



POLICY RECOMMENDATIONS

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Content

INTRODUCTION 3
SECTION 1 4
SECTION 2 11
SECTION 3 13
SECTION 4 15
SECTION 5 17

INTRODUCTION

This report is part of No PUNISH project and it is addressing to policy-makers, in order to facilitate the way of reaching them, by converting the outputs of the project in valuable inputs for designing, adopting and implementing new initiatives or policies, aiming at eliminating corporal punishment on children.

The No PUNISH project is conducted by a consortium of 6 partners including universities, public authorities and NGOs, with diverse experience on issues of child protection, from 4 European countries.

The project No PUNISH relies on the fulfillment 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.

Its general objective was to facilitate the transfer of good practices among European countries by enabling a multi-dimensional self-assessment tool and specific measures in order to enhance the capacity of protection systems to adopt good practices on elimination of corporal punishment.

It was expected that the results of the project will increase the knowledge of policy-makers about the child protection system in partner countries and in Europe, in order to make them develop a plan that combats or eliminate corporal punishment against children.

SECTION 1

Physical Punishment In Europe

While child abuse in its different forms, has been thoroughly studied, corporal punishment as a manifestation of violence against children, has not attracted as much attention from the scientific community.

Despite of this lack of scientific coverage, it is not a minor issue, but an important act of violence.

This leads to the fact that attitudes and values that justify reiterate use with children are maintained, undermined by law and their own education, even if it can be considered as a serious violation of the rights of children, their integrity and dignity.

Therefore, as a starting point, this report analyses the incidents of abuse in the countries participating in the Consortium, moreover, the risk and prevention factors associated with this problem are identified, allowing us to build a predictive and explanatory hypothesis to build strategies for action.

The disparity of criteria and the lack of a common definition, of what is considered corporal punishment in the participating countries, should be tackled. There is an additional difficulty, which is the absence of specific statistics on physical punishment; rather this data is included in an insufficient and broad definition of child abuse including: corporal punishment, emotional abuse, sexual abuse and child negligence.

In the following section, the data related to incidence, prevalence and risk factors in the participating countries is summarized:

SPAIN

80% of child abuse occurs within the family environment or within other familiar environments to the child (wider family, education, friends etc.).

As mentioned before, there are very few studies on the use of physical punishment. In 1997, the Ministry of Labor and Social Affairs stated that 47.2% of Spanish adults claimed hitting their children was essential, 2% even admitted frequent use of violence.

More women (49%) accepted physical punishment than men (37%). Furthermore, individuals with lower education levels showed greater tolerance (49%) compared with those who had higher education levels (5%).

The study was repeated in 2004 and results showed a significant decrease in accepting corporal punishment: only 25.6% participants agreed as opposed to 74.4% showing disagreement.

Statistics in 2014 identified a total of 17,959 cases of abuse (8,995 cases of mistreatment, 4,710 cases of emotional abuse, and 3,559 cases of physical abuse).

Risk factors:

- Family risk factors: gender violence, drug use or mental disorders (depression, anxiety) of any of the parents, a history of abuse in the family and unrealistic expectations towards the child.
- Social risk factors: economic problems, unemployment, lack of social support, low education level.
- Protective factors: Good health, elevated level of intelligence based on values and beliefs that give meaning to life, positive and resilient relationships.

ESTONIA:

Child abuse is a serious problem in Estonia. Definition New Child Protection Act, 2016, paragraph 24, section 1 states that “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”.

The UN Rights of the Child Convention, Article 19 paragraph 1 states that “a child must be protected against all physical and mental violence, injustice or abuse, negligence, carelessness or cruel treatment or exploitation, including sexual abuse”.

"The Penal Code, paragraph 121 section 1,) stipulates that “causing damage to the health of another person and physical abuse, which causes pains, is punishable."

In 2015, the Chancellor of Justice registered child abuse as an increasing trend spreading across the country. Here corporal punishment is defined as behavior which results in a decrease of physical and psychological well-being of the child, endangering health and development. In fact, it is a form of violence, defined as the use of physical force to cause pain and distress to the child.

Following the Violence Prevention Strategy 2015-2020, individuals suffering from gender-based violence are also identified as victims.

