

Manual on corporal punishment

HANDSUP against corporal punishment

3/31/2017

SAPI





This publication has been produced with the financial support of the “Rights, Equality and Citizenship” Programme of the European Union. The contents of this publication are the sole responsibility of Social Activities and Practices Institute and can in no way be taken to reflect the views of the European Commission.





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The legislation for every country and the promising practices are prepared and provided by: APDES and University Catolica, Portugal, Camino Germany, University of Alicante, Spain and SAPI, Bulgaria

This manual is developed within the Project JUST/2015/RDAP/AG/CORP/9182 – “HandsUp – Promoting the Effective Elimination of Corporal Punishment Against Children”, co-financed by the “Rights, Equality and Citizenship” Programme of the European Union.



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INTRODUCTION

It has been shown that the corporal punishment is being applied throughout various ways and is still socially acceptable. Therefore, in line with international recommendations, the prohibition of all forms of corporal punishment should be followed by proper implementation and enforcement of the law. **It is important to clarify the concept of corporal punishment and all its consequences, as well as to encourage the adoption of practices of positive discipline.**

The "HandsUp" project, implemented with the financial support of the European Commission under the Program "Rights, Equality, Citizenship", aims at:

- Improving the cooperation, the planning and the capacity of various public agencies to address corporal punishment against children effectively.
- Encourage the acceptance of positive discipline practices among parents and guardians
- Raising awareness in the society about the need to eliminate corporal punishment against children.

Leading project organization is APDES (Portugal), and partners are: Portuguese Catholic University; SAPI (Bulgaria); Camino (Germany); University of Alicante (Spain), One Child, One World (Greece).



MODULE 1: INTERNATIONAL STANDARDS

During some historical periods corporal punishment was considered for an appropriate method of child rearing – at home, in school, in the police. Just 40 years ago different researches proved the negative effects of this phenomenon or at least there are no testimonies for any positive effects.

The first international document where a hint of violence against children is mentioned is the ***Declaration of the Rights of the Child. Proclaimed by the UN General Assembly in its Resolution 1386 (XIV) of November 20, 1959.*** Principle 9 provides for protection against all forms of neglect, cruelty and exploitation.

The ***UN Convention on the Rights of the Child of 20 November 1989 (UN General Assembly Resolution 44/25)*** recognizes of the inalienable rights of children and the obligations of states, public authorities, parents and society as a whole. In **article 19 the Convention stipulates that** 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 or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

For a long period corporal punishment was considered to be a part of the broader term “violence”. The UN Committee on the Rights of the Child adopted ***General Comment No. 8 (2006) "The right of the child to protection against corporal punishment and other cruel or degrading forms of punishment" (Article 19, Article 28, paragraph 2 and Article 37, among others)***. This document although not binding provides policy guidance on what is considered to be **corporal or physical punishment of minors and prohibits it**. Among the objectives it sets are to mean: a) Guidance to States Parties on the interpretation of the provisions of the Convention relating to the protection of minors against all forms of violence and specifically against corporal punishment; b) Recognition of the rights of minors with special emphasis on respect for human dignity and physical integrity; c) Prohibition and elimination of all corporal punishment of minors and in all forms; d) Legislative amendments aimed at eliminating and/or protecting any form of corporal punishment of minors; e) Articulation of measures,



plans, protocols, etc tools of awareness and / or training in order to bring to an end corporal punishment to minors.

“Corporal” or “Physical” punishment is defined as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light¹. 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 on the Rights of the Child. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.

The adoption of the UN Convention on the Rights of the Child boosted numerous international and governmental actions to implement article 19.

POLICY INITIATIVES

“The World Summit for Children”

The participation of 71 heads of State and Government and 88 other senior officials, mostly at the ministerial level, defines the World Summit as one of the most prominent events devoted on the rights of the child. During the Summit was adopted a Declaration on the Survival, Protection and Development of Children and a Plan of Action for implementing the Declaration in the 1990s. At this meeting the participants promised to always put the best interests of children first, in both good times and bad times but violence was not taken as a serious consideration then.

¹ UN Committee on the Rights of the Child, General Comment №8 “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, para. 11, 2006 r. <http://daccess-ddsny.un.org/doc/UNDOC/GEN/G07/407/71/PDF/G0740771.pdf?OpenElement>.



The United Nations Special Session on Children

After the World Summit, it was time for governments to think about their new promises for the next 10 to 15 years. In May 2002 the governments' officials gathered and decided what they should do to improve the lives of children over the next ten years. The result of their discussions was a Resolution of the United Nations General Assembly, "A World Fit for Children", A/RES/S-27/2, 10 May 2002 that explains the promises governments have made and the actions they will take to improve the lives of children. Four key areas were identified: health, education, HIV/AIDS, and the protection of children from violence, abuse and exploitation.

"(6) Protect children from harm and exploitation. Children must be protected against any acts of violence, abuse, exploitation and discrimination, as well as all forms of terrorism and hostagetaking."

UN study on violence against children, 2006

One of the flagship UN initiatives was the **Report of the independent expert for the United Nations study on violence against children in 2006**. In short, this report states that corporal punishment is still considered for a normal upbringing practice in a lot of countries. Corporal punishment was also used in school and as a sentence for a committed crime.

The report warns that "societal acceptance of violence is also an important factor: both children and perpetrators may accept physical, sexual and psychological violence as inevitable and normal. Discipline through physical and humiliating punishment, bullying and sexual harassment are frequently perceived as normal, particularly when no "visible" or lasting physical injury results. The lack of an explicit legal prohibition of corporal punishment reflects this."

2 of the overarching recommendations in this report refer to corporal punishment:

1. Prohibit all violence against children

98. **I urge States to prohibit** all forms of violence against children, **in all settings, including all corporal punishment**, harmful traditional practices, such as early and



forced marriages, female genital mutilation and so-called honour crimes, sexual violence, and torture and other cruel, inhuman or degrading treatment or punishment, as required by international treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. I draw attention to general comment No. 8 (2006) of the Committee on the Rights of the Child on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (articles 19, 28, para. 2, and 37, inter alia) (CRC/C/GC/8).

.....

4. Promote non-violent values and awareness-raising

100. I recommend that States and civil society **should strive to transform attitudes that condone or normalize violence against children, including** stereotypical gender roles and discrimination, **acceptance of corporal punishment** and harmful traditional practices. States should ensure that children's rights are disseminated and understood, including by children. **Public information campaigns should be used to sensitize the public about the harmful effects that violence has on children. States should encourage the media to promote non-violent values and implement guidelines to ensure full respect for the rights of the child in all media coverage."**

The General Assembly also agreed with the Study's recommendations and requested the appointment by the Secretary-General of a Special Representative on violence against children to act as a high-profile, global independent advocate to promote prevention and elimination of all forms of violence against children (Resolution 62/141).

<http://srsg.violenceagainstchildren.org/>

Since then violence is always an inevitable topic in the policy documents, in important issue in the CRC monitoring and a special consideration for all governments.



UN SUSTAINABLE DEVELOPMENT GOALS (SDG) AND AGENDA 2030

The latest UN general document on the world development for the coming years also envisages combating violence, especially in Goal 16

“16.1 Significantly reduce all forms of violence and related death rates everywhere

16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children”

But it is also foreseen in other Goals:

“4.a Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all

5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation”

GLOBAL INITIATIVE TO END CORPORAL PUNISHMENT AGAINST CHILDREN

The Global Initiative to End All Corporal Punishment of Children promotes universal prohibition and elimination of corporal punishment. Supporters of this aim include UNICEF, UNESCO and many international and national organisations and distinguished individuals. The Initiative follows the progress on prohibiting corporal punishment globally and also calls for real implementation of the legal ban in countries which have adopted the respective legislation.

THE GLOBAL PARTNERSHIP END VIOLENCE AGAINST CHILDREN

By bringing together governments, United Nations agencies, international organizations, civil society, including faith groups, the private sector, philanthropic foundations, researchers and academics, and children themselves, the Partnership aims



to build on successes achieved to date, lessons learned and the work of other partnerships, to:

- Raise awareness of the importance of delivering SDG16.2 and other targets for ending violence against children, both to guarantee children's right to live free from fear and to allow them to benefit from all aspects of the new sustainable development agenda.
- Build upon existing efforts to mobilize a powerful movement behind a common strategy for ending violence, strengthening the political will that is needed for delivery of ambitious, evidence-based policies and programmes that will lead to significant, sustained and measurable reductions in violence.
- Work to end violence in countries in all regions and among all income groups, while focusing resources and energy on children whose vulnerability to violence makes them most likely to be left behind by the new sustainable development agenda.
- Draw on the skills and energies of all parts of society, ensuring all sectors play their roles in defeating violence.
- Use our success in delivering measurable reductions in violence to further strengthen the case for increased investment in prevention and response to violence, and to continually increase our understanding of what works to keep children safe.

WORLD HEALTH ORGANIZATION AND INSPIRE: SEVEN STRATEGIES FOR ENDING VIOLENCE AGAINST CHILDREN

INSPIRE is the newest global initiative aimed at helping countries and communities to achieve key priorities of the 2030 Sustainable Development Goals (SDGs). (SEE above) INSPIRE is an evidence-based resource for everyone committed to preventing and responding to violence against children and adolescents – from government to grassroots, and from civil society to the private sector. It represents a select group of strategies based on the best available evidence to help countries and communities



intensify their focus on the prevention programmes and services with the greatest potential to reduce violence against children. The seven strategies are: Implementation and enforcement of laws; Norms and values; Safe environments; Parent and caregiver support; Income and economic strengthening; Response and support services; and Education and life skills. Additionally, INSPIRE includes two cross-cutting activities that together help connect and strengthen – and assess progress towards – the seven strategies.

The World Health Organization (WHO) initiated preparation of the INSPIRE package, in collaboration with the United States Centers for Disease Control and Prevention (CDC), End Violence Against Children: The Global Partnership, the Pan American Health Organization (PAHO), the President's Emergency Program for AIDS Relief (PEPFAR), Together for Girls, the United Nations Children's Fund (UNICEF), United Nations Office on Drugs and Crime (UNODC), United States Agency for International Development (USAID), and the World Bank (agencies with a long history of galvanizing a consistent, evidence-based approach to preventing violence against children).

COUNCIL OF EUROPE

While UN and WHO as global international organizations were targeting their efforts towards violence, the regional international organizations like Council of Europe also were taking measures.

The Committee of Ministers of the Council of Europe first efforts in tackling corporal punishment of children were in 1985 through the adoption of the Recommendation No. R (85) 4 on violence in the family which urges member states to review their legislation on the power to punish children in order to limit and ultimately prohibit corporal punishment. Since then, a number of Recommendations have been adopted by the Committee of Ministers with the aim of achieving a legal framework in whole Europe to protect children from corporal punishment. The Committee of Ministers of the Council of Europe has condemned corporal punishment and proposed prohibition further through other recommendations: on social measures concerning



violence within the family (1990), on the medico-social aspects of child abuse (1993) and on policy to support positive parenting (2006).

A special attention should be given to the last mentioned **Recommendation REC (2006) 19 on "Policies to support positive motherhood"** where positive parenting is defined in the Recommendation Rec (2006)19 as: *"parental behaviour based on the best interest of the child that is nurturing, empowering, non-violent and provides recognition and guidance which involves setting of boundaries to enable the full development of the child"* and calls governments to take actions to change the negative parental attitudes.

The Recommendation aims at making member states aware of the necessity to provide parents with sufficient support mechanisms to meet their important responsibilities in bringing up their children. Member states are encouraged to take all appropriate legislative, administrative and financial measures to create the best possible conditions for positive parenting.

Article 17 of the European Social Charter requires states to protect children from all forms of ill-treatment. The European Committee of Social Rights (ECSR), which monitors the European Social Charter, has stated that corporal punishment is not in accordance with human rights standards as defined by the Social Charter. The European Committee of Social Rights has interpreted this article as requiring a prohibition in legislation against any form of violence against children, including corporal punishment in all settings (home, schools and institutions).

The Committee in its latest decision on the matter, Association for the Protection of All Children (APPROACH) v. France, took note of the wide consensus at both the European and international level that corporal punishment of children should be expressly prohibited in law.

In the following decisions, brought under the Additional Protocol to the Social Charter by the World Organisation against Torture, the Social Charter found a violation of Article 17 for lack of adequate provisions in legislation prohibiting corporal punishment.

Association for the Protection of All Children (APPROACH) Ltd. v. Ireland, Complaint No. 93/2013, decision on the merits of 2 December 2014

Association for the Protection of All Children (APPROACH) v. Italy, Complaint No. 94/2013, decision on the merits of 5 December 2014

Association for the Protection of All Children (APPROACH) Ltd v. Slovenia, Complaint No. 95/2013, decision on the merits of 4 December 2014

Association for the Protection of All Children (APPROACH) Ltd. v. Belgium, Complaint No. 98/2013 decision on the merits of 20 January 2015

Meanwhile the **Parliamentary Assembly (PACE) adopted a Recommendation 1666 (2004) Europe-wide ban on corporal punishment of children** which invites the Council of Europe's Committee of Ministers to launch a co-ordinated and concerted campaign in all the member states for the total elimination of corporal punishment of children. The Assembly calls on the Organisation to work to make Europe, as soon as possible, a corporal punishment-free zone for children and proclaims the PACE support to the Global Initiative to End all Corporal Punishment of children by expressing that it considers that corporal punishment of children is in breach of their fundamental right to human dignity and physical integrity. It also “invites the Committee of Ministers and the other Council of Europe bodies concerned, as a matter of urgency, to establish strategies, including technical assistance, for achieving this objective in conjunction with member states, and in particular to:

- 8.1. heighten the awareness of children, those who live and work with them and the general public of the total ban on corporal punishment and other forms of humiliating, inhuman and degrading treatment of children;
- 8.2. ensure general awareness of children's fundamental rights, in particular their right to human dignity and physical integrity;
- 8.3. encourage positive, non-violent forms of child-rearing and conflict resolution among future and existing parents, all other people who care for children as well as the public at large;
- 8.4. offer children and young people the opportunity to express their views and be involved in planning and implementing activities to eradicate corporal punishment;



- 8.5. make sure that parents, particularly those experiencing difficulties with child-rearing, are offered the necessary advice and support;
 - 8.6. offer children confidential advice, counselling and legal representation so that they can respond to violence against them;
 - 8.7. guarantee effective and appropriate protection to children who are particularly vulnerable to harmful and humiliating punishment, such as disabled children and children in institutions or detention facilities;
 - 8.8. ensure that corporal punishment and other harmful and humiliating forms of discipline inflicted on children are included in the definition of domestic or family violence and that strategies to combat the violent punishment of children form an integral part of strategies against domestic or family violence.
9. Finally, the Assembly invites the Committee of Ministers to recommend that the member states:
- 9.1. enact appropriate legislation prohibiting the corporal punishment of children, particularly within the family;
 - 9.2. monitor the effectiveness of abolition through regular research into children's experience of violence at home, in school and elsewhere, the effectiveness of child protection services and parents' experience of and attitudes to violence against children;
 - 9.3. ensure that the relevant judgments of the European Court of Human Rights and the conclusions of the European Committee of Social Rights are fully applied."

Council of Europe also launched its European-wide initiative against corporal punishment of children “Raise your hand against smacking!” in 2008. The issue was therefore incorporated in the then strategy on children's rights of CoE. There were 3 main priorities underlying in the CoE's Strategy: legal reform; promotion of positive parenting policies; and raising awareness on the phenomenon “corporal punishment”². Thus the Council of Europe introduced the concepts of "positive parenting" or "parenting in the best interests of the child" to highlight the important role of families to ensure the welfare of children. Positive parenting requires parents to raise their children in a way that respects their rights and creates the most optimal conditions for their

² <http://www.coe.bg/?menu=council&submenu=108&itemid=1761>



development, without neglecting the needs of the parents. The primary responsibility for the care of children belongs to the family, but the state and society have a duty to support the family and parents to carry out their functions through appropriate policies and measures.

The programme “Building a Europe for and with children” was a response to the mandate assigned to the CoE to guarantee an integrated approach to promoting children’s rights and to launch a programme covering the social, legal, educational and health dimensions of the various forms of violence against children. In 2006, the Council of Europe **Commissioner for Human Rights, Thomas Hammarberg, published an issue paper on corporal punishment: “The right not to be hit, also a children’s right”**. In his 2007 address to the Parliamentary Assembly, he stated that “the first necessary step is to legally ban any kind of violence against children, whether it takes place in schools, in institutions or at home”.

