their responsibilities, or who cause physical, psychological, or moral harm to their pupils, shall be accountable in accordance with the procedures established by law.</p> |
| <p>Norway¹⁵⁹</p> | |
| <p>Parent and Child Act 1981, as amended in 1987 Article 30</p> <p>Parent and Child Act 1981, as amended in 2010 Article 30(3)</p> | <p>The child must not be subjected to violence or in any other way be treated so as to harm or endanger his or her mental or physical health.</p> <p>The child must not be subjected to violence or in any other way be treated so as to harm or endanger his or her mental or physical health. This shall also apply when violence is carried out in connection with upbringing of the child. Use of violence and frightening of annoying behaviour or other inconsiderate conduct towards the child is prohibited.</p> |
| <p>Penal Code, Articles 228-232</p> | <p>Provisions prohibiting and criminalising assault and the causing of injury; violations are punishable by fine or imprisonment.</p> |
| <p>Kindergarten Act 2005, Section 1</p> | <p>Childcare at Kindergarten shall be based on fundamental values in the Christian and humanist heritage and tradition, such as respect for human dignity.</p> |
| <p>Education Act 1998 (Act of 17 July 1998 No. 61 relating to Primary and Secondary Education and Training, as amended in 2008), Sections 2.9 and 3.7</p> | <p>Corporal punishment or other humiliating forms of treatment must not be used.</p> |

¹⁵⁹ See: Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Norway*, Last Update June 2018.

| Poland¹⁶⁰ | |
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| The Constitution of Poland, 1997, Article 40 | No one may be subjected to torture or cruel, inhuman, or degrading treatment or punishment. The application of corporal punishment shall be prohibited. |
| Article 40.1 | Personal inviolability and security shall be ensured to everyone. Any deprivation or limitation of liberty may be imposed only in accordance with principles and under procedures specified by statute. |
| Article 72.1 | The Republic of Poland shall ensure protection of the rights of the child. Everyone shall have the right to demand of organs of public authority that they defend children against violence, cruelty, exploitation and actions which undermine their moral sense. |
| Law of 6 May 2010 “On the Prevention of Family Violence”, Article 2, amending the Family and Guardianship Code of 1964, Article 96 (entry into force on 1 August 2010) | Persons who execute parental authority or who have care or custody over a minor are prohibited to apply corporal punishment. |
| Penal Code 1997, Articles 156 and 157 | The Penal Code provides punishment for the causing of grievous bodily harm and bodily injury or impairment to health, and mental or physical mistreatment within the family, including of children. |
| Penal Code, Article 217§1 | Whoever strikes a human being or in another manner breaches his personal inviolability, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year. |
| Regulation of the Minister of National Education and Sport on the framework statutes of public schools (2001) | Penalties which inflict bodily harm or offend the personal dignity of the student are prohibited. |
| Act of 7 September 1991 on the Education System, Chapter 8 | Corporal punishment is prohibited in private schools |
| Russian Federation¹⁶¹ | |
| Law on Guarantees of the Rights of the Child (1998) | No explicit prohibitions of corporal punishment of children. |
| Law on Guardianship and Custody (2008) | No explicit prohibitions of corporal punishment of children. |
| Family Code 1995 Article 54 | Protection of children’s human dignity by their parents. |
| Articles 56 and 69 | Protection from abuse by parents. |
| Article 63 | Parents have a right and duty to educate their children and must care for their children’s health, physical, mental, spiritual and moral development. |
| Article 65 | Methods of parenting should not include neglectful, cruel or degrading treatment, abuse or exploitation of children. |
| Act No. 3185-1 on Psychiatric Care and Guarantees for the Rights of Citizens Receiving Such Care, 1992 | The provision of care must be humane and must respect human and civil rights. No explicit prohibition of corporal punishment. |

¹⁶⁰ Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Poland*, Last Update October 2017.

¹⁶¹ Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in the Russian Federation*, Last Update December 2018.