There is a need for greater involvement of the Government to eradicate corporal punishment, as the alarming statistics of children requiring assistance show; in 2013 there were 3190 cases increasing to 3220 cases in 2015 (Statistics Estonia, 2017). However, compared to 2008 the number of children who had never been punished has decreased.

If in 2008 the incidence rate was 19%, in 2015 it decreased to 14%. The percentage of Children who had suffered physical punishment (ex. hit with a fist or belt) in 2015 was 14%. Also 23% of children had been pulled by the hair. There are different trends in Russian and Estonian speaking families. Estonian speaking families punish children (30%) or prohibit meeting friends (35%), as a consequence of a broken rule.

Russian speaking families use physical violence such as pulling their hair (33%) and prohibiting children to join family activities (23%). Despite the fact that corporal punishment occurs more in Russian speaking families, Estonian speaking families use corporal punishment more frequently during early childhood.

The Estonian Union of Child Welfare carried out a study as part of the 2008-2015 series with the aim of identifying the involvement of children in family life and their opinion about upbringing and education (including punishment)". 18% stated -Internet restriction; 32% were prohibited to see their friends and 18% could not participate in family activities. Children who were not punished decreased from 19% in 2008 to 14% in 2015.

Relevant variable: origin of families (Russia vs. Estonia). 33% of Russian speaking families said to use physical punishment.

Conclusion: the families of Russian origin used more corporal punishment than families from Estonia, implying an important cultural component.

In Estonia many parents use corporal punishment because of tradition. Therefore, it is an attitude that is inherited from previous generations. In 2009 a research carried out by the Ministry of Social Affairs showed that 47% of parents found corporal punishment inevitable.

The use of corporal punishment also derives from the fact that parents quite often lack parenting skills, especially during conflict situations, where they do not see any other alternative. In the Estonian Children and Families Development Plan 2012-2020 a lot of emphasis is put on offering training for parents to improve and develop their parenting skills.

ROTTERDAM:

Definition: (Children's Act 2015) child abuse is defined as: "any form of abuse, such as physical, psychological violence and/or sexual abuse by a parent or any other person with whom the child has a relationship of dependence; that could cause serious damage and threat to the child in form of physical and psychological violence."

Prevalence: in the first half of 2016: the total number of cases detected were 3295, out of which 1125 (34%) was physical abuse.

- 3.4% prevalence of child abuse (in all its forms), with a total of 119,000 children per year.
- 9.9% of children with ages between 12-17 years acknowledged having been abused during the previous year.
- 45% suffered two or more kinds of abuse.
- Negligence is the most common form; the annual incidence rate of physical negligence is estimated around 8.1%, and academic and emotional negligence around 8.4%.
- Studies from 2010 (Soerdjbalie et al), estimated that a number of 15-17 children die per year as a direct or indirect consequence of child abuse.

A long-term impact:

- Evidence of a relationship between negative or traumatic experiences during childhood and risk of diseases and self-destruction attitudes has been found. For

example: diabetes, heart problems, obesity, sedentary lifestyle, sexual risk behaviors, addictions, depressive moods, low self-esteem and risk of suicide.

- 50% of abused children will be adult offenders.
- Inter-generational transfer of violence, high risk of abusing own children.

Risk factors associated with child abuse in general:

- Parents: Parental violence, psychological and/or psychiatric disorders; irritability and hyperactivity, parents that suffered abuse or witnessed family violence, unwanted pregnancy.
- Family: lack of family unity, frequent family conflicts.
- Interaction between parents and children, high expectations, image of their child, the use of physical punishment and absence of emotional relationships
- Child age, children between 0-3 are at higher risk.

ROMANIA

Child abuse is a great social problem in Romania, data reflects a significant increase in the last five years.

The General Directorate of Social Assistance and Protection (ANPDA) of the country recorded 13 546 cases of child abuse in 2015.

Data published by ANPDCA shows that 90% of the cases reported are abuse, negligence and exploitation of children within the family.

Longitudinal studies carried out between 2011-2015, reflect an increasing trend in cases of abuse, predominantly in rural areas. Since last year no more differences between genders were registered.

Concerning the incidences of abuse, there is an increase of cases between years 2014-2015. There is a significant difference between cases of negligence (513 cases, 76%) and physical abuse (5%).