The current Council of Europe Strategy on the Rights of the Child 2016-2021 again places the violence in the focus of attention through its Strategic objective 3 „Life free of violence for all children”. The Council of Europe will continue to promote the effective elimination of corporal punishment and other cruel or degrading forms of punishment of children in all settings, including within the home. It will identify particular challenges in the path to universal prohibition and elimination of corporal punishment and how these may be overcome. Member States will be supported in legal reform to achieve a full ban and in attaining higher collective awareness about children’s right to equal protection from assault, the dangers of violent punishment, as well as in promoting non-violent discipline and positive upbringing in line with the Recommendation on policy to support positive parenting. The final goal of the Strategy is to achieve a full legal ban on corporal punishment.

EUROPEAN COURT OF HUMAN RIGHTS

Judgments of the European Court of Human Rights (the Court) have progressively condemned corporal punishment and are a strong tool in its abolishment. First decisions of the Court condemned corporal punishment in penal systems and schools and more recently in the home. Other decisions have also made clear that banning all corporal



punishment does not breach family privacy or religious rights. The Court increasingly applies the standards of the UN Convention on the Rights of the Child in judgments related to children.

The European Court of Human Rights first case on corporal punishment of children was in 1978. In *Tyrer v. UK* the Court held that the judicial birching of a 15 year-old boy breached his right to protection from degrading punishment. In the following two decades the Court condemned school corporal punishment, first in state schools in decision *Campbell and Cosans v UK* and later in private schools in its judgment *Costello-Roberts v. UK*.

The first case on corporal punishment in the home came before the Court in 1998, in *A v. UK*. It was brought against the UK by a young boy who had been beaten by his stepfather with a cane. The father had been acquitted due to the common law defence of “reasonable chastisement”. The European Court of Human Rights found unanimously that the UK had violated Article 3 of the Convention by failing to protect the child’s right to protection from degrading punishment. Prosecution of the stepfather in a UK court had failed on the grounds that the punishment was “reasonable chastisement”. The European Court found that the United Kingdom Government was responsible because the domestic law allowing “reasonable chastisement” failed to provide children with adequate protection, including “effective deterrence”. The Court ordered the UK to pay £10 000 compensation to the boy, who had been repeatedly hit with a garden cane. The *A v. United Kingdom* judgment cites articles of the UN Convention on the Rights of the Child, including Article 19 which requires states to protect children from “all forms of physical or mental violence” while in the care of parents and others. Case law of the European Committee of Social Rights, monitoring compliance with the European Social Charter and revised European Social Charter, requires all member states to prohibit all corporal punishment and other humiliating treatment or punishment of children and to promote other energetic administrative and educational measures to recognise and realise children’s rights to protection.

FRA and CoE issued a Handbook on European law relating to the rights of the child where also the theme of corporal punishment is analyzed.



http://www.echr.coe.int/Documents/Handbook_rights_child_ENG.PDF. In this document is pointed out that under CoE law, the ECtHR has analysed complaints about corporal punishment as a form of disciplinary measure mainly under Article 3 of the ECHR. Where the measure reached the level of severity required under Article 3, the ECtHR found that the treatment violated that provision.

“Where measures of corporal punishment do not reach the threshold of severity required under Article 3, they may nevertheless fall under Article 8 as part of the right to physical and moral integrity. However, the ECtHR has to date not found a violation on the merits of Article 8 in corporal punishment cases. The use of corporal punishment in state schools may also breach the rights of the parents to raise their children according to their philosophical convictions, as provided for under Article 2 of Protocol No. 1 to the ECHR.

Example: The cases of *Campbell and Cosans v. the United Kingdom* concern the suspension from school of two boys for refusing to accept corporal punishment. The ECtHR found no violation of Article 3 of the ECHR as the children had not actually been subjected to corporal punishment. It found, however, a violation of Article 2 of Protocol No. 1 to the ECHR on the grounds that, by allowing for corporal punishment, the respondent state had failed to respect the parents’ philosophical convictions. The ECtHR also found a violation of one of the boys’ right to education provided for under Article 2 of Protocol No. 1 to the ECHR, on account of his suspension from school.

The ESC does not include any direct prohibition against corporal punishment. Nevertheless, the ECSR has read such an obligation into Article 17 of the ESC. By virtue of its supervision, both through the reporting procedure and the collective complaints procedure of states’ compliance with Article 17, the ECSR has found that several contracting states breach this provision by not prohibiting all forms of corporal punishment.”

The ECSR also established that laws prohibiting the corporal punishment of children must be applicable to such forms of alternative care as institutional care, foster care and



kindergartens. It should also be recalled in this regard that the Council of Europe's Parliamentary Assembly issued in 2004 a recommendation requesting all contracting states to ban corporal punishment.”

EUROPEAN UNION

Some of the main binding EU documents are:

Treaty on European Union, Maastricht, 7 February 1992 (consolidated version 2010) (DOUE núm. 83, 30 March 2010).

Charter of Fundamental Rights of the European Union According to Article 24 “*Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity*”. The second paragraph of Article 24 establishes: “*In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration*”.

Directive 2012/29/EU of the European Parliament and of the Council, 25 October 2012, establishing minimum on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.

Other policy documents:

Communication from the Commission to the European Parliament, The Council, the European Economic and Social Committee and the Committee of the Regions. **An EU Agenda for the Rights of the Child. Brussels, 15.2.2011.**

10 principles for integrated child protection systems



https://ec.europa.eu/info/sites/info/files/10_principles_for_integrated_child_protection_systems_en.pdf

5. Societies are aware and supportive of the child's right to freedom from all forms of violence. There are concerted efforts to inform the public, including children, about children's rights and encouraging action to prevent violence against children, and to prevent the stigmatisation of child victims of violence.

Promotion of standards for child protection policy

OTHER RELEVANT INTERNATIONAL DOCUMENTS

United Nations Standard Minimum Rules for the Administration of Juvenile Justice “The Beijing Rules”).

III Optional Protocol to the Convention on the Rights of the Child on a communications procedure, adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/66/138 of 19 December 2011 entered into force on 14 April 2014... Recognition of “the best interests of minors” in areas where resources are used to redress any violation of their rights. Urges that the procedures are adapted to the minors in all instances. States Parties should establish appropriate national mechanisms to ensure that minors whose rights have been violated have access to effective remedies in their countries. Recognizes the important role that national human rights institutions and other specialized institutions with a mandate to promote and protect the rights of minors. Empowers the Committee on the Rights of the Child to carry out the functions provided for in this Protocol. The general principles governing the functions of the Committee on the Rights of the Child (Article 2) are: a) Principle of “the best interests of the child” y, b) The rights and views of the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, concluded 29 May 1993.



Convention on the Civil aspects of International Child Abduction, concluded 25 October 1980 .

Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, A/RES/85, 3 December 1986, 95th Plenary Meeting.

Resolution adopted by the General Assembly Rights of the child (on the report of the Third Committee, A/RES/61/146, 19 December 2006.)

Convention Concerning the Powers of Authorities and the Law Applicable in Respect of the Protection of Infants, 5 October 1961 .

Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, concluded 29 de May 1993 .

Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children

Convention on the International Recovery of Child Support and other forms of Family Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul 11 May 2011 (Ratified by Spain on 18 March 2014, BOE núm. 137, 6 June 2014). Especially significant is Article 26: regulates the protection and support of children exposed to violence. Urges States to take legislative (or other) measures to ensure that the provision of victim protection and support services takes into account the specific rights and needs of minors exposed in the interest of the smaller ones.

OTHER INTERNATIONAL ORGANIZATIONS' INITIATIVES

African Committee of Experts on the Rights and Welfare of the Child, Statement on Violence against Children (2011)

Inter-American Commission on Human Rights, Report on corporal punishment and human rights of children and adolescents (2009)

The Kyoto Declaration, A Multi-Religious Commitment to Confront Violence against Children (2006)



Module 2: DOMESTIC LEGISLATION IN BULGARIA, GERMANY, PORTUGAL AND SPAIN

Republic of Bulgaria

It is believed that in Bulgaria in practice corporal punishment is prohibited to all citizens³. Although the term “corporal punishment” does not exist in the legislation, it is believed that the usage of the concepts “violence”, “harm”, “damage” exhaust the possibilities for its admission.

A ban on corporal punishment first appears in the **Family Code**, which states that "the parent has no right to use violence and methods of upbringing that undermine the dignity of the child" (art. 125 par. 2 of the Family Code). As can be seen, the text prohibits not only the physical abuse of the child, but also the use of inappropriate methods of upbringing, which could cause mental injury to the child.

Penalties for corporal punishment can be carried out under the provisions of the **Criminal Code** of the Republic of Bulgaria when it constitutes a crime. Corporal punishment is virtually criminalized in cases where serious injury is caused (Articles 122 - 124 of the Penal Code); light and medium bodily injuries are considered crimes of private nature and criminal proceedings are opened on the complaint of the victim. The Criminal Code classifies as a more severe offense causing bodily harm to minors (children under the age of 14 years) - art. 125, para 1, pt. 5.

In connection with the real prohibition of corporal punishment and punishment for its implementation should be mentioned that the Criminal Code, Art. 187 provides for imprisonment or probation for a person "who tortures a minor or underage person, who is under his care or with whose education he has been entrusted provided the act does not constitute a graver crime”.

³ <http://www.endcorporalpunishment.org/>



Protection from corporal punishment can be carried out under the provisions of the **Protection against Domestic Violence Act (PDVA)** when it is defined as violence. According to PDVA, Art. 2. "(1) domestic violence is any act of physical, sexual, psychological, emotional or economic violence, and the attempt for such violence, forced restriction of privacy, personal freedom and personal rights committed against persons who are in kinship, who have or have had in a family relationship or de facto marital cohabitation. (2) For mental and emotional violence against a child is considered any domestic violence committed in his/her presence."

In the newly adopted Law **on Pre-school and School Education** there is also no explicit prohibition of corporal punishment, but Art. 171. (1) stipulates as a right of children to determine their right to "1. be trained and educated in healthy, safe and secure environment", and Art. 174 (4) of the Act provides for "in working with children and students the institutions in the system of pre-school and school education base their work on the principle of positive discipline, which is associated with measures and approaches that ensure listening to children and students, awareness of the causes of problem behavior and allow for the absorption of good behaviors to themselves and others".

According to **Child Protection Act (CPA)** violence is any act of physical, mental or sexual abuse, neglect, commercial or other exploitation, resulting in actual or potential harm to health, life, development or dignity of the child, which can be done in a family, school and social environment. The Act also introduces a ban on the use of physical punishment as a method of upbringing of the child by formulating a children's right " Every child has a right to protection against all methods of upbringing, that undermine his or her dignity; against physical, psychical or other types of violence; against all forms of influence, which go against his or her interests."

The philosophy of the CPA is aimed not so much at the punishment of those who has committed violence against children and do not care for the child; rather it is oriented towards the protection of children by implementing specific measures provided for in



this Act, and also includes assistance and support for parents in the upbringing of their children.

The review of the legislation shows a clear trend towards putting the principle of the best interests of the child and the rights of the child as the primary principles in all policies and activities involving children. The provisions of the CPA are increasingly integrated into the practice in application of other laws in cases of children.

Conclusion

The review of the legislation highlights some serious issues in regard with the actual ban and punishments for acts of corporal punishment in Bulgaria:

- The lack of adopted legal definition and therefore a lack of legal ban on corporal punishment leads to the possibility of subjectivity in determining whether one or other acts of corporal punishment are physical or other punishable violence;
- In practice, only inflicting severe physical harm or torture is considered as a crime; in other cases a penalty could be imposed only by a complaint of the victim, which in the case of children is not guaranteed in the country.

Case Law in Bulgaria

As already noted there is no specific legislative texts in the Bulgarian domestic legislation that treat and somehow settle the issue of corporal punishment. However, certain provisions of numerous laws introduce various restrictions regarding infringements against the person. Namely, while implementing these laws jurisprudence has had the opportunity to bring forward the issue of the admissibility of the imposition of corporal punishment for the purposes of upbringing and/or education.



Types of Court Cases

Corporal punishments are discussed often in the judicial practice in criminal cases. The main problem here is that the majority of crimes, resulting in the deposition of injuries are prosecuted after a complaint by the victim and to the extent that the latter supports his/her complaint. For these so called "Cases of private nature" the legislation provides for instituting a proceeding and pursuing only at the initiative of the victim. In many cases where the victim is a descendant, husband, brother or sister, prosecution is instituted only by complaint of the victim - art. 161, para. 1 of the Criminal Code.

Although the court doesn't tolerate any violence conducted with educational purpose, the court had the opportunity to note that child abuse can constitute an offense only when it reaches a certain level of public danger, which is not always the case.

A review of recent case law shows that the issue of the imposition of corporal punishment for educational purposes is important not only in the field of criminal law, but also in civil law. For example, practices for implementation of corporal punishment are reported by courts in assessing parental capacity in cases of domestic violence, deprivation and limitation of parental rights, etc. In the majority of hypothesis concerned it comes to proceedings, protecting the interests of children, in which the court collects evidences on its own initiative and ex officio examines issues of execution of violence, even if it is in the form of educational measure.

Most often, the courts have commented on various forms of corporal punishment when violence is done by parents. The consistent understanding of jurisprudence is that regardless of the objectives pursued, parents do not have the power to punish children physically.

In judicial practice commonly can be found also cases of corporal punishment conducted by third parties - mostly teachers and educators⁴ or persons accidentally appeared at the place.

⁴See for example Decree № 92/ 9.09.2014, case № 812/2014, Sofia City Court.

With regard to teachers it is specifically accepted that they should choose educational approaches which meet the requirement for maximum educational effect while preserving the dignity of the child. Hits (slaps, smacks) and eventually manifested verbal rudeness could have equally stressful impact on children's psyche.⁵ In practice, it is also assumed that it is irrelevant whether the adult was provoked somehow or not. In both cases, corporal punishment is not justified.⁶

Consistency and predictability of jurisprudence

Courts rarely and rather exceptionally recognize corporal punishment as an acceptable form of educational influence. In the review of the practice was found only one decision where the court finds that incidental physical violence do not affect the educational qualities of the parent. The court finds that despite hitting a few slaps "[...] There is missing data, however, that the physical assault led to physical violence against the child, having in mind its nature and effects, neither for accepted method by the [respective parent] of such behavior and attitude towards the child. [...] [] At this stage of development, with a view to his puberty and sex [child] himself needs authoritative figure to be perceived as such and to allow its influence to positive development, as the [respective parent] plays the role model in his life."⁷ However, it should be taken in mind that the above mentioned case concerns the case of a dispute over custody, where the available information confirms physical punishment committed by both parents, but with serious preponderance and significant severe consequences from the behavior of the other parent.

Overall, the case law review finds no decisions in which any form of corporal punishment is justified or encouraged.

⁵ See for example Decree № 54/15.05.2014. case № 43/2014 г. Devnya District Court, Decree № 12573/ 14.12.2006, adm case № 6875/2006, VI chamber of SAC.

⁶ See for example Decree № 127/24.01.2011, adm. case № 5074/201, Varna District Court, as well as Decree № 46/30.01.2013, civil case № 1095/2012, Pleven District Court.

⁷ See Decree № 573/ 03.04.2009, civil case № 341/2009, Plovdiv District Court

Germany

In Germany, corporal punishment of children is prohibited. The legislation on physical violence in education and on child abuse and neglect is part of the constitution, of civil law, criminal law, and social law (see Galm/Derr 2011, 16f.), as the following overview shows:

- The **civil code**, section 1631, introduced in 2000, guarantees children the right to a non-violent upbringing. Physical punishment, psychological injuries and other degrading measures are prohibited.
- In the **criminal code**, neglect, physical maltreatment, and sexual abuse are identified as criminal offences. The law determines the following criminal offences in the field of child maltreatment, abuse and neglect: violation of duties of care or education, physical maltreatment causing bodily harm/causing bodily harm by dangerous means, abuse of position of trust, child sexual abuse, aggravated child sexual abuse, child sexual abuse causing death, causing minors to engage in sexual activity, sexual abuse of juveniles, as well as the distribution, acquisition and possession of child or juvenile pornography.
- In the **social code**, the child and youth welfare system and services for children and parents also in cases of child abuse and neglect are regulated (Social Code, Book VIII – Child and Youth Services; “Sozialgesetzbuch VIII – Kinder- und Jugendhilfegesetz”). An amendment of the child protection law (“Bundeskinderschutzgesetz”) from 2012 has innovated the child protection procedures concerning child endangerment. It was complemented by a range of additional measures on the federal level.

The so called “Länder”, which are states within the German federal system such as Bavaria or Berlin, also regulate some aspects of child protection. The laws of the states (“Länder”) regulate for example obligatory preventive medical examinations of children, local child protection networks, as well as rights and duties of professionals concerning data exchange in suspected cases of child endangerment (see Galm/Derr 2011, 16f.)



In the following the different areas of law that govern the prohibition of physical violence in education are described.