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| Law on Education, 2012 Article 34 | Corporal punishment is considered unlawful in schools, though it is not explicitly prohibited. Article 34 states that students have the right to respect for human dignity, protection from all forms of physical or mental violence, injury personality, the protection of life and health. |
| Article 43(3) | Article 43(3) states that discipline in educational activities is provided on the basis of respect for human dignity of students and teachers and application of physical and mental violence to students is not allowed. |
| The Code on Administrative Offences, 2001, Article 5(57) | Punishes violations of the right to education. |
| Code on Administrative Offences 2001 | No explicit prohibitions of corporal punishment of children. |
| Constitution 1993 | No explicit prohibitions of corporal punishment of children. |
| Criminal Code 1996 Articles 111-115 | Punishes intentional serious, less serious and minor harm to health. |
| Articles 116, 116(1) | Punishes beating or other violent acts which cause physical pain but not the consequences in article 115. |
| Amendments to Criminal Code Article 116 adopted in July 2016 and overturned by the State Duma in January 2017, awaiting formal approval by the Upper House of the Duma and the President of the Russian Federation | The amendment made battery against a relative that does not cause bodily harm an aggravating factor, which makes family violence a criminal offence. Article 116-1 was added to provide that the first occurrence of battery against a relative was to be considered an administrative offence. These amendments do not explicitly prohibit corporal punishment of children. The Bill voted in January 2017 overturned these amendments. It removes the reference to battery against a relative as an aggravating factor. |
| Criminal and Executive Code, 1997 Article 12(2) | Prisoners are entitled to courteous treatment by staff of penal institutions. They should not be subjected to cruel, inhuman or degrading treatment or recovery. Coercive measures to convicts can be applied not only as to the law. |
| Articles 115 and 136 | There is no provision for corporal punishment in correctional institutions. |
| Law on the Fundamentals of the System of Prevention of Neglect and Offences of Minors, 1999, Article 8(1)(4) | In the case of minors, the use of physical and psychological violence and the application of measures with an anti-pedagogical nature, degrading human dignity are prohibited |
| President's Decree No. 761 of 1 June 2012 "On the national strategy of activities in the interests of children for 2012-2017" | One of the measures focused on the formation of a safe and comfortable family environment is the creation and adoption of a programme promoting intolerance to any forms of violence and corporal punishment of children. |
| Sweden¹⁶² | |
| Children and Parents Code, 1979, Article 6.1. | Children are entitled to care, security and a good upbringing. Children shall be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment. |
| Instrument of Government 2012, Ch. 2 Section 5. | General prohibition of corporal punishment. |

¹⁶² Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Sweden*, Last Update January 2018.

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| <p>Penal Code, Articles 5 and 6.</p> | <p>The Penal Code is applicable to the relationship between parents, guardians and children in all settings. Parents can be sentenced for assault in cases where the child is inflicted bodily injury, illness or pain, to imprisonment up to two years, or if petty, to a fine or imprisonment up to six months (Ch. 3 Sect. 5). In more severe cases, aggravated assault is punished with imprisonment between one and six years and exceptionally aggravated assault with imprisonment between four and ten years (Ch. 3 Sect. 6).</p> <p>A person who commits criminal acts as defined in Ch. 3, 4, 6 or 12 in the Penal Code or in the Restraining Orders Act (e.g. assault, crimes against liberty and peace, sexual offences, infliction of damage or violation of a restraining order), against another person having, or have had, a close relationship to the perpetrator (e.g. parent-child) shall, if each of the acts form part of a repeated violation of that person's integrity and are suited to severely damage that person's self-confidence, be sentenced for gross violation of integrity (Ch. 4, Sect. 4 a) to imprisonment between nine months and six years. Hence, gross violation of integrity may render a more severe punishment for the perpetrator than if each of the criminal acts would be assessed separately.</p> |
| <p>Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students, 2006, Article 13.</p> | <p>Protects students from all degrading treatment by staff members and management.</p> |
| <p>Education Act, 2010. Chapters 5 and 6.</p> | <p>The Education Act 2010 makes no provision for corporal punishment in Chapter 5 (safety and discipline), and Chapter 6 protects children in school from degrading, abusive and offensive treatment by staff.</p> |

The Guidance Reports and Cartoon

The Non-violent childhoods programme developed six Guidance Reports and a Cartoon.