Risk factors: poverty, low educational level, alcohol, drugs, mental illnesses, unemployment in the urban areas.

There is an important social acceptance of corporal punishment; generally Romanian people think that "misfortune comes from heaven".

Gender-based violence is a serious social problem with a high number of child victims as witnesses.

Corporal punishment during childhood does not have a fully dedicated entity and is studied as part of all other manifestations of physical abuse. The lack of a consensual definition hinders further investigation and analysis of this behavior; furthermore, it does not allow development of an explanatory hypothesis as to determine specific risk factors and consequently provide more effective responses.

Nevertheless, if professionals have sufficient resources and indicators, they will be able to respond proactively to the challenge of inhibiting escalation of violence, usually starting with corporal punishment and possibly resulting in severe physical abuse.

SECTION 2

NO PUNISH TOOL DEVELOPMENT

The objective of this project was to develop a self-assessment tool to overcome the barriers of transfer of good practices in order to increase the success of implementing good practices in different settings by identifying key elements to define a specific strategy for the implementation of good practices adequate to the country/region situation.

The specific objectives were:

- To provide a solid methodological approach for transferring good practices to different settings.
- To facilitate the assessment of the success possibilities of implementation of new policies contributing to more cost-effective management of social expenditure on children protection.
- to empower decision-makers during the decision-making process of implementing new initiatives available in other territories.
- To create a transferable tool to be used in any EU region/territory.

The development of the tool was based on existing knowledge and resources, which were analyzed from a comprehensive and child-centered approach according to the four dimensions considering for this project:

- legal framework conditions;
- social and cultural context towards corporal punishment including media analysis,
- awareness and training efforts
- resources available on positive parenting and complementary knowledge for specific groups.

At the first workshop attended relevant stakeholders that validated the work and strategy regarding the requirements for the assessment of the tool and the usability of the assessment tool that was developed in the project.

The good practices identified were compiled in a toolkit of best practices that helped to structure the foundations on which the self-assessment tool was created and to raise interest among potential stakeholders.

By the time the tool was finished, a User's guide of No Punish Tool was elaborated in order to facilitate the use of the tool by the partners that carried out an experimentation phase and by any other operator from outside the consortium that may have interest in using the tool.

To test the NOPUNISH tool each partner organized workshops with specialists working in the field of social care and child protection, policy-makers, NGOs, etc.

During the workshop the User's Guide of the No Punish Tool was presented and they used the tool on the No Punish platform.

Participants gave feed-back on No Punish Tool using questionnaires.

The feed-back from the participants provided suggestions on how to improve the tool.

SECTION 3

NO PUNISH Tool evaluation

The evaluation of the tool mainly focused on the utility at medium-term for the end-users so, the key aspects measured were the same for both groups, but priorities between dimensions and type of evaluation differ.

Internal Evaluation: partners evaluated the tool

Objectives were:

- To determine if the design was tailored to:
 - ✓ The project aims
 - ✓ The content
 - ✓ The usability expected for the tool
- To clarify if usability, usefulness and robustness of the tool was enough and sufficient as regards the project aims and its expected long-term outcomes
- To assure an efficient resolution of different issues that may arise from the use of the platform using a “user” profile instead of an “admin” one.
- To ensure that the tool was transferable to other countries or institutions and sustain the intellectual exploitation of the project through the ICT platform dissemination.

In terms to provide a controlled environment for evaluating NO PUNISH tool, project partners used the NO PUNISH tool to assess how three good practices should suit into their children protection system. Partners provided evidence about how questions have been answered in their report.

External Evaluation: users evaluate the tool

Regarding the users the evaluation intended to determine if:

- The tool was scalable to different settings
- Its design, content and functioning was adequate

- It facilitated networking, dialogue and knowledge transfer between colleges and between the key stakeholders.
- It was feasible at long-term through its potential societal use.

The online questionnaire was filled by 50 individuals: 12 men, 37 women and 1 preferred not to answer.

Participants were asked about clearness of the tool and the search add-ons, the overall experience, the clarity of the results provided and the accessibility. From a technical point of view, we asked also for a bug reporting.