Constitution (Basic Law)

The basic rights established in the Basic Law (“Grundgesetz”) for the Federal Republic of Germany – the protection of human dignity (article 1, paragraph 1 of the Basic Law) and the right to physical integrity (article 2, paragraph 2 of the Basic Law) – clearly constitute a directive to be implemented by the legislative.

Civil law

Nevertheless, the father's and later, due to gender equality, also the mother's right to corporal punishment was originally included in section 1631 of the German Civil Code. In 1980, section 1631 was amended to include a prohibition of "degrading measures" in education.

As a result, using corporal punishment for educational purposes was still legitimate – as long as it wasn't humiliating. This was based on the idea that education was aimed at teaching children to respect the dignity of others, and that it should not be humiliating in itself for this very reason (Salgo 2007).

It was not until 1992, when the UN Convention on the Rights of the Child was signed, that the parents' right to corporal punishment became void.

In 2000, finally the law on the proscription of violence in education ("Gesetz zur Ächtung der Gewalt in der Erziehung") was passed. This law establishes that "children have a right to non-violent upbringing" and that corporal punishment is not allowed. This law forms part of the civil code, though, not of the criminal law, and was established in order to reduce the use of violence in education without criminalizing the parents. It mainly aims to change attitudes and is meant to appeal to parents in order to convince them that violence is not an appropriate means of education.



At the same time, this law's definition of what is legal and what is not differs significantly from what the criminal law states. Corporal punishment is forbidden, even if the fine line between light punishment on the one hand and maltreatment and/or physical injury on the other has not been crossed.

The law has two special characteristics: Explicitly stating that children have a right to non-violent upbringing, it assigns priority to children's basic rights instead of favouring the parents' right to freely choose the educational measures they consider appropriate (section 6, paragraph 2 of the Basic Law). Moreover, the prohibition is combined with mandatory governmental support, meaning that parents have to be offered assistance in accordance with section 16, paragraph 1, p. 3 of the Social Code, Book VIII. Only if this offer is not accepted, if the support fails to have the desired effect or if the physical violence applied for educational purposes has any of the characteristics listed in section 223 or section 225 of the Criminal Code, a family court will intervene in accordance with section 1666 or a criminal prosecution may be initiated. Section 1666a of the Civil Code restricts the activities of the family courts, i.e. the state's options for intervention, to situations in which there is no different way to avert the risk.

Criminal Law

Child abuse, neglect and physical maltreatment are also criminal offences. However "not every incident of child endangerment automatically constitutes a criminal offence, nor does every punishable act result in child endangerment" (Hagemann-White et al. 2010, 43). As already stated the changes introduced in 2000 aim to socially discourage violence in education without criminalizing the family.

Criminal offences regarding child abuse and neglect are primarily:

Physical maltreatment (Criminal Code, Section 223 and 224)

Corporal punishment only is a criminal offence if it causes bodily harm. The sections "Causing bodily harm" (Section 223) and "Causing bodily harm by dangerous means" (Section 224) are no specific offences against children but persons in general. Here, physical assault is understood to mean causing a considerable impairment to the well-being of another person or "bad, improper treatment" (Pfaeffgen 2005). In legal



practice, this includes cases in which physical violence causes effects such as persistent trembling, bouts of uncontrollable crying, extreme anxiety or insomnia – which could even be brought about by a light slap in the face (Pfaeffgen 2005).

Social law

Social Code, Book VIII – Child and Youth Services (“Sozialgesetzbuch VIII – Kinder- und Jugendhilfegesetz”) regulates the assistance services on offer for children and parents – also in cases of child abuse and neglect.

As the law on the proscription of violence in education (“Gesetz zur Ächtung der Gewalt in der Erziehung”) was passed in 2000, the tasks conferred upon the child and youth welfare services were extended to include assistance in solving conflicts within the family.

The child protection law (“Bundeskinderschutzgesetz”) from 2012 regulates the procedure in cases of child endangerment.

Here, we have to differentiate between structural child protection and acute cases. The latter constitute situations in which children are exposed to immediate risks and have to be placed under care as a consequence, if the risks cannot be eliminated. Since taking a child away from its family usually means a significant degree of traumatization, it is regarded as a “last resort”, only to be considered if nothing else can be done. Generally, youth welfare services will attempt to make the parents realize that they are unable to deal with the current situation and that keeping their children at home is not doing them any good. The parents should, if possible, agree to place their children in care, having understood that this is a way of remaining in touch with them and of giving their relationship a chance to remain intact.

In case children are exposed to structural risks, i.e. in cases that are not defined as child endangerment, parents will be offered assistance and the youth welfare office will be in



charge of monitoring the situation. If necessary, it will impose obligations the parents have to fulfill and control whether they do so.

Conclusion

Germany has made strong efforts to establish a legal framework that prohibits corporal punishment against children and grants children the right to a non-violent upbringing. The main idea of the different laws in civil, criminal and social code is to assist the parents in fulfilling their tasks and duties.

The legal framework does repeal all legal defences, justifications and authorisations for the use of corporal punishment in childrearing. It explicitly states that this excludes the use of corporal/physical punishment. It does apply to all forms of corporal punishment without any exception.

Case Law in Germany

For the following analysis, specialized literature was searched for cases in which the law on the proscription of violence in education – including mild physical punishment – passed in 2000 ("Gesetz zur Ächtung der Gewalt in der Erziehung") was applied. Three cases were selected; they are described and discussed below.

It was, however, impossible to analyse court files, since in Germany, this type of analysis is complex and encumbered by several types of difficulties.

The first hurdle is due to the fact that the files are not stored at a central facility or even available online. The files on criminal cases heard at a state court are usually kept by the prosecutor's office, those on cases tried by local courts are kept by these courts. A request to inspect the files would thus have to be sent to all courts and prosecutor's offices, either in the whole country or in selected regions. These in turn would have to seek approval from the superior authorities. Often, it takes several weeks until a corresponding request is processed.

The debate in Germany

Even though the criminal code prohibits corporal punishment, applying criminal charges is not the main means of child protection in Germany. On the contrary, in the German discussion, child protection experts strongly maintain that applying criminal charges may in certain cases actually impair the wellbeing of the child. Therefore, intervention by the state institutions will under certain conditions primarily aim to win the trust of the families. "Child protection is based on the view that for effective protection and assistance, it is vital to win the cooperation of the families whenever possible. Criminal prosecution may impair this relationship. ... Moreover, criminal prosecution or conviction does not always offer optimal protection to a child at risk. Taking evidence is particularly difficult if the children are the only witnesses and the younger the 11 child, the more difficult the situation, since the offender and the perpetration of a criminal offence have to be established without any doubt in court." (Hagemann-White et al. 2010, 43)

In practice, this means that most of those cases in which the parents' customary right of corporal punishment would have applied before the law on the proscription of violence in education was passed in 2000 still go unpunished. In other words, a slap in the face and a smack on the bottom are punishable, but will usually remain unpunished. The reason given to justify this is that a sentence based on a slap in the face would affect the family peace and the relationship between the parents and their child far more seriously than the slap itself does.

Usually, a case concerning a slap in the face or similar is dismissed as a minor fault even before indictment. If legal proceedings have been initiated, they are often closed in favour of other measures, such as family counseling, since according to the Guidelines for Criminal and Administrative Fine Proceedings ("Richtlinien für das Strafverfahren und das Bußgeldverfahren" (RiStBV)), the public interest in a prosecution is then no longer given and a dismissal in accordance with section 153 of the German Code of Criminal Procedure is possible. Legally, this is, of course, a permanent balancing act. Nevertheless, the law on the proscription of violence in education is having an effect in several areas of jurisdiction. Initially regarded as a "toothless tiger", one can now



observe its impact in the fields of family issues and criminal justice, where it effectively means that possible justifications for certain forms of behavior have been discarded (Roll 2010): It is no longer a matter of determining which behavior on the part of the child it was that triggered a violent reaction in the adult, since the latter is generally deemed inadmissible.

Corresponding tendencies can be found on the level of the (rare) sentences and they are also reflected in their assessment by legal practitioners, the expert audience, the general public and the media.

Overall, this sentence reflects a significant change regarding the attitude towards physical violence against children in education, although it is not (yet) met with general consent, if applied this consistently.

PORTUGAL

The relationship between parents and children is characterised by mutual respect. However the parents should guide the children's education and the children should obey them. The corrective power of parents is neither absolute, nor the children's obedience should be blind.

According to this – and to the number 2 of the article 1878 of the Civil Code – parents should grant children a level of autonomy which is adequate to their age and development stage. The Portuguese Constitution also establishes the children's right to protection against the abusive exercise of authority in the family

In Portugal, the application of corporal punishment could lead to criminal and civil liability. That said, there are two parallel ways of intervention that could eventually be cumulative or alternate.

The article 152 of the Penal Code, which establishes the crime of domestic violence (Law number 59/2007, September 4th) criminalises corporal punishment, qualifying it as maltreatment. **This solution is entirely adequate, and in compliance with the ratification by Portugal of the Convention on the Rights of the Child and other international obligations that binds the country.** On the other hand – and in cases



where maltreatment occurs outside the house and family context, such as the institutional domain [e.g. corporal punishment practiced by a staff member] – the article 152-A is the one that ought to be applied. The crime of domestic violence (ref. article 152) against children requires the **cohabitation** with the agent in a context of violence. All other cases of corporal punishment against children that are not specifically established by the aforementioned articles should be addressed as offences to physical integrity:

It is important to make a distinction between the crime of domestic violence and offences to physical integrity: a single smack is not considered domestic violence, but rather a simple corporal offence, with the exception of cases of a violent relationship. Only in case of light corporal offence (when the article in question is art. 143º) is possible to exclude the penal relevance of the parents' behavior on the basis of his educational purpose.

However, in what concerns corporal offences which should not be treated as domestic violence (a father who beats his son but does not live with him) art. 145 can be applied in situations of significant **reprehensibility** and **perverseness**. The Portuguese legislator established a set of examples in the number 2 of the article 132 of the Penal Code, in order to clear the concepts of significant reprehensibility and perverseness. However, the simple verification of said examples is not enough to determine the nature of the crime. In other words, these are **mere indicators of serious misconduct**. This way, it is always necessary to prove the reprehensibility and perverseness, even when the nature of the situations is determined. Having said that, one of these examples is associated with the fact that the **perpetrator is the victim's ascendant**.

As mentioned before, civil law also includes mechanisms to protect victims of corporal punishment, even if compensatory – the different **forms of indemnity** paid to the victims. The indemnity is used to compensate the victim and reduce the damage suffered. However, it is important to point out that said compensation can have a punitive character to the agent.



In order to exercise the right to an indemnity, the victim can submit a **civil compensation claim** during the criminal proceedings. The non-submission could lead to the debarment of said right. However, the **minors** and their **representatives** rarely require the payment of any form of monetary compensation, which is easily understandable.

In this regard, a recent law (Law number 130/2015, September 4th) established an automatic mechanism of compensation, in order to protect the victims of the criminal proceedings, namely those who are particularly vulnerable, such as the children. In other words, if a particularly vulnerable victim does not solicit the payment of a civil compensation during the criminal proceedings, that will not exclude said compensation (unless the victims or his/her representative waives said right).

The Portuguese legislation establishes the incrimination of corporal punishment according to the **articles 152 and 152-A of the Penal Code**. However, these legal types of crime are not solely related to children nor were they established to inhibit 'light' corporal punishment for educational purposes. As mentioned before, this type of crime requires a penalisation that meets the maltreatment offences, perceived as significantly serious. However, corporal punishments which do not correspond to the requisites of these articles can be punished within art. 143º (or even 145º).

Conclusion

The Portuguese legislation is quite clear in the prohibition of corporal punishment, in cases of domestic violence (article 152), maltreatment (152-A), physical injury (art. 143º) and qualified physical injury (art. 145º). Therefore, it is easy to observe that there is no ambiguity in terms of legislation.

However, the clarity of these notions is mitigated by two circumstances. **Firstly**, the fact that the incriminations were established to prohibit the application of 'light' corporal punishment for educational purposes; **secondly**, by the recognition of a parents' power-duty of education/correction towards their children.

Case Law in Portugal

All the judicial decisions by Superior Courts versed in the application of corporal punishment against children for educational purposes were analyzed, under the following circumstances:

- i. The jurisprudence digital databases in Portugal only include the decision by Courts of Appeal, rather than decisions by Courts of First Instance.
- ii. Since the number of Superior Courts' decisions on this theme is not very high, it would only be possible to determine the existence or non-existence of decision-making patterns by analysing all said decisions. Therefore, 23 rulings from 8 Courts were analysed.

It is important to mention that the discussion on the incrimination of the application of corporal punishment against children is **fairly recent** in Portugal. Therefore, this issue was not discussed in terms of jurisprudence and the application of corporal punishment was accepted as part of the parents' correction duty. Consequently, only **2.3%** of the rulings analysed were **prior to 2000**, while **91.3%** took place **after 2004**.

The Courts make decisions on a wide range of conducts with different levels of seriousness: from smacks to situations of extreme violence. These should not be addressed lightly, but rather as worrisome social problems that affect children and require judicial actions. The more serious offences are usually perceived as crimes of domestic violence, while the less serious offences are considered corporal offences (determined according to the perpetrator's relationship with the victim). However, there are serious situations that are not perceived as crimes of domestic violence, because the victim and the agent do not live together

It is important to make a distinction regarding the connection between agent and victim: it could be a **family member** or a **third party** (educators, members of the school staff, teachers, etc.). Regarding the first, the majority of the Superior Courts decisions



acknowledged the parents' **entitlement to apply light corporal punishment for educational purposes, as long as these actions are adequate and proportional**. The same goes regarding **grandparents', and eventual other family members**. This is understood as a transmission of the power-duty of correction, which is possible if the agents have a **close relationship** with the child or if the **parents trust them**.

Regarding the third parties, the Superior National Courts do not acknowledge any power-duty of correction via corporal punishment. In fact, these individuals **cannot resort to corporal punishment, even when entitled to such by the parents**. Therefore, the third parties' power-duty of correction is quite limited; any misconduct or offence against the child's physical integrity could lead to criminal charges.

According to the United Nations, the concept of corporal punishment comprehends all kinds of punishment that resorts to physical strength to cause pain or discomfort. However according to Portuguese Superior Courts there are two distinct subjective plans: when corporal punishment is applied by **parents and close family members** or by **third parties**.

Regarding the first, **the Portuguese jurisprudence and legal writings provide an offset to the definition established by the UN, by acknowledging the parents' power-duty to resort to 'light' offences against the children's physical integrity**. Although, these offences ought to be adequate and can only be applied for educational purposes (e.g. light grabbing a child by the ear). In addition, there's a widespread notion that the older the child gets, the less necessary and adequate corporal punishment becomes.

In what concerns the second plan, the Portuguese jurisprudence **does not recognise any definition different from the one established by the UN**. However, it is necessary to mention that the concept of corporal punishment adopted by the UN will hardly influence the decisions by the Portuguese Courts. In fact, our Courts do not acknowledge the third parties' power-duty of correction, only the one from the parents and close family members.



The vast majority of national bodies of law recognise the parents' lawfulness in the application of light corporal punishment for educational purposes; in fact, 82.6% of the rulings analysed support this position. However, we are witnessing a change in the paradigm, since the Portuguese Courts are advocating for the benefits of positive parenthood, based on the impact of words and examples, rather than smacks or other practices. That being said, and quoting a decision by the Coimbra's Court of Appeal (July 19th 2013) "it is necessary to highlight the corrective power of persuasion, example and words and the negative impact of causing physical pain, in order to provide a more effective solution to this increasing social issue."

According to this idea, the decisions by the Coimbra's Court of Appeal on October 7th 2009 and the Court of Appeal of October 12th 2016 can be seen as the culmination of a new path followed by the national bodies of law:

"The power-duty to correction (and not the right to correction) should be perceived as part of the right to education; however, it should not comprehend the right to assault and offend the children nor violate their physical integrity and psychological health)⁸."

Any kind of violent behaviour by the parents or other individuals should be considered a violation of the children's right to education and the parents' duty of education. Educating does not mean punishing. It means teaching and correcting without resorting to physical or mental abuse. On the other hand, it is important to distinguish between the legitimate corrective actions during certain development states (childhood or early adolescence) and practices during later stages of adolescence.

According to several documents designed by UNICEF, we believe that there is still a high prevalence of corporal punishment practices as educational measures; therefore, it is important to change the state of things, by creating a culture of non-violence towards children and raise people's awareness, so that adults will never express their will or frustration through violence against children.

⁸ Cristina Dias, 'A Criança como sujeito de direitos e o poder de correção', JULGAR magazine, number 4, 2008, pp. 95 and 101.

