



# NATIONAL STRATEGY TO ELIMINATE CORPORAL PUNISHMENT: SPAIN

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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 recognizes children as objects of law, therefore, promoting their defense, 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 five 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 Romanian 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

Violence against children is a reality of huge proportions that affects millions of children around the world. It is harmful not only in the wellness and normal development of the child, but is the main manifestation of contempt and denial of the inherent dignity that all children have as human beings and rights holders.

This type of violence can take multiple forms, and in addition, it often remains hidden and not alleged, by fear, by lack of tools of the children themselves or their caregivers or distrust in the judicial system or in the public system of protection.

*"violence begets violence, we know that children who suffer violence tends to regard violence as normal, even somewhat acceptable, and has a chance to perpetuate violence against their own children in the future, but we try to abuse suffered by children due to violence social, we are opening doors to problems that can last a lifetime and trigger negative attitudes which can remain one generates another" (Lake, 2014).*

80% of abuse occurs within the family and and/or person known and loved by children. Part of this violence, is justified by the parents as "educational" making use of physical punishment. Physical and humiliating punishment is a socially and legally accepted violence against children that violates their rights to physical integrity and dignity.

Entities aware of children, such as Save the Children, argue that this form of punishment must be removed because: "the physical and humiliating punishment is a violation of the right of the child:

- To their physical integrity.
- To be protected from all forms of violence.
- To equal protection before the law.
- To education, survival and Development.
- To the participation and freedom of express.

A study of the Ministry of labour and Social Affairs, 1997, analyses the attitudes of Spanish people to physical punishment. Surprisingly, it reflected these data: 47.2% of Spanish adult who live with their children said that the punishment was essential, "sometimes" and 2% of these adults recognize "many times ". The percentage of women who accepted physical punishment was 49% compared to 37% of men. Educational level was an important favourable variable to punishment attitudes, in people with primary studies was 49%, compared with 5% of those with higher education. It also showed that age is an important variable, young people are less favourable to use punishment than older people (30-60 years old).

Replicated this study in 2004, State Centre of social research, positively appreciated a significant decrease in adults who considered dispensable punishment as this form of discipline, 25.6% compared to the 74.4% who do not accept it. These studies say to us that corporal punishment within the family is especially harmful because who causes damage is the one who should take care of the child. This inconsistency between messages "you love me" and "you abuse of me" generates a perception of normalcy and acceptance of violence in children, even recognized as victims.

**The punishment is a form of violence to children socially accepted. Eradicate physical and psychological punishment strengthens the position of children as subjects of law. There is always an alternative to educate, correcting or disciplining without resorting to physical or psychological punishment.**

Among the most recent studies on child maltreatment in the family, a project was elaborated in 2011 by the centre of studies Queen Sofia at the request of the Ministry of health, social policy and equality. The results tell us:

- Corroborates data from other studies, where the prevalence of abuse diminishes with increasing age of the minor, the highest percentage, 5.05% is between 8 and 11 years old, down to the 4.65% on the stretch of 12-14 years old.
- Having been victim of child abuse in the family, can be a risk of factor for becoming aggressor in adulthood (intergenerational transmission of abuse).
- 45.83% of families with a history of abuse, abused at the same time to some dependent minors; while families with no history of abuse was 20.35%.
- It was found that drugs consumption increased the risk of ill-treating, for parents and/or caregivers under its effects.
- The 75.16% of offenders have expressed that "when they abuse children, it is because children deserve it or cause it" which confirms the hypothesis that the aggressors excuse their actions and blame victims.

- Neglect and authoritarian educational models correlated positively with child maltreatment, surprising the fact that the 61.78% of families are shown according to an authoritarian model. In general, you can define the educational model of the aggressors is very inconsistent.
- The variable gender affects so girls tend to internalizing disorder (depression, anxiety, isolation...) while boys usually present problems of outsourcing (behavioural problems).
- Greater social sensitivity facing the problem of the abused child. The 40.7% (8 to 17 years old) ask for help.
- Lack of social support networks and stress are the most important risk factors in situations of child abuse. Abusive parents recognize that a 79.50% have no help from family or friends. A 38.30 % live stressful situation.