Regarding the design of the platform, participants consider that the platform looks fine but it would be recommendable to include more visual contents and, perhaps, reduce the text. The need for a registration seems to be a major barrier for engaging participants.

The possibility to include more languages will be assessed for ensuring its long-term sustainability. Participants also highlight the need to improve the maturity tests and their questions for reflecting well the socio-political circumstances that may affect the implementation.

Lastly, the developers have not enough information about the robustness; however, the platform was repeatedly tested in different devices and no bugs were observed.

SECTION 4

CONCLUSION

Currently there are very few studies about corporal punishment in childhood, it is a social phenomenon that has not attracted sufficient interest as to deepen study and find out what lies behind.

Perhaps the most important conclusion is the need for rigorous study to allow elaborating an explanatory definition, determine factors of specific risks and provide effective responses for prevention and intervention.

It is expected that, within the cycle of child violence, corporal violence occurs before severe physical violence.

Therefore, identification of indicators and trained professionals, sensitive to this problem, can contribute to respond in a preventive way.

Corporal punishment, as a manifestation of child abuse, is part of what is described as physical abuse.

The lack of a common consensual definition makes it difficult to draw conclusions and to carry out cross-national comparative studies.

Taking this into account, the report still shows that physical abuse is frequent, especially in Estonia and Romania.

The report also shows common risk factors such as, family conflicts, domestic violence, drug abuse by parents and low economic and educational level.

No specific laws regulate corporal punishment in children, even if it is prohibited in all countries by the civil code (Spain) or by laws aimed at preventing domestic violence (Estonia, Netherlands and Romania).

All countries, represented in this study, adhered to the International Convention of the Rights of the Child, although the economic and administrative endowment for fulfillment is very different from one country to another.

Regarding the measures and resources implemented by the different administrations, we found that only in The Netherlands there is a specific body dedicated to child abuse, "Centre for Domestic Violence and Child Abuse" (AMHK), as well as a standardized action protocol and network.

In the rest of countries we detected important deficiencies. There are coordination difficulties in Spain (different competences assigned to different administrations: duplicity of efforts resulting in low effectiveness) and lack of public resources in Romania and Estonia, where especially NGOs develop and implement initiatives.

In the educational field, we detected the need for specialized training for professionals, a need for greater coordination with other institutions and reinforcement of prevention work beyond existing awareness campaigns.

Analyzing 20 best practices, we found that private entities implement a greater number of programs in response to corporal punishment and child abuse than public institutions. There is a need for greater involvement of public entities. The actions are especially focused on preventive work, whereas, the necessity to develop specific intervention programs to combat abuse in families should not be forgotten (standardized and proven programs that allow replication and carrying out comparative studies).

To develop best practice manuals, as well as structuring intervention, it is necessary to work within a multidisciplinary and broad-spectrum, targeting parents (positive parenting, communication skills, self - control skills, resilience), the educational community (teacher training and awareness sessions) and the general community (social services, police and the health sector).

SECTION 5

SUMMARY OF KEY POLICY RECOMMENDATIONS FOR POLICY-MAKERS

The abolition of corporal punishment leads to a legal framework which clearly prohibits corporal punishment and protects children of any kind of attacks, including in the family environment.

All Member States have laws prohibiting intentional attack on others people. The problem is that in many countries these laws do not protect children as much as adults. Some states keep in legislation or jurisprudence, or in both, special exceptions or justifications that allow children to strike- "reasonable punishment", "legal correction".

In other countries, no justification is mentioned in the law, but traditional child raising practices, reflected in political behaviors and often in court judgments, admit attacks on children disguised under the guise of discipline.

Body punishment is practiced on children in different places, including schools, residential institutions, adoptive families, care institutions, the legal system for working children and the family home.

All states have laws prohibiting cruelty or "abuse" of children in all contexts, but they are not interpreted as prohibiting any corporal punishment.

All states have accepted the UN Convention on the Rights of the Child, and in some, the convention is part of the domestic laws but, once again, this is not enough to guarantee the abolition.

Legal reform must remove any existing justifications or exceptions, so that criminal law for aggression also applies to punitive attacks on children. The explicit prohibition of corporal punishment and other degrading or cruel forms of punishment is necessary to send a clear message to families and society in general

that hitting a child is not more acceptable or more legal than hitting any other person.