SPAIN

From the analysis made it could be said that in Spain much progress has been made in the protection of minors and, in particular, in the prohibition of corporal punishment of minors by the parents. The turning point regarding this progress is in 2007 when Law 54/2007 is approved, which removes from the legal system the so-called "right of correction" in article 154 of the Civil Code. Currently, **in the civil area** there are two key articles that should be mentioned in this report:

- Firstly, **article 154 of the Civil Code** recently modified through Law 26/2015, which regulates parental authority and the functions that this institution has inherent. In this sense, it is possible to mean that parental authority is normatively articulated as **"parental responsibility"** and must always be exercised in the interests of minors, according to their personality, respecting the rights of minors as well as their physical integrity and integrity mental. Among the functions that the exercise of parental authority attributes to the parents are to watch over the children, to have them in their company, to feed them, to educate them and to provide them with an integral formation.
- Secondly, it is possible to refer to **article 155 of the Civil Code**, which regulates the "duty of obedience" of the minors to the parents.

However, **the criminal treatment of the actions of mistreatment to the infancy** has not a specific approach but is included in the Spanish legislation related to family violence since the late 80s, incorporating the commission as well as the omission action. Notwithstanding the foregoing, two articles of the Penal Code that are key in this area should be highlighted: articles 153 and 172 of the Penal Code. **Article 153 of the Criminal Code** that criminalizes any psychological impairment or minor injury as well as beatings and mistreatment without causing injury in the domestic sphere.

Some aspects of interest of the normative, doctrinal (scientific literature) and jurisprudential (case law) analysis in Spain are listed below:



1. From the normative point of view, the wording of article 154 of the Civil Code after the amendment introduced in 2007, makes it possible to assert that the so-called "right of correction" of the parents on the children framed in the faculties and powers of parental authority and as an educational measure, it is 'formally and normatively' outside our legal system at the national level, in line with Article 19 of the Convention on the Rights of the Child and Comment No. 8 of the Committee on the Convention on the Rights of the Child of 2006 .
2. Regarding the normative delimitation of parental authority (and its functions) via article 154 of the Civil Code, special attention must be paid to the changes introduced in the literal diction of the precept through Law 26/2015 (referenced in previous lines) . In this sense, it is possible to mean how parental authority is normatively articulated - at the present time - as "parental responsibility", which must always be exercised in the interests of minors and according to their personality. In relation to the explicit limits of parental authority, the wording of article 154 is new because it refers for the first time to "respect for the rights" of minors as well as to their physical integrity and their mental integrity. An important point in the new normative articulation of the patria potestad lies in the functions that comprise said figure. Functions are not articulated - in any case - as parental rights but as duties and powers of parents. The list of such duties and faculties is concretized in watching over the minors, having them in their company, feeding them, educating them and providing them with an integral formation.
3. Notwithstanding what has been said in relation to the formal elimination of the "right of correction" in the Spanish legal system, it can be observed that at the level of autonomous legislation civil and/or legal legislation of its own still exists that expressly contain the "right of correction "Framed within the so-called" paternal authority ". Such is the case of Autonomous Communities such as Catalonia, Navarre and Aragon.



4. In the light of the foregoing and in relation to these qualifications in terms of being able to state clearly and forcefully that the so-called "right of rectification" of the parents is outside the legal protection, it is possible to cite article 155 of the Civil Code. This precept regulates the "duty of obedience" of the minors with respect to their parents and for a certain doctrinal sector this allusion would justify a certain degree of (slight) correction on the part of the parents on the minors.
5. In the same line of interpretation, one could cite articles 9 bis and ter of Law 26/2015, of July 28, when they refer to the duties of minors and, in particular, their duties in The family environment⁹.
6. The solution, perhaps, would be to not identify the "right of correction" of the parents with corporal corporal punishment as normative (and traditionally) has been identifying.
7. Respect to the criminal sphere, it should be noted that although articles 153 and 173 of the Penal Code criminalize minor injuries and inhuman and /or degrading treatment in the domestic sphere - where corporal punishment could be introduced to minors - after successive modifications in 2003, 2004 and 2015, the truth and truth is that there is a sector that is reluctant to penalize certain behaviors that could be classified as 'mild' when they do not cause injuries Physical properties. From this perspective, the criminal responsibility of a criminal offense is included in article 20.7 of the Penal Code, with the argument that it is acting "in the performance of a duty or in the legitimate exercise of a right."

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On this point see ALGARRA PRATS, E., and BARCELÓ DOMÉNECH, J. (2016). "Freedom of the children in the family: duties of the children and right of correction of the parents. Situation in the Spanish law ", in Legal News Iberoamerican, núm. 4, February 2016, pp. 59-74.

8. In the same interpretive line tending to minimize and/or naturalize (within a given socio-cultural context) minor corporal punishment of minors by parents, it would be possible to refer to the principles of insignificance and minimal intervention in the criminal sphere which are used to exempt and/or dilute the criminal responsibility of parents.
9. Other aspects to be considered and / or taken into account in relation to proposals for improvement in the normative area (and specifically in criminal law) would be the following: a) The allegation of acting in a 'state of necessity' and/or 'self-defense' where the use of physical violence would be defensive and not corrective and/or educative; b) The practical problems of the imposition of the mandatory accessory penalty of 'detachment' in all convictions for domestic violence via article 57.2 CP; c) The recourse to the pardon¹⁰ when, after the criminal conviction, the penal sanction is totally or partially without effect.
10. Significant differences are observed in the analysis of the scientific doctrine and in the doctrinal analysis of jurisprudence. This shows a greater reluctance to eliminate the "right of correction" within our legal system to scientific doctrine in relation to jurisprudential evolution. Moreover, from the scientific doctrine, the criminalization of behaviors that would be classified as mild and that do not

10 Regarding pardon, it should be noted that this is a measure of grace, of an exceptional nature, consisting of the total or partial remission of the sentence imposed by a final judgment, granted by the King on the proposal of the Minister of Justice, after deliberation by the Council of Ministers. The pardon can be total or partial and implies the remission of all the penalties or part of them pending compliance and / or, where appropriate, the commutation of the same. For the purposes of this report, it is necessary to mean the contradictions that arise when at the legal level it is not possible to speak of the "right of correction" and nevertheless at the level of application and normative interpretation after a sentence for domestic violence derived from corporal punishment to minors the Pardon and this is granted, at least partially, in the part of leaving without effect the accessory but mandatory penalty of removal of the condemned parent over the minors. As an example of the above, it is worth mentioning Royal Decree 606/2009, of April 8, whereby the mother convicted by the Provincial Court of Jaén is sentenced in judgment of January 22, 2009, resolving the appeal filed against Another from the Criminal Court number 3 of Jaén, as the author of an offense of ill-treatment, to the sentence of 67 days imprisonment, with the accessory of spatial disqualification for the exercise of the right to vote suffrage, deprivation of possession and possession of Weapons for six months and prohibition of approaching less than 500 meters to his son during a year and 67 days. The pardon granted in this case was partial affecting the penalty of prohibition of approach to his minor child. The Royal Decree can be consulted at the following URL: <https://www.boe.es/boe/dias/2009/05/09/pdfs/BOE-A-2009-7726.pdf>. Date of consultation: 12/22/2016.



produce physical injuries is questioned in a more or less constant way. On the other hand, in the area of normative application in a court seat, since the normative amendment of 2007 an important line of jurisprudence has been developed that rejects corporal punishment in all cases and in no case justifies them as a member of the "right to correction, "what is more, there are numerous sentences that speak of the" faculty of correction "specifying that, in any case, it is not a right. However, it is also possible to refer to an important group of judgments where, taking into account different interpretative criteria, they place the "right of correction" within the faculties of parental authority articulating this right based on a series of limits such as respect for the physical and/or psychological integrity of the children and according to criteria of proportionality and corrective purpose.

Case law in Spain

Currently, at the jurisprudential level, there is progress in regard to considering prohibited and aren't adjusted to right the corporal punishment of minors traditionally legitimized in the so-called 'right of correction' of the parents on the children. Therefore, a line of jurisprudence has evolved and doesn't consider adjusted or proportionate corporal punishment as an educational measure or as a right within the faculties of the exercise of "parental authority". Proof of this is the recent ruling of the Criminal Court No. 4 of Malaga on 28 September 2016¹ where it condemns a woman to carry out work for the community for 31 days and no longer communicate or approach her younger daughter less of 300 meters for a year when it's considered responsible for a crime of ill-treatment of Article 153.2 of the Penal Code.

The analysis of the judgments summarized shows how from the point of view of the normative application, begins to be consolidated –jurisprudential -the non-acceptance of corporal punishment of minors within the framework of the right of correction.

Notwithstanding what has been said in relation to recent judgments dating from 2016 and 2015 respectively, it's interesting to refer to one of the key and benchmark

sentences in the matter and of which -at the time -various means of communication for the novelties that it introduced in the traditional conception of the paternal/maternal-filial relations. This is the sentence of the Provincial Court of Jaen of 22 January 2009 condemning a mother based on Article 153 of the Criminal Code. For the purposes of this report, it's relevant to pay particular attention to the Legal Basis Second, where it defines the purpose of the appeal in the following terms: “(...) *The issue of the case isn't about the breakdown of family peace or the situation of domination or tyranny of one family member over others, but whether there is a right of correction of parents to children who legitimizes the use of violence physical, and if the accused was exceeded in the exercise of that right-duty of education of the child when beating his son in response to a violent and previous behavior of the same*”.

In view of the above, and from the point of view of case analysis through jurisprudence, it could be inferred that the majority jurisprudential doctrine denies that there is a right of correction that protects and/or legitimizes corporal punishment of minors. However, although this is the main line, it is possible to delineate a minority (and more conservative) doctrine that considers it possible to frame the slight corporal punishment within the right of correction as a dimension of the right to the education of the parents and within the framework of the faculties of the exercise of parental authority. In this line could be located the so-called 'slight isolated corrective'.

As examples of both jurisprudential lines (and without prejudice to the jurisprudential references analyzed and quoted in previous paragraphs) it would be possible to refer the following judgments in the field of normative application and/or interpretation:

- **Judgments that consider that the exercise of violence (in any form) isn't covered by the right of correction (and / or education).**

- Judgment of the Supreme Court, Second Chamber of the Criminal, November 8, 2015. Analytical overview: The right of correction is not considered justified because who gives a slap to the minor is not the parent but the partner of his father. Therefore, it is not justified to argue that said slap was offered to the minor in the exercise of parental



authority. The classification of conduct is included in paragraphs 2 and 3 of article 153 of the Criminal Code.

- Judgment of the Supreme Court of Criminal Matters of July 10, 2014. Analytical overview: The use of violence for reprimand in the event of a minor's disobedience is not considered justified.
- Judgment of the Provincial Court of the Balearic Islands, Section 1, of April 7, 2015. Analytical overview: Considers that the successive regulatory reforms undertaken in both civil and criminal courts preclude a right to correction. And in case of its existence, it considers that this hypothetical right would not justify the use of the violence.
- Judgment of the Provincial Court of Salamanca, Section 1^a, of November 20, 2013. Analytical overview: Considers that the right of education can not be justified by criminal conduct. It refers to the deletion by the legislator of any express reference to the right of correction through successive regulatory reforms.
- Judgment of the Criminal Court of Pamplona / Iruña, July 12, 2013. Analytical overview: Even though there is an autonomous legislation in civil matters where there is talk of the right of correction, it is not absolute and has interpretive limits and applications from the point of view of national and international regulations.

- Judgments that consider that a slap doesn't have enough entity to constitute a crime.

- Judgment of the Provincial Court of Vizcaya, Section 6, of January 28, 2015. Analytical overview: It isn't deserving of criminal reproach the performance of a father who was overcome by the attitude of his daughter. Consider that there was rapture.
- Judgment of the Provincial Court of Albacete, Section 2, of December 23, 2010. Analytical overview: Considers that the punctual action of slapping the child in the face of a disrespectful and insolent reaction of the child to the father is not criminally reprehensible. The slap in the right to education is justified.



Module 3. LITERATURE REVIEW

There is evidence that corporal punishment is practiced in various forms and is still socially acceptable in certain communities. The majority of children across the world (80%) have been spanked or subjected to some other corporal punishment by their parents (UNICEF, 2017). This Module is dedicated to the scientific evidence collected of the effects of corporal punishment and why after all it is important to introduce a full ban on all types of corporal punishments; the prohibition needs to be followed by the proper implementation of the law. **It is important to explain the concept of corporal punishment and its evidence-based harmful consequences as well as to encourage the adoption of positive discipline practices.**

Why is it important to think about these effects?

It is quite common that many parents think that corporal punishments, including a slap or two, some spanking have a positive impact on the child when they “cannot be convinced in any other way”. Very often the argument pointed out in support of “one slap approach” is that these practices have a serious track record of being spread among families of various social status, various beliefs and attitudes. The ideas about putting an end to this type of punishments are generally considered to be unnecessarily modern and an unnecessary denial of the old, reliable approaches. Very often during the meetings with parents who spank their children, they tell us: “My father also used to beat me and this did me well”, “only harsh discipline and thrashing can put you back on track”. A foster parent, who shared without being asked, that he had hit the child placed with them, was trying to convince the audience in all sincerity that he deeply believed that this behaviour was appropriate, that when he was a child, he himself had been spanked and he remembered very well that this had had a good effect on him. In fact, this was yet another example of the effects of corporal punishment on a child and on the adult later in life.

The prohibition of corporal punishment is still not a world-wide practice; there is still a high level of tolerance for the use of well-intentioned force despite the ratification of the



UN Convention on the Right of the Child as if it ceases to be violence when it is meant to elicit the desired behaviour. There is a growing world-wide tendency toward prohibiting the corporal punishment in any setting: there is a full ban in place in 53 countries and more than 56 countries have undertaken the commitment to introduce a full ban¹¹. The tolerance for corporal punishment depends also on its frequency, i.e. quite often “a spanking”, “a slap” from time to time are considered for something usual and natural, something effective to elicit the desired behavioural change. In fact, the frequency is related to the consequences for the child; the individual experience of the child is also important, what significance the child attributes to the chastisement.

Normally, corporal punishment is associated with the educational approach in the family and most of the studies are focused on looking at the factors, mechanisms, effects namely in this particular setting. In practice, the negative effects of corporal punishment are increased also by practising it in kindergartens, schools and various homes and other structures for placement of children at risk as a disciplinary tool.

The safeguarding of children’s rights involves also activities related to prevention of corporal punishment, support to children, victims of such “disciplinary interventions”. Therefore, it is important to support the professional view with data and evidence of the consequences of the use of corporal punishment as a disciplinary method.

It is also important to put efforts into ending the corporal punishment, its prohibition via the legal provisions and court practice. As indicated in a review of the studies in this field conducted by the Global Initiative to End All Corporal Punishment of Children. “Studies in Finland have found that there has been a clear reduction in all forms of corporal punishment and other parental violence against children since prohibition in 1983 and that the decline in physical punishment was associated with a similar decline in the number of children who were murdered.” (Österman, 2014). In Germany, which achieved full prohibition in 2000, research has shown significant decreases in violent punishment, which has been linked to decreases in violence by young people in school

¹¹ www.endcorporalpunishment.org, 2018



and elsewhere and to reductions in the proportion of women experiencing physical injury due to domestic violence. (Pfeiffer, 2012), (Centaur, 2013).¹²

The same review points out: “In a few states which have prohibited all corporal punishment, the positive effects of the decreased use of physical punishment are becoming visible¹³. Research in Sweden has found huge declines in the prevalence of corporal punishment since prohibition was achieved in 1979. A 2000 study which examined the impact of the ban found that there had been a decrease in the number of 15 to 17 year olds involved in theft, narcotics crimes, assaults against young children and rape and a decrease in suicide and use of alcohol and drugs by the young people.”. (Durrant, 2000).

Development of research on the topic of corporal punishment

Many studies have shown that physical punishment – including spanking, hitting and other means of causing pain – can lead to increased aggression, antisocial behaviour, physical injuries and mental health problems for the children.

If we go back 25 – 30 years ago, we will find that corporal punishment was a widely spread and well established child discipline method.

However, this tendency started to change since the research found a link between the “normative” corporal punishment and child aggression, delinquency and spousal abuse at later stage in life. Some of these studies include major representative samples from the US and others consider potential accompanying factors, such as parental stress, socio-economic status. Some of the researches examine the potential of the parents’ arguments and to what extent they influence the relation between physical punishment and child aggression. In essence, without an exception, the studies establish that physical punishment is associated with higher levels of aggression against parents, brothers and sisters, classmates and spouses.

¹² Corporal punishment of children: review of research on its impact and associations, 2016).

¹³ (www.endcorporalpunishment.org).

