



# NATIONAL STRATEGY TO ELIMINATE CORPORAL PUNISHMENT: ESTONIA

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# 1. INTRODUCTION

The project NOPUNISH relies on the fulfilment of the UN Convention on the Rights of the Child adopted in 1989, which recognises children as objects of law, therefore, promoting their defence, integrity and rights. In this regard, the objective of this report is to provide a national strategy in order to eliminate corporal punishment against children. Any corporal punishment violates children's right to respect for their human dignity and physical integrity, and their rights to health, development, education and freedom from torture and other cruel, inhuman or degrading treatment or punishment. Its legality in the majority of states – unlike other forms of interpersonal violence – violates their right to equal protection under the law<sup>1</sup>.

This transnational study done by NOPUNISH project has allowed the consortium to understand the risk and protective factors identified within this psychosocial phenomena, going beyond cultural aspects, and learning from measures proven to be efficient for prevention and against corporal punishment as an educational strategy.

In order to achieve these objectives, steps have been as follows:

## 1. Tool development:

- ❑ The objective of this project is to develop a transnational tool to assess the effectiveness of the different child protection systems when detecting and acting upon cases of corporal child punishment, seen as a form of child abuse. Furthermore, strengths and weaknesses of the system in different fields of action (educational, legal, social and health) shall be detected.
- ❑ Provide effective strategies and best practices for eradicating corporal violence against children.

For this purpose, the strategy thoroughly proposes four objectives to eliminate corporal punishment in each country participating in this Consortium: The Netherlands, Romania, Estonia and Spain, in order to find out:

- A conceptual framework
- Situation of the physical abuse in each country.
- Presentation of the objectives to eliminate the corporal punishment against children

We hope that this document will give structured and synthesized guidelines, allowing Estonian public authorities to develop effective strategies to combat child abuse.

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<sup>1</sup> Global Initiatives to End All Corporal Punishment of Children (2018). Global report 2018 Progress towards ending corporal punishment of children. e Global Initiative to End All Corporal Punishment of Children: United Kingdom

## 2. CONCEPTUAL FRAMEWORK

**Child maltreatment** – is a profound stressor, threatening children’s safety and security. Maltreated children are subjected to extreme physical punishment or neglect of the child’s emotional and/or physical needs<sup>2</sup>.

**Corporal Punishment** – is the most common form of violence against children worldwide. It includes any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light, as well as non-physical forms of punishment that are cruel and degrading.

**Best interest of the child** – according to which all actions concerning children taken by public or private institutions of social welfare, courts of law, administrative authorities or legislative bodies, will act to the interests of the child. This involves a commitment to ensure for the child the care and protection for their well-being, taking into account the rights and duties of their parents, guardians or other persons responsible for him before the law and, to that end, implement all adequate legislative and administrative measures<sup>3</sup>.

## 3. ANALYSIS OF THE CURRENT SITUATION

The corporal punishment of children was banned in Estonia in 2016. According to the latest research „Child’s rights and parenting“ (questionnaire survey among 18 to 74-year-old adults and 10 to 18-year-old children in the 4th to 11th grade) which was carried out by Praxis<sup>4</sup> and published in November 2018 nearly a third of adults had not heard this was the case, however, or were unable to answer a question about it. Children were on the whole even less aware of this fact — 43% of children surveyed were unable to give a definite answer about it. Nearly half of children gave the right answer, and the longer a child had been in school, the more likely they were to know about the ban.

The most frequent method of child discipline is encouraging the child to behave right – 98% of Estonian parents have used this during the year preceding to the survey. Explaining why the child’s behaviour is not right (96%), but also forbidding a child (96%), bristling at a child (95%) and reminding the rules (93%) are also widely used.

Although corporal punishment is prohibited by law and is also one of the least common methods of discipline, almost one fifth of parents use it when child does not abide with or behave right. In fact, during the year preceding to the survey 18% of parents have pulled their child by hair, and 14% have slapped their child. One third (33%) of parents have threatened their child with twiggling, flogging or slapping.

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<sup>2</sup> Hibell, L. C., Mercado, E., & Valentino, K. (2019). Child Maltreatment and Mother–Child Transmission of Stress Physiology. *Child Maltreatment*. 1- 13

<sup>3</sup> Spanish Ministry of Health, Social Services and Equity (2014). National Strategic Plan for Childhood and Adolescence 2013-2016. Centro de Publicaciones Paseo del Prado: Madrid

<sup>4</sup> <http://www.praxis.ee/wp-content/uploads/2017/11/Lapsed-vanemad-aruanne.pdf>

A total of 42% of adults considered hitting, hair-pulling and other physical forms of discipline justified in certain situations. 64% admitted that corporal punishment constitutes violence. Parents who had themselves been subject to corporal punishment as children considered physical violence an acceptable parenting method significantly more often.

Two third of children considered corporal punishment to be violence. Just over a quarter of children considered it to be understandable and necessary in some cases. Children who had been punished during the past year agreed with this claim significantly more frequently.