By October 2007, more than half of the member states of the Council of Europe either imposed the ban or were forced to do so in the near future. It is expected that other states will quickly revise their legislation and submit to the parliaments the necessary reforms. The process of reforming the law itself can be educational, the government, political and community leaders can take the opportunity to insist on the rights of children to the equal protection of their human dignity.

The 2006 Council of Europe Recommendation on Positive Education Support Policy emphasizes the vital role played by public authorities in positive parenting and the promotion of children's rights. It provides guidelines that support Member States to initiate policies to help parents.

The family today may be very different from the traditional core of the traditional family model.

The diversity of today's lifestyles has given birth to new concepts of relationship formation and having children. Family units, regardless of their composition, face new types of pressure caused by rapid and profound changes in society, to which families need to adapt.

Economic and social factors are often a source of stress for parents and can undermine their child-raising efforts and their own development as individuals.

And the perception of the children has changed, they are no longer seen as "future adults," but as members of the family and society in general, with an active contribution potential.

Children are full rights holders, who have to listen to issues that concern them and who must have full access to the information they need.

And those who have the responsibility to take advantage of this potential are parents.

Nobody likes to think of a "bad" parent, but what does it mean to actually be a "good" parent? To give positive education means to be a parent acting in the interest of his child: he grows affectionately, makes him strong, appreciates and guides him, which implies the establishment of some

Positive parenting has roots in respecting human rights in children, creating an environment free of violence, where parents do not use corporal or psychological punishing punishments to resolve conflicts or to "teach" children their discipline and attitude. It provides alternatives to violence, which depend on the child's maturity and situation.

These may vary between the use of humor to pacify the younger children, until the older ones can repair the damage done or retaliate for various evils. If the nerves are very tense, parents can postpone the discussion later. Most corporal punishment is applied by too stressed parents, who simply lose control.

Child protection services from all European Union countries have been developed taking into account their needs and rights.

Service development is based on validated techniques and laws to allow for their application.

Protection services have to adapt to changes in society, have to adapt to the new dynamics of the modern family.

RECOMMENDATIONS

ESTONIA

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.

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).

3. Raise the awareness of parents and specialists (teachers, school psychologists, social pedagogues, youth workers, juvenile police officers) about parental duties and the possibilities to receive assistance.

4. Better inform society about the rights of the child. Carry out regular campaigns covering the whole state to introduce and explain the rights of the child.

ROTTERDAM:

1. All organizations who work in the field should work together in battling child abuse. Instead of working as separate organizations they should work as a whole so that every child is noticed. The coordination of entities is very significant in battling child abuse.

2. People should be made aware of the long term consequences of child abuse that should give them a stronger motive to recognize and act towards child abuse.

3. With all the migrant flows in Europe, there should be a cultural diversity of interventions instead of a 'one size fits all' intervention.

4. Raising awareness with parents should also be an important factor. Not all parents know how to raise children the right way nor have the capacity for this. To educate them in violent less raising skills should be an important factor in battling child abuse. This calls for a local support instead of nationwide.

ROMANIA

1. Ensure that comprehensive child prevention and protection systems are implemented at different levels.

2. Ensure that corporal punishment and other harmful or humiliating forms of childhood discipline fall within the definition of domestic or family violence, and that strategies to eliminate punitive violence against children are embedded in strategies to challenge violence domestic or family.

3. Ensure that family tribunals and other parts of the legal system are sensitive to the needs of children and their families.

4. Provide training methods for those working with children and their families.

5. Promote positive, non-violent forms of child growth, conflict resolution and education for future parents, parents and other caregivers of children, teachers and the general public.

SPAIN:

1. 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.

2. Promotion of awareness of the legislation and create negative public attitude against corporal punishment through community awareness campaigns.

Focused on primary and secondary prevention (most vulnerable populations) that help to modify attitudes or permissive values with the use of physical punishment

3. 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.

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

5. Increase public resources aimed at avoiding risk situations for children, such as parental homelessness, unemployment or drug addiction

6. 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.

7. 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.

8. To reflect explicitly in the law 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.

9. 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 in areas such as education, health, social and police, in which action measures are unified.

10. 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.

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