“By the 1990s, it was recognised that the method by which causality is typically shown in scientific studies — the randomised control trial — had limited application for studying the physical punishment of children. Although randomised control trials can be used to study the effect of reducing physical punishment, they cannot be used to study the effect of imposing such punishment because it would be unethical to assign children to a group receiving painful treatment when research suggests that such pain poses harm. The few existing randomised control trials showed that physical punishment was no more effective than other methods in eliciting compliance. In one such study, an average of eight spankings in a single session was needed to elicit compliance, and there was “no support for the necessity of the physical punishment.” (Day, D. E., & Roberts, M. W., 1983).

Child abuse is a risk factor for healthy development, predicting many emotional, psychological, behavioural and interpersonal problems in adolescence and adulthood. (Crouch JL, Milner JS, Thomsen C., 2001); (Felitti VJ, Anda RF, Nordenberg D, Williamson DF, Spitz AM, Edwards V, Koss MP, Marks JS., 1998 May;); (Milner, J. S., Thomsen, C. J., Crouch, J. L., Rabenhorst, M. M., Martens, P. M., Dyslin, C. W., Merrill, L. L. , 2010), (Santini, P. M., & Williams, L. C. A. , 2011). The use of corporal punishment is intended to inflict physical pain for disciplining purposes or correction of behaviour which is considered inappropriate.

Until the 1990s, corporal punishment was considered an acceptable method of discipline and not considered an abuse. (Durrant, J., & Ensom, R., 2012). Recent research, however, has established an association between a history of corporal punishment in childhood and greater risk for the occurrence of aggressive behaviour, learning problems, delinquency and domestic violence in adulthood. (Durrant, J., & Ensom, R., 2012); (Gershoff E. T., 2013). As a result, using corporal punishment against children is a risk factor for physical abuse and is considered a modality of abuse by experts. (Durrant, J., & Ensom, R., 2012); (Strauss, 2000).



In 2002, (Gershoff, E.T., 2002) performed a meta-analysis of 88 studies of the effect of the “ordinary” corporal punishment, specifically excluding the studies of “abuse” (i.e. actions requiring state intervention). In 2008, the findings are updated and described in a (Gershoff E. , 2008): What research tells us about Its Effects on Children”. Meta-analysis shows strong consensus on many negative outcomes of physical punishment, including destroying the parent-child relationship, weak internalisation of moral standards, increased child aggressions, violence at a later stage in life and impaired mental health. Twelve of the studies look at the association of physical punishment with children’s mental problems, such as anxiety and depression, and another 8 study its association with mental health problems at a later stage in life. With no exception, these 20 studies establish that physical punishment is linked with increased likelihood of mental health problems. Thirteen studies examine antisocial behaviour. Twelve of the 13 studies found that physical punishment is associated with greater probability of criminal and antisocial behaviour. Four out of five studies examining the link between physical punishment in childhood and criminal behaviour in adulthood, have unanimously reached the same conclusion.

The report recommends that parents and caregivers make every effort to avoid using physical punishment and urges the passing of legislation banning physical punishment in all schools in the US. The report is approved by dozens of organisations, including the American Academy of Paediatrics, the American Medical Association and the psychologists for social responsibility.

After the meta-analysis in 2002 and its update in 2008, a number of other studies on physical punishment were published, confirming these undesired outcomes or associations. For example, a longitudinal study performed in the US on the disciplinary practices of over 2 573 parents earning low income, found that “spanking” of one-year old children leads to more aggressive behaviour and less complicated cognitive development in the next two years, even after taking into consideration factors such as: family, income and its structure, the mother’s race and ethnic background, her age and education, as well as the child’s gender.



Dr. Alan Kazdin, professor in psychology at the University of Yale and Director of the Yale Parenting Centre and Child Conduct Clinic argues that spanking does not work. “You cannot punish out these behaviours that you do not want. No research has proved the need of corporal punishment. We are not giving up an effective technique. We are saying this is a horrible thing that does not work.”¹⁴ Elizabeth Gershoff warns: “Corporal punishment doesn’t work to get kids to comply, so parents think they have to keep escalating it. That is why it is so dangerous.”¹⁵

“Physical punishment can work momentarily to stop problematic behaviour because children are afraid of being hit, but it doesn’t work in the long term and can make children more aggressive”, explains (Graham-Bermann Sandra A, Hughes Honore M, 2003).

According to Gershoff the negative effects of physical punishment may not become apparent for some time. “A child doesn’t get spanked and then run out and rob a store. There are indirect changes in how the child thinks about things and feels about things.”

A study, published in the Child Abuse and Neglect magazine (Simons, D and Wurtele, S., 2010), shows the intergenerational cycle of maltreatment in homes where physical punishment is practiced. Researchers interviewed parents and children aged 3 to 7 years from more than 100 families. The children who experienced physical punishment are more likely to support hitting as a means of resolving their conflicts with peers and brothers and sisters. The parents who often experienced physical punishment in their childhood are more likely to believe that this is acceptable and they often help their children. Their children in turn, often believe that spanking is an appropriate method of discipline.

As in many areas of science, some researchers disagree about the validity of the studies on physical punishment. (Larzelere R. , 1986), an Oklahoma State University professor who studies parental discipline, is a member of the American Pediatric Association task force who issued his own report because he disagreed with the scientific basis of the

¹⁴ <https://www.apa.org/monitor/2012/04/spanking.aspx>

¹⁵ <https://www.apa.org/monitor/2012/04/spanking.aspx>



task force recommendations. While he agrees that parents should reduce their use of physical punishment, he says that most of the cited studies are correlational and do not show a causal link between physical punishment and long-term negative effects on the children. “The studies do not discriminate well between non-abusive and overly severe types of corporal punishment,” Larzelere says. “You get worse outcomes from corporal punishment than from alternative disciplinary techniques only when it is used more severely or as the primary discipline tactic.”

In a meta-analysis of 26 studies, Larzelere and a colleague (Larzelere, R and Kuhn, R, 2005) found that an approach they described as “conditional spanking” led to greater reductions in child defiance or anti-social behaviour than 10 of 13 alternative discipline techniques, including reasoning, removal of privileges and time out. Larzelere defines conditional spanking as a disciplinary technique for 2 to 6-year-old children in which parents use two open-handed swats on the buttocks only after the child has defied milder discipline such as time out.

Gershoff also acknowledges that all of the studies on physical punishment have some shortcomings and limitations. “Unfortunately, all research on parent discipline is going to be correlational because we can’t randomly assign kids to parents for an experiment. But I don’t think we have to disregard all research that has been done,” she says. “I can just about count on one hand the studies that have found something.”¹⁶

Although some studies have found no relation between physical punishment and negative outcomes (Bradley RH, Conyn RF, Burchinal M, McAdoo HP, Coll CG., 2001), and others have found the relation to be moderated by other factors (Gunnore, M. L., & Mariner, C. L., 1997), no study has found physical punishment to have a long-term positive effect, and most studies have found negative effects (Grogan-Kaylor, 2004).

¹⁶ <https://www.apa.org/monitor/2012/04/spanking.aspx>



But were physical punishment and childhood aggression statistically associated because more aggressive children elicit higher levels of physical punishment? Although this was a possibility (Straus, 1979), researches were beginning to show that physical punishment elicits aggression. Early experiments had shown that pain elicits reflexive aggression (N. H. Azrin, D. F. Hake, and R. R. Hutchinson, 1965). In an early modelling study (Fairchild L, Erwin WM., 1977), boys in grade one who had watched a one-minute video of a boy being yelled at, shaken and spanked with a paddle for misbehaving showed more aggression while playing with dolls than boys who had watched a one-minute video of nonviolent responses to misbehaviour. In another study, Forgatch showed that a reduction in harsh discipline used by parents of boys at risk for antisocial behaviour was followed by significant reductions in their children's aggression (Forgatch MS, Patterson GR, Degarmo DS, Beldavs ZG., 2009). These and other findings spurred researchers to identify the mechanisms linking physical punishment and child aggression.

To address the causality question within ethical bounds, researchers designed prospective studies involving children who had equivalent levels of aggression or antisocial behaviour at the beginning of the study. In addition, increasingly sophisticated statistical modelling techniques were applied to correlational studies to aid understanding of the results. These studies changed the way in which physical punishment would be researched over the subsequent decade and redrew the landscape of the debate.

Prospective studies are becoming more widely used and randomised control trials are applied in relation with reducing physical punishment.

What is corporal punishment?

As already mentioned in module 1 in accordance with the internationally recognised human rights, children have the right to protection from all forms of violence, including



corporal punishment in any setting. General comment No. 8 (Para 11), (2006) of the UN Committee on the Rights of the Child: The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment, 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 often this 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. 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. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child. The Committee notes that corporal punishment is illegal within the home, at school, in the justice system, in all forms of alternative care and in situations of child labour; however, there are still grounds for concern that children still become victims of corporal punishment in the above settings.

Studies find that the definition of corporal punishment in the Western society ranges between maltreatment and physical violence, while making a reference to a link between this violence and the upbringing. When defining certain behaviour as a corporal punishment, criteria such as frequency and relationships context are specified, along with the significance of the *intention*, i.e. use of pain and fear in order to elicit the desired behaviour or desired change in the child’s behaviour. In other words, maltreatment and violence are considered corporal punishment when used as a method of discipline, with the intention to elicit change or correct the child’s behaviour in accordance with the parents’ desired model.

Factors favouring the use of corporal punishment

A growing number of studies show that there is a link between the use of *corporal punishment and other kinds of violence against children*. We can assume that the



children who are subjected to corporal punishment are very often subjected also to other kinds of abuse – at least to emotional abuse, as far as corporal punishment inflicts emotional suffering. It is very often accompanied by use of offensive language, rude attitude, which the child interprets as rejection, humiliation, belittling. Corporal punishment is often associated also with child neglect, lack of willingness and skills on the part of the parent to identify their needs. Researchers at Harvard University have studied the consequences of humiliating language. In 2009, a research (Sang Won Lee, Jeewook Choi, Jong-Sun Lee, Jae Hyun Yoo, Ko Woon Kim, Dongchan Kim, HyunWook Park, and Bumseok Jeong, 2017) shows that hurtful, humiliating or contemptuous language has a harmful impact on the child's brain and alters the functioning of the neural circuits and brain areas, associated with language comprehension. These attacks are at the origin of somatisation, depression, anxiety and developmental disorder (identity disorders, depersonalisation). Other studies show that this offensive language has potentially as serious consequences as physical abuse, and are associated with significant delinquency and aggression risks. The children who are exposed to them may develop personality disorders: borderline personality, narcissistic, compulsive and paranoid personality.” (Gueguen, 2014).

The use of corporal punishment is generally associated with the disciplinary tools of *authoritarian education*, which involves strong control and hardly any sensitivity, and values relationships based on authority and dependence. The approach adopted does not involve respect for the child but obedience. (Duclos, 2009). Sometimes parents “educate” the child together through the authority that they exercise, which by all means involves also emotional/psychological abuse; use of insulting, rude language when they address the child. Corporal punishment appears to be “between education and abuse” (Bélanger-Sabourin, 2011).

Punishment is often part of the “arsenal” of poor parental care, which is increasingly being identified as parental maltreatment or abuse. Most often, it is about educating – training the child to obey, about setting discipline as an ultimate goal, a goal in itself. The care aimed at strict obedience to rules is care about oneself, not about the child.



This type of maltreatment is often accompanied by physical violence in the form of punishment. Punishments constitute an attempt to influence the child's behaviour by inflicting pain, fear or suffering, which are intended to stop the undesirable behaviour. Corporal punishment is practiced in a more moderate form as disciplinary method “within the context of the supportive parent-child relationships” (Baumrind D, Larzelere RE, Cowan PA., 2002).

According to a study conducted by the Statistical Institute in Quebec of 2012 on violence in the family¹⁷, 35% of the children have experienced low frequency physical maltreatment, such as spanking, slapping and for 11% of them this was a repeated occurrence (three or more times), with the corporal punishment being in the form of a swat on the bottom, on the child's arms and legs; 6% of the children experienced grave physical violence, involving shaking a child under the age of 2 or swatting the child on the bottom or another part of the body with a hard object; about 0.9% of the children were victims of the three forms of behaviour specified above once or more than one time”. It is interesting that this study compares the data of the 2012 study with the data of 1999 and 2004 studies, which enables the outlining of tendencies in parents' attitude to corporal punishment, the measuring of the effects of various activities and programmes.

Another problem associated with the use of corporal punishments is the fact that they show disrespect to the child as a thinking and valuable human being.

Many studies find association between *corporate punishment as a method of discipline and domestic violence against children or between the partners*. The review of studies referred to above (Corporal punishment of children: summary of research on its impact and associations, 2016)¹⁸ states that “Corporal punishment and partner violence are closely linked.” Studies have found that social settings in which corporal punishment is prevalent tend to be social settings in which partner violence is prevalent (Levinson,

¹⁷ Gouvernement du Quebec, Institut de la statistique du Quebec, 2013 La violence familiale dans la vie des enfants du Quebec, 2012

¹⁸ <http://endcorporalpunishment.org/wp-content/uploads/research/Research-effects-summary-2016-06.pdf>



1989). Corporal punishment and intimate partner violence often coexist: studies have found that parents in households where intimate partner violence was perpetrated are more likely to inflict corporal punishment on their children (Taylor, CA at all, 2009) and that approval of husbands hitting their wives is associated with a belief that corporal punishment is necessary to rear children (Lansford, 2014). Associations have been found between experiencing corporal punishment as a child and perpetrating violence towards a partner as an adult (Dix, T., and Gershoff, E. T., 2000), experiencing violence from a partner as an adult (Bott, 2012), holding inequitable gender attitudes (Arango D, Morton M, Gennari F, Kiplesund S, Contreras M, Ellsberg M, 2014), and verbally coercing or physically forcing a partner to have sex as an adult.

In these cases the effects on the children stem from the pain directly inflicted, from the fear about oneself and the parent-victim, from the hatred and loyalty to the abusive parent. The understanding that where there is domestic violence, the child is always a victim of violence is not without a reason, even if it is not targeted at them. A study of 90 small communities¹⁹ (Schoebi, D. Plancherel B, Tchumakov, M, 2006), not belonging to the Western society, found a link between physical punishment of children and wife-battering (Levinson, 1981), which shows that “in 13.3% of the cases, the use of physical punishment of children occurs very often, 21% - often, 40% - occasionally and 26.5% - vary rarely or absent. The tendency to rely on physical punishment appears to be correlated ($r = .64$) with the tendency to wife-battery. Murder, even though it is a very rare occurrence, is identified in 78.5% of the communities included in the study, and it is also associated with family violence ($r = .60$ wife-battery, $r = .11$ with physical violence).”

There are various studies seeking to find a *link between parenthood relying on corporal punishment and various social, cultural and ethnic characteristics* of the families. Studies on ethnicity find that the social factors seem to have greater impact than ethnic

¹⁹ <https://www.cairn.info/revue-la-revue-internationale-de-l-education-familiale-2006-1-page-53.htm>



ones (Schoebi, D. Plancherel B, Tchumakov, M, 2006)²⁰), and they find a correlation (Éthier, L., Lacharité, C., Couture, G., 1999) with the social conditions, the social and community norms concerning violence, transgenerational transmission the upbringing model.

At the same time, the use of corporal punishment against vulnerable children (Afro-American, from minority groups, with disabilities) is more widely spread in the public structures (Corporal Punishment in Schools and Its Effect on Academic Success” Joint HRW/ACLU Statement, 2010). According to the authors of another study, (Dietz, 2000), the principal model which can be identified with parents using corporal punishment as a method of discipline, is the so called situational model, i.e. a model of stress and socialisation, i.e. high prevalence in families belonging to the lower socioeconomic strata, with lower educational attainment, i.e. experiencing constant frustration and living in constant stress and where the norm makes it acceptable to respond to stress with violence. The study aims to assess the social situational model of family violence through examination of the characteristics associated with the use of ordinary and severe corporal punishment as measured by the Parents-Child Conflict Tactics Scales. The study is a nationally representative sample; it uses Logistic Regression to examine the validity of the model and shows that families with fewer resources (lower income, lower educational attainment) were more likely to use corporal punishment. In addition, the study finds that those who had been more likely to be socialised into the use of violence were also more likely to use severe corporal punishment against their children; it also finds a significant relation between daily stress, parents’ dissatisfaction and frequency of corporal punishment use. The study reaches the conclusion that the “social situational model of family violence is supported, which suggests that increased efforts should be made to give these parents the resources they need to implement alternative discipline strategies.” (Dietz, 2000).

Studies conducted in Canada also find an association between violence used in the family educational practices and the social life satisfaction (Gouvernement du Quebec,

²⁰ <https://www.cairn.info/revue-la-revue-internationale-de-l-education-familiale-2006-1-page-53.htm>



Institut de la statistique du Québec, 2013. La violence familiale dans la vie des enfants du Québec, 2012. Les attitudes parentales et les pratiques familiales,²¹).