Step-by-step guidance on implementing a legal ban from a perspective focused on the human rights of the child



The step-by step guide provides an overview of key implementation measures rooted in the UN Convention on the Rights of the Child. Ensuring that the legal prohibition of corporal punishment is translated into practice requires political commitment and budget appropriation, clear legislation and a coordinated set of measures in support of the dissemination, implementation and enforcement of the law. National action plans and strategies work better when roles and responsibilities are clear and activities are financed at the national and local levels. The effective implementation of the law requires visible, cross-sectoral coordination to ensure educational and preventive measures are prioritised, delivered and communicated widely. In addition, monitoring and evaluation by state actors, independent actors and civil society are essential to ensure effective implementation.

Guidance on implementing the legal ban in the domestic setting in accordance with the principle of the best interests of the child



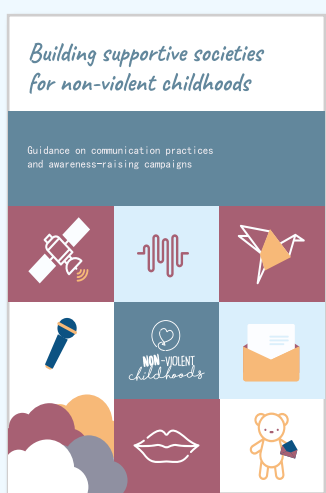
The guidance on implementing the prohibition of corporal punishment in domestic settings focuses on the family as the smallest unit of the society. In whatever form it takes, the family plays a fundamental role for a child's development, education and protection. Ensuring equal protection from assault in the home, for children as for adults, requires an explicit statement in legislation, which makes it clear that any form or degree of physical punishment, or any other form of humiliating or degrading punishment of children, is unlawful. Procedures have to be in place to encourage reporting of incidents of violence against a child or risks in the home, as well as appropriate follow-up. The guide underlines that the primary purpose of a legal ban on corporal punishment is to educate and provide support for parents and other caregivers, rather than criminalising them. When corporal punishment is identified in the home, the child's best interests will most often be served by responses that support the parents to change their behaviour and restore or enhance the family's capacity to care for the child. A best interests determination procedure aims to assess the individual case and identify the most appropriate solution for the child.

Guidance for service provision promoting the implementation of the legal ban in child protection and social services, education, health care and law enforcement



The guide elaborates on the role of service providers and how they succeed to prevent corporal punishment and to provide meaningful support for children and parents. Service provision involves ministries and institutions who plan and budget for services, local service providers who are in direct contact with children and families, as well as authorities who provide supervision and monitoring. In most countries, state agencies collaborate with non-state actors for service provision, including organisations and private service companies. Communities, faith organisations and volunteers are also often involved in providing services for parents and children. Service providers work directly with victims and perpetrators of corporal punishment and engage the whole family to reduce risks and strengthen protective capacities. Successful service models offer easy access to multi-disciplinary services within communities and are integrated into local child protection and social welfare systems. Increasingly, service providers are taking on the role of facilitators and mentors, handing over more responsibility to family members and ensuring the child's active engagement as a service user. Consulting children in the development, planning and review of services benefits children, families and professionals alike and helps to make the available services more meaningful and attractive for children and parents.