The situations where people are most willing to intervene are when a teacher or other adult attending children uses corporal punishment on a child (97% of adults who have seen this have intervened) and when seeing a crying child in a public place (91% of adults have intervened). Situations where a parent punishes a child corporally or verbally humiliates a child are the ones where other adults see the least necessity to intervene.

Majority of Estonian parents rejoice over their children (97% have felt that often or sometimes during the last year) and are satisfied with their family life (91%). However, a considerable share of parents feel the need for more time for themselves (49% have felt that often or sometimes during the last year), are stressed or depressed (43%), need help and support (30%) or feel, that they cannot cope with parenting (16%).

About half of Estonian parents (53%), most often young mothers, have felt that they need help and support in raising their child but either have not known where to get advice or help or have not dared to ask for it. The most advice and help is needed on topics such as internet safety, solving conflicts and calming a child.

The Estonian Republic joined The Convention of the Rights of the Child in 1991. In 2016 Child Protection Act Paragraph 24 section 1 prohibits corporal punishment. The implementation of the legal prohibition of corporal punishment in Estonia is integrated into a national child protection system and guided by the collaborative commitment of national ministries, national institutions, independent bodies such as the Chancellor of Justice, local governments and an active civil society.

The cornerstones in law and policy that support the implementation of the legal ban are strengthened reporting obligations in cases where children are in danger or in need of help, clear regulations for the follow-up by local social services and the police, and continued campaigning for non-violence that reaches families in the home, through the media and in public events.

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. Cases of children in need of help are to be notified to the child protection officer at the local government while children in danger, where immediate action is required, should be reported to the police.

Mandatory reporting have been instrumental for bringing more cases to the attention of the state agencies and service providers. The statistics from 2017 show that approximately 40% of the notifications are made by officials and professionals who are part of child protection networks such

as police officers, social workers or kindergarten staff, but also neighbours report suspicions of child maltreatment.

In addition, the implementation of the Child Protection Act is supported by the development of policies, new operational methods and guidance to ensure children's safety in education, in alternative care and in the juvenile justice sector.

The strategy and the development plans that are made in order to help and protect children's welfare, are Violence Prevention Strategy 2015-2020, Children and Families Development Plan 2012-2020 and the Welfare Development Plan 2016-2023.

There are various bodies involved in order to help children in need of help. The Ministry of Social Affairs is responsible for policy making and preparing new drafts for possible changes done in the current laws or developing new laws.

In Estonia the child protector in the local government is the case manager in any case regarding children and their wellbeing, this also includes cases where there is corporal punishment within the family. This means that who will be involved in the case will be decided after the evaluation of the case done by the child protector. Depending on the severeness of the case, the child protector can for example involve the police, doctors, victim support service or any other specialist needed depending on the case. The work done by the child protector can and will be checked by the supervision unit in the Estonian Social Insurance Board. The Child Protection Department within the Estonian Social Insurance Board is working actively to strengthen the quality of social services provided by the local governments.

Important changes have already been made in the legislation which clearly states that corporal punishment is banned. Corporal punishment and issues relating to violence are looked at in Violence Prevention Strategy 2015-2020 and Child and in the Children and Families Development Plan 2012-2020 as well as the objectives, the better performance of the system, improving the availability of assistance and the growth of the professionalism of the specialist working with children.

Used resources:

- Anniste, K., Biin, H., Osila, L., Koppel, K. ja Aaben, L. (2018). Lapse õiguste ja vanemluse uuring 2018. Uuringu aruanne. Tallinn: Poliitikauuringute Keskus Praxis. URL: <http://www.praxis.ee/en/works/childrens-rights-and-parenting-2018/>
- Non-violent childhoods: Moving on from the corporal punishment in the Baltic Sea region. National Consultation in Estonia (2017). URL: <http://www.childrenatrisk.eu/nonviolence/wp-content/uploads/sites/3/2018/04/NVC-National-Consultation-Estonia-Report.pdf>
- NGO Estonian Advice Centre (2017). Analyses of national context in Estonia. NoPunish project.
- Vahtla, A. (2018). Study: Corporal punishment of children acceptable, hitting adults not. ERR URL: <https://news.err.ee/873965/study-corporal-punishment-of-children-acceptable-hitting-adults-not>

## 4. OBJECTIVES

### **Objective 1. Inform society, including both adults and children, about the prohibition of physical punishment of children using channels aimed at different target groups**

Insufficient knowledge is often an obstacle in seeking advice and support in relation to problems of child rearing, first and foremost this applies to families who would most benefit from such assistance and support.

### **Objective 2. Develop services on the national and local government level to offer support to families for rearing children without violence**

By offering professional assistance on rearing children to those who need it and increasing the availability of information on effective, violence-free rearing methods, support positive parenting programs etc.

### **Objective 3. Raise the awareness about the reporting obligations in cases where children are in danger or in need of help.**

Explain how to intervene in order to help the children in danger or in need of help. Also raise the competence of specialists working with and for children in the interests of children.

**Objective 4. Better inform society about the rights of the child.**

Carry out regular campaigns covering the whole of the state to introduce and explain the rights of the child to both adults and children.