A comparative study on the use of corporal punishment in Switzerland and Russia does not identify any serious differences based on culture, the differences in the level of community stress and different ethnicity, but it finds that the frequency of corporal punishment use decreases with parents' and children's age, that young children and the boys, as much as they need more attention on the part of their parents, could be subjected to corporal punishment more frequently, "the parents supporting corporal punishment report more frequent use of corporal punishment, especially in the Russian sample where this association is stronger compared to the Swiss one. On the other hand, it is only in the Swiss sample that the fathers report that they punish their children more than the mothers do, and the mothers report shorter punishments. (La punition corporelle des enfants en Suisse et en Russie²²)

Summarising the findings of these studies, we could point the following risk factors for parents who would use corporal punishment against their children: parents' attitudes and beliefs in support of corporal punishments; social stress, poverty, isolation, cultural norms supporting physical violence as part of the family relations and as a method of education; the too young and immature parents of young children; parents who were raised by their parents by use of violence and punishments.

What are the effects on children?

The short- and long-term consequences for the children could be extremely serious. The consequences, as any consequence of violence and maltreatment, have at least two aspects: (Cyrulnick, 2016) the first one is associated with the direct pain from the experience; the second is the idea of the actual experience... It is exactly this perception that is associated with the long-term consequences of violence, which correlates with

²¹ <http://www.stat.gouv.qc.ca/statistiques/sante/environnement-social/violence-familles/violence-familiale-2012.pdf>

²² <https://www.cairn.info/revue-la-revue-internationale-de-l-education-familiale-2006-1-page-53.htm>



the adolescent and young person's perception of themselves, with their personality. The majority of children who have experienced violence and maltreatment perceive themselves as objects with no value, they have low self-esteem, which does not help them respect the others and often, these children also commit acts of violence or other kinds of deviant behaviour.

A major 2002 meta-analysis of 88 studies found associations between lawful corporal punishment by parents and ten negative outcomes (Gershoff, E.T., 2002) ; see also (Gershoff E. , 2008), and a major 2016 meta-analysis (Gershoff ET, Grogan-Kaylor A, 2016), which used 75 studies published over a period of over 50 years, involving a total of 160 927 children, confirmed the findings of the earlier meta-analysis and found evidence of associations with five more negative outcomes. The large and consistent body of evidence on the topic includes studies using sophisticated techniques which researchers have employed to address the arguments advanced by a few opponents of prohibition. (The Global Initiative's review of research on the impacts of and associations with corporal punishment, of which this document is a summary). The body of evidence is now overwhelming – more than 250 studies show associations between corporal punishment and a wide range of negative outcomes, while no studies have found evidence of any benefits. (Corporal punishment of children: summary of research on its impact and associationsp 2016).

Anabel Taylor²³ (Taylor, 2005) reviews recent research in the area of the impact of corporal punishment on children and young people and points out that a large body of research offers evidence about emotional and behavioural problems that may develop as a consequence of harsh physical punishment (Strassberg Z, Dodge KA, Pettit GS, Bates JE, 1994) (Straus MA, Sugarman DB, Giles-Sims J, 1997). There is wide agreement that harsh physical punishment is unacceptable and has consequences such as: antisocial behaviour, low self-esteem, internalising symptoms (anxiety, withdrawal and depression), and externalising (aggression, disobedience, and impulsiveness) (Gershoff, E.T., 2002); (Larzelere R. , 1996); (McLeod J, Shanahan M, 1993), (Strassberg Z, Dodge KA, Pettit GS, Bates JE, 1994); (Turner H , Finkelhor D, 1996)

²³ <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.613.4654&rep=rep1&type=pdf>



Children's injuries as an effect of corporal punishment

This is the most visible effect of physical violence, of corporal punishment. Sometimes, in the case of very young children, they can also lead to the child's death. **Corporal punishment kills thousands of children each year, injures many more and is the direct cause of many children's physical impairments** (Krug E.G. et al, 2002).

Studies conducted in all countries, in all regions testify to the severity of physical violence, which children suffer for the purpose of "disciplining". Corporal punishment involves hitting the children with the hand and an object; kicking, shaking and forcing children to stay in uncomfortable positions; and wide range of other painful and degrading treatment. (Committee on the Rights of the Child, 2006) (CRC/C/GC/8).

A review of studies (Corporal punishment of children: review of research on its impact and associations, 2016) on the topic has shown the link between the numerous physical incidents involving children and corporal punishment as well as the growing risk of escalation of the use of corporal punishments, established by many studies.

Corporal punishment has also a very harmful effect on the brain. A Magnetic Resonance Imaging scan, performed in 2010 at the University of Wisconsin examines the brain of physically abused children and finds reduced volume in their orbitofrontal cortex, which is central to our ability to love, be compassionate and in moral sense and emotions regulation, which explains the difficulties these children face in the relational life. (Hanson J L et al, 2010).

As the French pediatrician (Gueguen, 2011) **says:**

Quoting a Harvard study of 2009, examining young people who were "corrected" with belts and straps or other implements twice a year on the average over a period of three years when they were little children with the purpose of "being disciplined", which finds reduced volume of the grey matter in the prefrontal region. The area affected is the foremost part of the prefrontal cortex which is of significance for social life, involved in self-awareness, empathy and understanding the others. In 2010, Martin Teicher's team at Harvard shows that corporal punishment disturbs the dopaminergic pathways (a reward and stimulation system), which may result in increased vulnerability to drugs



and alcohol. Performing an interesting analysis of various studies, the author sums up: The child is not a tyrant, generally, their brain is simply immature. Adults would like children to be wise, rational, to obey immediately. Many people complain that their three-year old child acts on a whim, they are angry, they scream, have nightmares, they do not want to sleep in their own bed, etc. But this is normal for the age! The part of the brain responsible for our emotions and impulses begins maturing between the ages of five and seven. Before the age of five the brain's archaic emotiveness dominates and self-control is something difficult to achieve: the child experiences a strong emotional storm in order to obtain what they want and this storm involves uncontrolled fears and anguish, it is not a whim, or a pathological developmental disorder but a result of the brain's normal immaturity.

A major Canadian study (Clément ME, Bouchard C, Jetté M, et al., 2000) finds that children who are spanked by their parents are seven times more likely to be seriously harmed by their parents (e.g. hit with a closed fist or kicked) compared to the children who have not been spanked. (Crandall M, Chiu B, Sheehan K, 2006) ²⁴on infants reports that there is a 2.3 times higher probability of babies who have been spanked by their parents in the first year of life to sustain injuries that require medical attention in comparison with babies who have not been spanked.

The child's aggressive behaviour toward other children as an effect of corporal punishment

One of the effects of corporal punishment, most validated by studies, is children's aggressive behaviour. It is important to note that aggressive behaviour is not always a symptom of child abuse but very often it is. The review (Corporal punishment of children: review of research on its impact and associations, 2016) of research on the impact of corporal punishment shows that **“There is abundant evidence that corporal punishment is associated with increased aggression in children.** All 27 studies on the topic included in the 2002 meta-analysis found an association (Gershoff, E.T., 2002). It was confirmed by the 2016 meta-analysis, which examined seven studies on the topic

²⁴ <https://www.scholars.northwestern.edu/en/publications/injury-in-the-first-year-of-life-risk-factors-and-solutions-for-h>



(Gershoff ET, Grogan-Kaylor A, 2016) and by all the other numerous studies on the topic (Straus M A et al, 2014). Children who experienced corporal punishment are more likely to be aggressive towards their peers (Ani, C. C., Grantham-McGregor, S, 1998), to approve of the use of violence in peer relationships, to bully and to experience violence from their peers, to use violent methods to resolve conflicts (Ulman A, Straus M A, 2003).

The mechanisms of aggressive behaviour exhibited as early as the age of two are well described by Daniel Goleman (Goleman, 1995) as behaviour of children who have been maltreated within their family and who apply the same behavioural pattern toward the other children as the one they experienced. The pain, anguish, fear generate emotional and physical tension in the child and they cannot deal with it just by using words and explanations so they “go into action”. The child tries through playing games, drawing, fairy tales, which however, need to be shared by the adult. In practice, this is a rare occasion and it is even less likely that it is done with the necessary patience and good words by teachers and other adults. More often, aggressive behaviour increases isolation from the other children, peer rejection, punishment by the teachers, provokes motivation for learning, increases anxiety and tension.

For example, the first cycle of the Canadian Incidence Study of Reported Child Abuse and Neglect²⁵ (CIS 1998) shows that 75% of the cases of child physical abuse proven have taken place during episodes of physical punishment. This finding was presented again in the study's second cycle (CIS 2004) (<http://www.stat.gouv.qc.ca/statistiques/sante/environnement-social/violence-familles/violence-familiale-2004.pdf>).

Learning difficulties as an effect of corporal punishment

Learning difficulties of primary school children may be provoked by *peer rejection*, *lack of friends*, *poor treatment by the teachers*, who often expect only display of

²⁵ http://www.phac-aspc.gc.ca/publicat/cisfr-ecirf/pdf/cis_e.pdf



aggressive behaviour, no expectations of achievement invested. During a period when learning motivation is strongly related to adults' approval, it can be expected that it is not very strong with aggressive children.

Emotional blockage caused by insecurity, fear, distrust to the others and oneself, (Lony Schiltz, 2004) («²⁶ may also result in difficulties in the cognitive development and a developmental delay, in inability to concentrate, difficulties to understand and acquire the new knowledge. In practice, as if these children's cognitive development does not correspond to their actual age, they are unable to acquire knowledge, to make progress.

Research shows that corporal punishment can have a negative impact on children's cognitive development. The 2016 meta-analysis examined eight studies related to cognitive development and found an association between experience of corporal punishment and impaired cognitive ability (Gershoff ET, Grogan-Kaylor A, 2016). Other studies found an association between corporal punishment and lower IQ scores (Smith, J. R., Brooks-Gunn, J., & Klebanov, P. K., 1997), more limited vocabulary (MacKenzie M J et al, 2013), poorer cognitive abilities (Straus M, Paschall M, 2009), slower cognitive development (Straus M A et al, 2014), and poorer grades at school (Cherian V, 1994). Similar associations have been established with the corporal punishment in schools (Pells, K., Ogando Portela, M.J., 2015) (Ogando Portela, M. J. & Pells, K., 2015, Florence, 2015).

Very often, the delayed development has an impact on the development of abstract thinking, which also influences the thinking skills. There is a high risk of addictions, depression or delinquent behaviour associated with these children.

Difficulties during adolescence – delinquent behaviour, addictions, isolation

²⁶ https://www.researchgate.net/publication/234046780_Le_blocage_cognitif_emotionnel_et_motivationnel_des_elevés_surdoues_en_situation_d'echec_scolaire_grave_Résultats_d'études_cliniques_et_expérimentales_sur_la_resignation_apprise



Many studies indicate that *delinquent behaviour during adolescence* is one of the most frequently observed consequences. The reasons for this may vary.

The children, who have been subjected to punishment with the purpose of regulating their behaviour, often do understand which behaviour is undesirable but *have no sufficient behavioural repertoire that “works well”*. When parents resort to fear and not to teaching, explaining, understanding and talking with the child, the child after all has a very limited behavioural repertoire and paradoxically, this makes them use exactly this familiar unacceptable behaviour. In practice, corporal punishment puts children off the things that it aims to teach them²⁷.

A large prospective study, (Straus MA, Sugarman DB, Giles-Sims J, 1997), examines the initial levels of the child's antisocial behaviour and sex, family socioeconomic status and levels of emotional support and cognitive stimulation in the home. Even with these controls, physical punishment of a child between the ages of six and nine years predicted higher levels of antisocial behaviour two years later. Subsequent prospective studies yielded similar results, whether they controlled for parental age, child age, race and family structure (Gunnore, M. L., & Mariner, C. L., 1997), poverty, child age, emotional support, cognitive stimulation, sex, race and the interactions among these variables (Grogan-Kaylor A, 2005) or other factors. (Mulvaney MK, Mebert CJ., 2007), (Catherine A. Taylor, PhD, MSW, MPH, Jennifer A. Manganello, PhD, MPH, Shawna J. Lee, PhD, MSW, MPP, and Janet C. Rice, 2010), (Slade EP, Wissow LS, 2004), (Grogan-Kaylor, 2004). These studies provide the strongest evidence available that physical punishment is a risk factor for child aggression and antisocial behaviour.

Violence changes a child's perception of the others and *develops hostility, suspiciousness, decreases empathy*, which results in many situations being interpreted as threatening, eliciting fear, offence and anger and as a source of aggression and violence.

²⁷ Corporal punishment of children: review of research on its impact and associations, 2016



One of the key reasons is *the child identifying themselves* with the abuser's model when this is the parent during the hard processes of growing up in insecurity, pain and rejection and the loyalty.

The studies on the consequences of violence and corporal punishment in childhood offer a new prospect to *delinquent behaviour during adolescence*. For example, “if a teenager develops antisocial and violent behaviour, they are not considered simply delinquent and dangerous any more. We may realise that often there is victimisation experienced before violence being externalised (Éthier, L., Lacharité, C., Couture, G., 1999). Similarly, not all children who have been abused, become offenders but all offenders were victims of violence in the past.” (Pincus, Jonathan H, 2001) .

Difficulties of *psychosexual nature* appear to be among the effects of corporal punishment.

Effects on the mental health

By 2000, research on corporal punishment had expanded beyond its effect on child aggression. Studies were showing associations between corporal punishment and mental health, physical injury, parent–child relationships and family violence in adulthood. One of the first such studies (MacMillan HL, Boyle MH, Wong MY, Duku EK, Fleming JE, Walsh CA., 1999) linked slapping and spanking in childhood with psychiatric disorders in adulthood in a large Canadian sample, and its findings have since been supported by an ever-growing number of studies. Physical punishment is associated with a range of mental health problems in children, youth and adults, including depression, unhappiness, anxiety, feelings of hopelessness, use of drugs and alcohol, and general psychological maladjustment. (Afifi TO, Brownridge DA, Cox BJ, Sareen J, 2006), (Turner Ha, Muller PA, 2004), (Javo C, Rønning JA, Heyerdahl S, et al. , 2004), (Rodriguez CM, 2003). These relationships may be mediated by disruptions in parent–child attachment resulting from pain inflicted by a caregiver, (Coyle, D. D., Roggman, L. A., & Newland, L., 2002), by increased levels of cortisol (Bugental DB, Martorell GA,



Barraza V., 2003) or by chemical disruption of the brain's mechanism for regulating stress (McGowan PO, Sasaki A, D'Alessio AC, et al., 2009). Researchers find also that corporal punishment is linked to slower cognitive development and adversely affects academic achievement (Straus M, Paschall M, 2009). These findings come from large longitudinal studies that control for a wide range of potential confounders. (Bradley RH, Convyn RF, Burchinal M, McAdoo HP, Coll CG., 2001). Intriguing results are now emerging from neuroimaging studies, which suggest that physical punishment may reduce the volume of the brain's grey matter in areas associated with performance on the Wechsler Adult Intelligence Scale, third edition (WAIS-III). In addition, corporal punishment can cause alterations in the dopaminergic regions associated with vulnerability to the abuse of drugs and alcohol.

Prevention

Goals

Corporal punishment prevention involves a variety of measures and actions, aimed at achieving the following:

- Changing people's attitudes to upbringing as a whole and most of all to upbringing through violent methods;
- Enhancing people's sensitivity to the harm done by corporal punishment, its short and long-term consequences for the children;
- Enhancing parents and teachers' knowledge and skills to use alternative upbringing methods, to set boundaries and encourage socially acceptable behaviour.

Prevention measures



One of the important prevention steps is introducing **corporal punishment ban** in each country's legislation. There are still too many countries with no ban in place, there are still too many places across the world where the discussion about the good educational effects of "slapping", "using a slap or two" is still on. Within this context, it is particularly important to adopt a clear definition of what corporal punishment is. At the same time, it is good to develop **advocacy activities** at national level as well as on a case-by-case basis with the purpose of changing the legal practice.

The well-known activities aimed at changing attitudes and knowledge include: running **campaigns, public discussions, round tables and conferences on the topic, incorporating the topic in the preparation of students, future teachers, encouraging research, publications** meant for various social groups. Various studies show the association between the change in society's and parents' attitudes and the decrease in the use of corporal punishment of children. (Gouvernement du Quebec, Institut de la statistique du Quebec, 2013, La violence familiale dans la vie des enfants du Quebec, 2012. Les attitudes parentales et les pratiques familiales²⁸.)