Guidance for awareness raising campaigns and communication to promote non-violent childhoods



The guide on awareness-raising and communication provides examples of communication and campaigning supporting the adoption and subsequent implementation of a legal ban on corporal punishment. Campaigns succeed to generate awareness of a legal ban and to promote behaviour change towards positive and non-violent parenting. Approaches to awareness-raising can be universal, targeting the whole population, or directed towards a specific group, such as different types or professions, faith groups as well as children or young people. Campaigns and communication measures typically alternate topics such as information about the law, the impact of violence on children and alternative parenting strategies. Some campaigns are planned and implemented as part of a broader national strategy or a set of activities that aim to transform attitudes, behaviours and social norms. Developing social interventions that convey easy messages, are timely and appealing to the target audience can maximise outcomes and cost effectiveness. Involving children in developing, implementing and evaluating activities is essential to achieve this.

Guidance on programmes for positive parenting



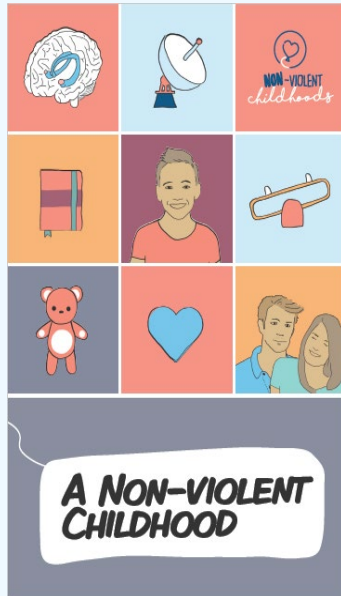
The guide on positive parenting is looking at the role of parents in ensuring childhoods free from corporal punishment. Positive parenting programmes aim to help parents cope with the challenges of being a parent. They seek to support the parent in developing skills and strategies to abandon the use of corporal punishment and replace it with attitudes and behaviours that strengthen a positive parent-child relationship. Positive parenting recognises that structure and boundaries are important to parenting, and that there are more effective and less harmful ways than using corporal punishment to raise children. Behaviourist and rights-based approaches have inspired different positive parenting programmes, including ‘universal’ preventive campaigns, ‘selective’ support through service provision and ‘indicative’ individual and group programmes. There are five key principles for effective and child-centred action to promote positive parenting such as a focus on the rights of the child, actions that are inclusive and based on working together and informed by research and evidence.

Guidance on research measuring progress with the implementation of the legal ban



The guide on tracking progress focuses on the importance of learning from research, monitoring and evaluation to determine how future strategies, activities, partners and channels should be designed to maximise the impact of measures for the implementation of a legal ban on corporal punishment. Planning and budgeting for epidemiological research in follow-up to the enactment of laws prohibiting corporal punishment is essential for measuring progress with their implementation. A key precondition for this to succeed is the establishment of baseline data concerning the main indicators that are to be monitored over time. In countries or contexts where little is known about the prevalence of corporal punishment and relevant attitudes, qualitative interview studies with parents, teachers, other professionals and children are of great value before embarking on nationwide surveys. Qualitative studies may help identify different methods of punishment not covered by regular questionnaires on violence against children and neglect. Epidemiological tracking should preferably be performed by an independent research group with thorough knowledge of child maltreatment surveys. Consulting with children is advisable as children can give information about circumstances that are unknown to adults or overlooked by them. Governments have to be ready to accept the outcomes of the surveys, even if the results indicate a negative trend, and to take further action on that basis.

A non-violent childhood comic book and campaign



“A non-violent childhood” is a comic book about the harmful impact of corporal punishment for a child, and the importance for children to have trusted adults to turn to. The parents of a young boy fear he will not do well in life - that he is lazy and not taking his schoolwork seriously. They don't know how else to motivate him, so they use corporal punishment. After all, that is how they were raised. Meanwhile, the son thinks he cannot talk with other adults, because then everyone would know his shame. But change is happening. The school staff are learning, and the boy is getting the support he needs to feel empowered. In this story, the children are given the chance to be heard, and end up proving they are smarter than adults tend to think!



The Non-violent childhoods programme and campaign is accompanied by a heart. When we champion this symbol of non-violence – either by pin, profile photo, poster, or any other format – you declare your support that all children should be treated the way you would want the children close to you to be treated: with respect, dignity and kindness.