The scientific literature collects to those variables that are related to a greater probability of presence of the use of corporal punishment as a disciplinary measure with children are which is summarized in the following table. The effect of physical punishment, that continues to be a form of abuse in children, will depend on different aspects such as: the intensity and frequency, the age of them child, and on all the characteristics of the child that make it more vulnerable. This way of violence against children and girls, in its different manifestations, have numerous negative effects for its full development in the physical, cognitive, emotional and social plane.

Despite the social acceptance that physical punishment has had as a way of educating, it can be seen that this has serious consequences in its development, such as:

- It paralyzes the child initiative. Blocks their behaviour and limits the ability to plan and resolve problems.
- It develops FEAR of being punished, not risk to try new things, in a way that they do not develop CREATIVITY, their INTELLIGENCE and their SENSES.
- It does not promote the autonomy of children.
- It fosters a relationship in which the child achieves more attention through the transgression of rules.
- Child learn that violence is a valid model for resolving conflicts, learning violent attitudes.
- It affects the moral development of children, since they do not learn values such as peace, democracy, cooperation, equality, tolerance, participation and justice, necessary for a democratic society
- The "violence begets violence". Physical punishment legitimates abuse of power within all family relationships.
- Physical punishment always entails emotional punishment, in view of the fact, that the emotional base of the child is the affection and approval of their parents and that is destroyed with the abuse.

Among those protective factors, are:

- Having good health, has been to decrease the effects of maltreatment.
- Possessing high intelligence, or presenting positive academic achievements, that develop sense of self-efficacy and locus of internal control.
- Good Self-esteem.

- Having a system of values and beliefs that gives a sense to life and allows him to face life.
- Having good relationship with at least one of the parents was a positive factor that encouraged resilience.
- Having a good social support network, giving the fact that it is associated with
- Better quality of life and lower levels of family violence.

## 4. OBJECTIVES

### **Objective 1. Raise awareness about the impact of violence against children**

Make society aware that the use of violence in any activity is inadmissible and prohibited by law, so that offenders will be punished by the courts. Promotion of awareness about other discipline ways to educate children without violence, through policies for the prevention of child maltreatment in the family and school environment and educational programs aimed at parents and educators. In addition to promote positive parenthood as the best educational measure and non-violent methods of resolving conflicts between adults and children or between them, such as school or family mediation.

### **Objective 2. Acceptance of a general definition of “corporal punishment”**

Accept an international and shared definition of “corporal punishment” against children and implement laws against this one to fulfil the right of children right to protection.

### **Objective 3. Strength protective legislation against corporal punishment**

To reflect explicitly in the law (administrative, civil and criminal legislation), the physical punishment as a form of child maltreatment, to give it an entity by extracting it from the definition of physical abuse, which until now is where it includes, defining the legal criteria to catalogue this type of abuse joint with punishment/penalties that should be applied to specific offences.

#### **Objective 4. Child-centred approach guiding resources, services and interventions**

Improve coordination between the different public administrations -state, regional and local- involved in the development of minors, to prevent and eradicate situations of abuse.

Increase public resources aimed at avoiding risk situations for children.

Empowerment of institutions directly working with parents and children to promote good practices to combat and eliminate corporal punishment against children through development of action protocols.

Planning of child protection services based on tested and validated practices. How, at the structural level, give visibility to children through an institutional figure or public institution as the defender of the child, at a state level, to serve as an expert and executive body for the supervision of childhood policies, to help unify autonomic policies and monitor and evaluate the effectiveness of public policies in childhood.

#### **Objective 5. Planning and management of child protection services and interventions based on evidence**

Evaluate the impact and efficiency of childhood policies and interventions, to improve them and make them more efficient. Always aiming the combat and elimination corporal punishment against children.

Promote research and scientific studies that support the consequences of physical punishment in childhood and promote measures of intervention efficiency.

Support and training to specific education and law professionals such as judges, prosecutors and lawyers plus police officers in order to create a common framework related to child abuse (concept, prevention, detection, punish) as well as to create a basic culture and sensitivity on child abuse

Training to specific stakeholders and education professional in specific matters related to child abuse in order to prevent, detect and punish it.