Among the activities mentioned, particularly important are the **programmes aimed for parents** and especially for parents who are at risk of using corporal punishment. Studies show that these are mostly young parents of little children, parents whose lives involve higher level of social stress, parents who were victims of maltreatment by their parents or caregivers.

There is a need of programmes for parents who already subject their children to maltreatment, programmes aimed at **prevention of the child's separation from the family**. Child protection by placement of a child out of their own family is not always perceived and felt by the child as protection. Often this is yet another type of psychological abuse against the child and it is important that protection systems put more effort into working with the families to ensure children's safety and opting for placement as a really last resort and a short-term measure. It is extremely important to

²⁸ <http://www.stat.gouv.qc.ca/statistiques/sante/environnement-social/violence-familles/violence-familiale-2012.pdf>



develop **integrated services for children, victims of abuse, which involve also parent activities, including abusive parents.** Programmes that focus on relationships, bonds, parents' skills to take care of their children in a “good enough” way.

Parent programmes

Empowering parents

The corporal punishment prevention programmes for parents should take into account the role of the parents as figures of authority, the parents' fear of the “king child”, the fear of having a child who will not be accepted in society, of the hardships that they will face, etc. In other words, these programmes are meant to empower parents, not judge and stigmatise them. The meta-analysis results show that the most effective programmes in this field are the ones used for development of an approach centred on action or on parents' empowerment (Brown, Ivan, et Sue Sullivan, 2004). A very important message of the programmes should be that violence breeds violence and they should aim to offer support to parents to act, to exercise their parental authority, but without any use of violence.

As for the prevention and early intervention programmes, it appears that the ones teaching parents how to be consistent in applying non-violent strategies for management of undesired child behaviour, have a more positive impact on the reduction of child aggression (Warwick, Liz, 2003).

Being proactive, teaching alternative practices

Studies show that the parent programmes are to be focused on acquiring practices, skills and their practical use. “Proactive programmes for development of positive family educational practices are better than reactive programmes, which focus on harmful behaviour that has to be corrected. In addition, these results are more likely to have a



more lasting effect.” Positive parenting, also known as well-meaning education, respectful education, positive discipline or non-violent education, is an alternative approach to educating a child, based on respect for the child. Positive child education excludes all forms of violence and instead offers tools that are based on listening, dialogue, accompanying, mutual respect. Forget about threats, shouting, blackmail and punishments. The tools have nothing to do with this! (Les concepts clés de la parentalité positive)

Partnership and co-operation with the family is an essential requirement for the success of psychosocial and training interventions (Madsen William, 2009).

In order to engage the family in the helping process, the intervention workers have to get to know the family outside the problem and to apply a possibilities-centred vision (Madsen William, 2009).

Many authors believe that interventions aimed for the parents and their relatives should be based on the conviction that family members have the potential to improve the situation (Ausloos Guy, 1990), (Guay Jerome , 2009) while it is important to take into account the social context (Lemay, L., 2005).

The resilience approach as a concept could be very useful in understanding the coping mechanisms and avoiding the traumatic patterns from the childhood; it is based on the potential of the individuals, families and communities (Cyrulnik, Boris, 1999).

Developing commitment and empathy in the young people – future and present parents

Lack of empathy is a typical long-term consequence of violence and corporal punishment. Therefore, when working with young parents, who have been victims of maltreatment in their childhood, it is good to focus efforts on developing empathy. A growing number of studies and observations of the existing practice, show the “central



role of committing to the development of youth social skills, pro-social behaviour and adaptation skills. Empathy will not only be the ability to be sensitive about the needs and pain of the others, but also the ability to offer them “the right answer” (Decoster, 2009).

It seems that the family context has a pivotal role in the process of young people maturing to appreciate the necessity of being committed. In fact, two types of parental attitudes would have a positive effect: an empathic parent (to other people’s experiences, their needs and especially when it concerns their child) and a parent prone to express their positive feelings.

A parent, who is emotionally responsive and understanding of their child’s needs, enables the child to develop a secure attachment to their parent. Such a parent has a successful relationship with their child and feels satisfied. They come to believe in their ability to be a figure of authority and to develop better self-esteem. The child also senses their parent’s confidence and competence. This helps them feel more secure with their parent, whom they are fully dependant on. (Duclos, 2009). Of course, not all parents make the most of their experience. Adults who had secure early relationships will be more prone to act as a sensitive and empathic person. (SABOURIN, 2011)

What stops the recurrence of a violent parenting model?

In the first place, it is important to support parents in realising that most likely they repeat a traumatic experience they had.

The experience of physical pain in childhood inflicted by the parents, who at the same time give love to the child, may result in equating physical pain with love, physical pain with pleasure, which leads to many difficulties in adolescent sexual relationships. (Gershoff, E.T., 2002). “Early experiences with corporal punishment may model and legitimise many types of violence throughout an individual’s life, particularly violence in romantic relationships” (Gilles and Straus, 1988).



Repeating the parenting model in adulthood

As some researchers state, “corporal punishment in childhood, just like serious physical violence, is strongly associated with attitudes in adulthood supporting the use of violence in educating a child; attitudes, which in turn lead to use of violence against their own children.” (Marie-Eve Clément, Edith Boileau, 2010). The psychological scheme has to do with the way insecurity in childhood is addressed and whether the adult is ready to process it and reject it or to incorporate it in a power and subjection scheme. In the second case, the parent may perceive the child’s behaviour as one challenging their power, as a provocation, which is naturally followed by punishment. Of course, such association should not be regarded as definite and manifested every time. According to researchers examining the transgenerational transmission of violence within the family, there appears to be “a consensus that approximately one third of the children will one day become abusive parents and another one-third of victims appear to remain vulnerable to psychosocial stress, thus at risk of inappropriate parenting behaviour.” (Page Genevieve, Jacques Moreau, 2007). The majority of researchers as well as studies (l’Enquête québécoise sur la violence familiale dans la vie des enfants du Québec, 2004) on families or in the field of resilience, show that not every child victim of maltreatment will become an abusive parent but at the same time, it is clear that every abusive parent was subjected to maltreatment in their childhood.



Module 4: PROMISING PRACTICES

PROMISING PRACTICES FROM BULGARIA

WITHOUT SLAP PROGRAMME*

Parents Training Programme

The *WITHOUT SLAP Programme: Setting boundaries to Children with Love and Respect* has been developed by the *Nobody's Children* Foundation, Poland within the framework of a *Home without Violence* project, which was implemented jointly by the Social Activities and Practices Institute (Bulgaria), the *Nobody's Children* Foundation (Poland), *Dardedze* Centre (Latvia), with the financial support of the European Commission. The programme has been adapted for Bulgaria and has been available since 2013 to parents of children at kindergartens in Sofia, Shumen and Vidin, led by expert trainers from the Social Activities and Practices Institute.

1. Target group

The training programme is designed for parents of children aged 0 to 6 years. Its goal is to raise parents' awareness of the long-term consequences of corporal punishment and rough treatment in home environment as well as to acquaint them with the positive educational methods and good treatment of children.

2. Goals

The objectives to be achieved by the parents in the course of the sessions under the programme are as follows:

- to come to understand and be clear about their feelings, thoughts, beliefs, views and needs;
- to be able to better identify the reasons that drive their behaviour;
- to acquire skills for identifying and controlling their own emotions;
- to expand and improve their own skills, which will enable them to raise their children without using violence;



- to become familiar with behavioural patterns that are more favourable to the child and be able to apply them.

3. Methods

The programme seminars are held in a group format, with a recommended minimum number of participants - 8 and maximum - 14 people, which would ensure their active participation. The following working methods are applied during the group process: presentations, brainstorming, exercises in couples, role play, discussions, sharing of personal experience, home tasks, etc. The facilitators are professionals experienced in working with parent groups and knowledgeable about child development, educational methods based on setting of boundaries, identifying and understanding feelings, expressing and coping with feelings, active listening, educating the child, awareness that every action has consequences, encouraging positive behaviour.

* The *Nobody's Children* Foundation, Poland refers to the programme as *No Slap Training Programme*

4. Philosophy and principles

The programme's philosophy is focused on more mature and responsible parenting, ensuring that the child's education does not involve spanking and other humiliating methods. Hence, the participants are expected to undergo a change in the relationship with their children. These changes may involve: increased sensitivity to what they feel and think when experiencing difficult situations with their children, coping with their own helplessness, better understanding about what the child experiences when they are punished, using alternative, less harsh discipline methods. The change depends fully on how committed the parents are, on their self-reflection and how actively they participate in the sessions. The underlying principles promoted are related to the children's rights as stipulated in the UN Convention.

5. Description of content, topics, duration



The training is organised in three units of topics, the total duration of the sessions is 12 hours – they are divided in 6 two-hour sessions, including 10-minute breaks. The meetings are held on weekly basis.

Unit 1: No to spanking – why No? While seeking an answer to this main question, the participants are able to consider the reasons for using this approach, as well as to put themselves in the shoes of the child.

The first meeting with the parents is dedicated to introductions: of the participants and the facilitator, presentation of the programme, sharing expectations, adoption of rules. At this very first meeting, the facilitator inquires about the participants' opinion on spanking as a discipline method and sets a task to each parent to specify at least five factors, which help them in their child's upbringing.

The topics covered in this unit are: My child, myself and ... the spanking; is slapping violence? Why do parents beat their children? The key questions discussed have to do with the parent's role: what kind of child do you want to bring up? What methods do you use? How suitable these methods are for achieving the goals? What makes you want to hit your child? Why do parents hit their children? The facilitator acts as a moderator and summarises. The most common answers to the question *Why do parents hit their children?* are, for example: because they feel helpless; because they do not know any other way; because I have also been spanked and I have grown up to be a person; because the child has to understand that what they did was wrong; because I am the parent and I can do anything with my child; the facilitator provides information about the damages done to the children by the use of violence and presents the legal framework, concerning the ban of physical punishment. The conclusions that can be drawn are that spanking is “black pedagogy” and the message to the child is that violence is admissible in human relationships and it can be used for resolving various problems in life and also that *might makes right* and physical strength becomes a value. Spanking results in the child not respecting their parents and only instils fear in them, it is detrimental to the parent-child relationship and trust, it convinces the child that the person whom they love can hurt them and confuses them by placing them in a dual relationship.



Unit 2: Feelings – the participants consider the wide range of feelings which make them lose control and resort to spanking as a way to discipline a child. The participants seek ways to identify these feelings in themselves and the others and to develop skills for coping with those in difficult situations.

The topics considered in the course of this unit are: pool of feelings, vicious circle, parents' emotions and something else...how to control them? The main working task is focused on identifying and naming our emotions, identifying the thoughts in our minds, controlling our behaviour by mastering our feelings and thoughts, which overwhelm us automatically in a given situation. The main conclusion that the facilitator draws is that the feelings and thoughts stirred by certain events exist objectively – we experience them; the only thing that is subject to control is our behaviour. Parents are familiarised with the vicious circle of anger, i.e. when parents are not understanding and supportive, children seek their attention by unacceptable “bad” behaviour. Then parents respond by aggressive behaviour: raising their voice, spanking, hoping that they will discourage their child from acting like this. In practice, they get a different result: the child's negative behaviour gets worse and escalates. The most important task to be carried out during this unit is to familiarise the parents with techniques that will help them control their negative feelings, for example: deep breathing, clenching their fists, counting from 10 to 0, naming aloud the feeling experienced by the parent, thinking about something good and pleasant, leaving the room and calming down, giving the child time for reflection, etc.

Unit 3: Instead of spanking. Participants seek and practice behaviour that does not involve spanking, behaviour that encourages the child to be cooperative and teaches them that everything they do and the way they behave has consequences. The topics discussed during this unit: I know that you will cope; punishment and facing the consequences. The main idea is to introduce an alternative positive behaviour to replace spanking, such as open communication, naming the problem without judgment and showing the child how to fix it, explaining them the consequences of their behaviour, writing a letter to the child, the I-message, which contains three elements:



I...feel, when you...specific behaviour, because...specifying the consequences for the parent and the reasons for the feeling experienced, for example: I am unhappy when you do not put your slippers on because your socks get dirty and I cannot wash them. An important topic, which is also considered, is the difference between punishment and consequences. If the child behaves in an unacceptable manner, they have to face the consequences of this behaviour. The difference between “suffering a punishment” and “assuming responsibility” is that responsibility teaches and punishment only causes suffering. As Faber & Mazlish say: The problem with punishments is that they do not achieve the expected result since they cause mental traumas and instead of reflecting on their actions and the way they can set it right, the child’s only thought is how to respond and revenge. In other words, by punishing the child, we deprive them of very significant internal processes, which visualise bad behaviour for them.

Completion of the training programme. The facilitator thanks the participants for their efforts and each participant is asked to share what they will take with them, which disciplin methods they would give up on and which new ones they would apply in the relationship with their child.

The reflection of a trainer

I led the training programme of a group of 10 parents, which apart from mothers included also two fathers and a family: a mother and a father. My general impression from the participants was that parenting was important to them and they cared about the development of their children. Most of them were very active, they asked a lot of questions about how to respond to their children’s behaviour in particular situations, they were reading books for parents and were wondering if they were doing the right things. When in the beginning I inquired what they thought about punishments, all of them said they found corporal punishment and spanking unacceptable and said they did not practice it. After we created an atmosphere of trust in the group and had been working extensively on the topics, I was watching a mother who was quieter but very diligent, she was writing everything down and was rather concerned. I was wondering how to predispose her to talk. When we were discussing children’s experiences of punishment and the consequences for them, I repeated the group’s statement that all of



them did not accept and did not practice spanking. Then I decided to turn the conversation by asking which one of them had been punished as a child and how different or similar their parenting behaviour was from their parents' approach. While they were thinking over the questions, the silent mother started crying and said that she had been subjected to severe physical punishments by her father. She even admitted that she was practicing similar punishments with her two little children. This served as a trigger for the group participants to start sharing. The picture changed and it turned out that a major part of the parents practiced spanking as a discipline method. Without being judgmental, using the positive connotation, I pointed out that the fact that they were coming to this group willingly and were participating, meant that they were seeking another approach to the relationship with their children. We continued our work by discussing the purpose and harms done by punishment, the feelings and thoughts that trigger it and practicing acceptable alternative parenting behaviours. After each meeting, the parents were telling about the new approaches that they were testing, what helped them be more composed, what worked and what did not with their children. Upon completing the training, the parents shared that it was not only the new information that was valuable for them, but also the opportunity to practice and discuss new education methods applied in the relationship with their children instead of practicing spanking. And I went away hoping that they will really find the strength to stop practicing physical punishment.

GROWING UP TOGETHER PARENT WORKSHOP

The Growing up Together Workshop for Parents Programme is developed by UNICEF in the Republic of Croatia in support of parents of young children. It has been adapted for Bulgaria and has been implemented in various settlements in the country since 2012, in partnership with cultural community centres (chitalishte), kindergartens, local authorities and non-governmental organisations. Until 2017, more than 1500 parents completed successfully the programme's full cycle.

1. Target group



The Growing up Together Workshop for Parents Programme is designed for parents or other caregivers of little children – from birth to the age of 4. It is available to all parents, with the main criterion for participation being the parents' willingness and readiness to dedicate time to attend the cycle of group sessions included in the programme. Parents of children aged 5 and 6 may also join the programme but generally, its content is focused on the specific aspects of parenting during the first 3-4 years.

2. Programme goal

The programme aims to support parents in expanding their knowledge, skills and attitudes to ensure adequate care for the child's development at their early age and the building of positive relationship with them. The parent-child relationships are the programme's key focus. It provides a supportive environment where parents have the opportunity to share with other parents and professionals their experience, knowledge and concerns, related to the relationship and communication with the youngest children as well as to acquire knowledge about child development and their psychological needs at the earliest stage of childhood, taking into account the latest research data available in this field.

3. Methods

The programme makes use of group work methods and integrates also elements and the working principles applied in the groups for experience sharing and personal development and training groups. It consists of 14 seminars, organised on the basis of common topics and concepts, with a total duration of 28 hours, facilitated by specially trained team of two professionals (psychologists, social workers and pedagogues), experienced in the field of early child development, with the active participation of the parents. A group of 10 to 14 parents meet once a week over a period of 3.5 months.

4. Philosophy and principles

The programme is based on the modern understanding of child development during the earliest period of childhood and the role of the parents and the family environment for the development of the child's potential at this stage. It is a fundamental understanding



that parenthood, in terms of relationships, practices and values, has to be oriented to the child's best interest and to promote the positive relationships between adults and children, which contribute to both the child's and parent's development.

The programme principles comply with the Convention on the Rights of the Child and Recommendation 2006/19 of the Committee of Ministers on policy to support positive parenting, which respects, promotes and supports the rights of the child in the family. This involves the parent providing care and protection, rules and guidance, respecting the child as a person as well as encouragement and support of the child's autonomy.

Parents are given the primary responsibility for raising their children but they are granted the right to receive the support of the state in the fulfilment of their parental responsibilities. In that sense, the programme aims to empower and support the parents in taking care of their children. During this process, parents are equal partners of the professionals who facilitate the sessions and they exchange experience and co-operate with each other in the seeking of solutions for the fulfilment of parental responsibilities.

5. Description – content, topics, duration

The programme consists of 14 workshops for parents, focused on related topics. The workshops have a detailed plan and include short lectures, educational videos, presentations, discussions, interactive activities and working in small groups. Each workshop has duration of 2 hours and is held once a week at a time convenient for the parents. The sessions include also entertaining games, which parents can play at home with their children. There are written materials available for each session and the participants are encouraged to discuss them with their partners who do not participate in the programme.

Session 1: The 21st century parents

Introduction to the programme and its goals. It tackles the main challenges facing the parents of today and looks at the participants' subjective experience as parents.

Session 2: The four pillars of parenthood



Looks at the main elements of parenthood in the best interest of the child, which include: caring behaviour (love, emotional warmth and security), providing structure and guidance (setting boundaries, ensuring consistency and predictability in children's life), accepting the child as a person (accepting their opinion, listening to them, giving them an opportunity to make decisions on their own) and encouraging the child (supporting the child's interests, building their self-confidence, encouraging their independence).

Session 3: Parents' goals and children's psychological needs

Looks at children's needs at the various stages of early childhood and the peculiarities of their development (what is the child's way of thinking, what they feel and how they develop during the various stages), and also the ways to respond to the children's needs and creating the best possible conditions for development. Introduction to Erikson's theory of psychosocial development;

Session 4: Our children and how to love them.

Introduction to the child's development (physical, social and emotional, intellectual) and individual peculiarities. The importance of understanding the child's psychological status is highlighted as well as the importance of showing empathy to the child's experiences; giving love and support on the part of the parent; developing attachment.

Session 5: Listening to what they have to say – an important skill for the parent

Learning about the ways of efficient communication and listening to the young child. Helps parents to become aware of their own active listening skills as well as of the importance of effective listening for the building of quality relationship with the child.

Session 6: How the child learns about the world around them

Looks at how parents can support and assist the child's learning process; develop sensitivity and encourage the child to use various routine situations to get to know the world around; the importance of play for the child's development is highlighted.

Session 7: The world within reach.



Looks at the parent's role in the child's getting to know the world around; the importance of early reading and singing songs for child development. Discussion on the child's early exposure to modern communication technologies (television).

Session 8: Setting boundaries: Why and how?

Learning about the ways parents can help the child develop self-control and control their behaviour as well as provide efficient guidance to the child. Helps parents make sense of their own actions aimed at guiding the child's behaviour, the ways to express permission, expectations to the child, approval and bans. The role of the I-messages.

Session 9: Conflicts with children

Looks at the conflicts between children and parents; causes and ways to resolve them. Learning about the ways to react in conflict situations, which have a positive impact on the parent's own behaviour and that of the child.

Session 10: Conflicts between the children

Ways to influence children's behaviour positively in conflict situations and developing the parents' mediation skills to resolve conflicts between the children.

Session 11: Seeking and finding creative solutions.

Looks at the setting of rules and prevention of the unwanted behaviour of the child without practicing punishment and using force; use of feedback and I-messages to guide the child's behaviour; negotiating rules of behaviour with the child and using the natural and logical consequences. Better understanding of the negative impact of abuse (psychological or physical) on the child development.

Session 12: Parental responsibility and some other issues.

Learning about parental and child's responsibilities and discussion. Discussion on own experience as a parent.

Session 13: Being a parent – influences and choice.



Becoming aware of the impact of parents' personal childhood experience on the relationships with the child as well as of the impact of the parent's negative emotions on their relationships and the child's development. "Poisonous" and "warm" messages to the child and their effect. Management of stress, anger and negative emotions.

Session 14: Closure and new beginning

Review of the achieved so far. Assessment of the programme.

Parents' feedback on the programme:

„I became a calmer, more patient and understanding mother. “

„I play more with the child, I try to spend more time with them. “

„I have more realistic expectations of my child because I know more about her development. I learnt to understand the child's needs and the peculiarities of her development instead of thinking of those as her character flaws.

„I respect my child as a person, I learnt to respect their opinion even though they are still young.“

„I encourage and urge my child to be independent. “

„I always try to find out what their feelings are. “

SOON TO BE MOTHERS CLASSES

Complex for Social Services to Children and Families (CSSCF) - SHUMEN

Integrative group programme providing medical, pedagogical and psychological preparation of mothers and fathers-to-be.

1. Target group



The Expecting Mothers Classes programme is one of CSSCF activities for early prevention of infant abandonment, prevention of corporal punishment and emotional abuse of children.

The target group is a closed one and consists of a maximum of 13-15 pregnant women at various stages of their pregnancy.

2. Goals

- The group programme's goals are enhancing parents' capacity for successful parenting and development of skills for identification of their children's needs.
- Accepting and developing positive attitude of the mothers-to-be to the forthcoming changes during the various stages of pregnancy.
- Learning about the intranatal and postnatal period;
- Building the parents' confidence in their own capacity and potential to become adequate parents;
- The programme's goal is to encourage the parent-infant communication as well as to encourage parents to enhance their personal skills and abilities for coping with the difficulties in the course of raising and upbringing a child.
- Expanding the knowledge related to identifying and meeting infants' needs during the early child development period.
- Enhancing the mothers-to-be self-esteem
- Looking at and learning about the main stages and changes taking place during pregnancy;
- Mastering the ways for coping with mothers' postnatal emotions



- Psychological preparation for childbirth;
- Learning about healthy lifestyle and eating during pregnancy and afterwards;
- Accepting the father as a parent and their role in raising the child;
- Discussing issues raised by the mothers-to-be – from getting pregnant to communication with the infant;
- Self-help.

3. Methods

- the sessions are held weekly – one 90-minute session a week;
- role-play;
- visits of professionals;
- shaping the attitudes;
- discussions;
- training materials;
- giving feedback;

4. Description – content, topics, duration

Topic 1: Introductions. Attitudes, values, priorities, expectations. Introducing group rules, presentation of the whole programme.

Topic 2: How do I see myself as a pregnant woman? What are the changes that have taken place in my body and me? How do people around me perceive me?

Topic 3: Has any change taken place in my feelings and my partner's feelings to me? Main functions of parenting.



Topic 4: Discussion with a paediatrician and answers to the questions of the mothers-to-be about what the newborn is like and the initial care they need. Anatomical and physiological characteristics of neonates.

Topic 5: Discussion with an obstetrician and answers to the questions of the parents-to-be about the changes of the foetus taking place during the various stages of the pregnancy, medical tests, healthy lifestyle, symptoms during a risk pregnancy.

Topic 6: Travel, mother-to-be hygiene, indications for caesarean section – discussion with an obstetrician.

Topic 7: Breastfeeding. New trends in breastfeeding, preparation of the breasts. Natural, formula and mixed feeding of the toddler up to the age of 3 – meeting-discussion with UNICEF Maternal and Child Health Centre. Screening a breastfeeding video.

Topic 8: Infant and toddler massage and exercise. Visit by a professional physical therapist. Discussion.

Topic 9: Vaccination. Child re-vaccination. Discussion on the main vaccination schedule. Discussion with a paediatrician.

Topic 10: Primary care about the newborn: practical session, infant and toddler hygiene care. Necessary items, special and primary hygiene care.

Topic 11: How I imagine my baby would look like? The father's role in the child's raising and upbringing. Raising a child without violence. Parenting styles.

Topic 12: Visit by an expert of the National Social Security Institute to talk about "Short-term benefits paid during temporary work incapacity. Rights and obligations of the pregnant woman and the father. Family child benefits.

Topic 13: Prenatal communication and postnatal depression: reasons, identifying depression symptoms. Ways to cope and seeking support. Discussion.

Topic 14: Visiting a maternity ward in preparation of childbirth. What I need to pack for the maternity hospital. Tour of the maternity ward. Am I afraid of labour? Discussion held in the maternity ward.

A case from the practice

The first group was launched on 16.02.2006. The classes were initiated by CSSCF and were started on 21.01.2006 with the idea of supporting the expecting mothers in preparing for childbirth and welcoming the baby, with the support of obstetric specialists, paediatricians, physical therapists, psychologists and CSSCF social workers. By receiving such support, the mothers and fathers-to-be learn more about the main pregnancy stages and the changes taking place, open space for the pregnant women is created where they can share their feelings during the various pregnancy stages, discussions are held on topics related to postnatal depression, the arrival of the baby, the initial care for the baby, bathing, special hygiene, infant massage and exercise, as well as basic baby care and communication skills.

It is an established tradition to celebrate the Midwives Day, 21 January, together with the Maternity Ward of Shumen General Hospital.

Partnership Agreement with the Social Security National Institute, Shumen.

Partnership with Maternal and Child Health Centre – Breastfeeding week.

Focus

- There is a growing trend of fathers accompanying their wives in the groups;
- Increased motivation of the mothers-to-be to join the group, where they participate with high willingness;
- High sustainability observed after the completion of classes in terms of the mothers keeping in touch after giving birth;
- The mothers create a Facebook group for everyday communication and mutual support, especially during the winter months when it is more difficult to take walks in the open;



- The Expecting Mothers Classes of CSSCF become more and more popular, mainly due to the support of obstetric specialists and thanks to the media; but apart from the media publicity, the word-of-mouth advertising proves to be the best one – the mothers sharing their satisfaction with the contacts they had with the specialists and the group facilitators;
- Each group completes work by the mothers-to-be filling out a feedback form;
- The mothers support socially disadvantaged mothers in need by, for example, making donations of clothes or other baby items;
- A total of 53 groups were run by the end of 2017.

PARENTS AGAIN PROGRAMME

for parents who have abused their children

1. Target group

The programme is designed for parents with a measure imposed by the court under the Law on Protection against Domestic Violence or parents who have been registered in the child protection system for committing abuse against their children. The programme is also designed for parents who abused their children and who are willing to seek help in order to change their parenting approach and way of communication. The programme is available for married couples or one of the parents.

2. Goals

Overcoming the social isolation of families where violence is practiced;

Improve the sharing and communication capacities of the participants who share the same reality, by identifying themselves in what the others share; observe and analyse their common problems as parents;



Changing the way of thinking of parents who have committed violence against their children with a view to the understanding that abusive parents are unable to control their behaviour due to failure to resolve problems.

3. Methods

Group work: the approach is based on the understanding that talking, listening, learning in a group setting increase motivation, improve the knowledge of the self and create conditions to more easily arrive at the decision not to resort to abuse. The method envisages the client's active participation: "I control my behaviour", speaking on ones' own behalf. Active learning methods are applied: theoretical session, group discussion, working in small groups, presentations, role play, case studies, exercises.

4. Philosophy and principles

The programme's idea is the understanding about the change of abusive behaviour through support, enabling the parent to reconsider it and seek other options for coping with difficulties, i.e. the programme is based on the participants' experiences and at the same time focuses on social learning.

The programme is based on the following principles: respecting dignity and people's capability to make sense, understand, make decisions, manage, respond; not judging – with relation to the fact that this is another institution's responsibility; accepting the person and not accepting the behaviour; empowerment: change is in the parent's hands.

5. Description of content, topics, duration

The programme relies on group dynamics all the time, on the group's influence as a specific prerequisite for personal change. The facilitators act as trainers and at the same time as facilitators of the group's relations and interaction. The facilitators also play the role of consultants, helping the participants to identify the personal problem and using the group to support the individual in identifying various ways to resolve it.

The skills developed in the course of the programme help control impulsivity, develop self-control and reduce the risk of losing control: consider plans for resolving the problem step by step, consider the consequences before making decisions.



The programme contributes to knowledge of the self, to linking thoughts, feelings and behaviour.

The programme consists of 5 modules: *Social network*, *Coping with the acts of violence*, *Thinking skills*, *Dealing with feelings* and *Effective change*, organised in 24 90-minute sessions. The individual sessions include various exercises. The modules can be run in no particular order, depending on the participants' needs. The first two meetings with the parents are held individually with the purpose of making an individual assessment and establishing the level of the client's readiness to join the programme. It is recommendable that the group consists of 6-10 participants. The signing of an agreement with the participants is a key element – the most important part of it is the commitment to use no violence during the programme.

The purpose of the first module, *Social network*, is to enable the participants to become aware of the way they communicate with the others, as well as to realise that they are capable of influencing their behaviour in order to achieve goals. The sessions may also be used for reflection on the important things in the process of communication. The main objectives of the module involve the participants identifying their communication deficits, learning basic techniques for verbal and non-verbal communication.

The second module, *Coping with the acts of violence*, aims to start a process of initial sharing and expand the understanding of domestic violence. The objectives of the module include: acquiring skills for recognising the signs of domestic violence, getting a true idea of the consequences of violence, learning to talk about the acts of violence and acquiring violence coping skills.

The third module, *Thinking skills*, aims to develop an understanding about a link between thinking and feelings and actions. The tasks involve getting to know the effects of thinking, acting and behaving, finding out how thoughts impact actions, learning to change the internal dialogue in order to control their actions.

The fourth module, *Coping with feelings*, aims to support the participants in making sense of their own feelings and managing them as well as in appreciating their significance in their lives. The tasks include: the participants being able to listen to



each other and accept other people's feelings, improving their skills to recognise and express feelings - body language, learning some anger management techniques, improving their self-control skills, appreciating the behaviour based on mutual respect for the interests.

The purpose of the fifth module, *Effective change*, is to support parents by using the concept of the good enough parenting and present to them the idea that they are their children's most important behavioural model; to learn about the various parenting styles and what it means to be an assertive parent. The tasks of the module include: learning active listening skills, making choices, taking decisions.

A case from the practice

A group of 8 participants was set up in the Community Support Centre – parents who had committed violence against their children. The parents have been referred by the police and CPD – the programme was widely promoted among police officers, the court and CPD. The participants' average age was about 35 years. The programme was joined by two married couples and 4 fathers. The programme's duration was 1 month, twice a week, all day. The programme was facilitated by two professionals: a social worker and a psychologist. The review of the individual assessment of their willingness to join the programme, held during preliminary meetings, established that generally, the participants were not willing to participate but they were aware that they had to complete the programme as prescribed by a competent body. This required the holding of motivational interviews with the clients, which had a positive effect.

As for the group process, it is important to point out that a relaxed working atmosphere was created, with no tension and confrontation – the preliminary preparation contributed to this. Each participant signed an agreement on non-violence and participation in good faith. In the beginning of each daily session, we were going back to the group rules, which we had adopted together in the beginning of the programme: not being judgmental of other people's opinion, tolerance, punctuality in terms of start and end time, statements of participants.



The facilitators were faced with quite a few challenges because some of the participants were illiterate. In order to deal with the problem, the facilitators resorted to the self-help rule introduced in the group.

The topic and exercises included in Module 2 *Coping with the acts of violence* and what domestic violence is attracted the greatest interest. It should be pointed out that most of the participants associated violence with the use of physical force and examples of emotional abuse were missing. This made the facilitators include extra experience-based exercises to help the participants make sense of the situations involving psychological abuse.

Generally, the participants found it difficult to express, name feelings and emotions, which was expected. For the process to happen, it was of great help to have the training materials available, which had been printed in advance: working sheets, tables, charts, as well as accurate and clear instructions accompanying the tasks set by the facilitators.

Another difficulty in the course of the programme's implementation was to keep the participants' motivated so that they complete all the modules and not be absent from the sessions. Two of the participants did not complete the programme, there were some who skipped certain sessions. These challenges were also expected, having in mind that some of the participants were adults who had not attended classes since primary school age.

There were days when one of the participants was apparently under the influence of alcohol and he had to come to individual meetings and not attend the group sessions.

The difficulties specified required from us to work on our attitudes as facilitators and accept the clients without judging them, to be patient and respectful, which required supervision.

How did we know what the results from the programme's implementation were? Upon the completion of each module, the two facilitators were analysing the process in the group, including at content level. As the programme advanced, we established that the people were getting to know each other and this put them at ease to share their feelings, to be more relaxed and speak more openly without worrying that they might be giving



right or wrong answers. This helped them realise that they had similar childhood experiences, that they perceived their children as subjects of their power and force, without considering the fact that they possessed other qualities, which could make them strong and successful persons; it helped them exchange ideas of alternative ways for dealing with problems without abusing family members.

All of this gave us grounds to conclude that the programme had played a significant role and had contributed to starting a personal change in parents who had abused their children.

PSYCHOSOCIAL WORK WITH YOUNG PEOPLE RELEASED FROM PRISON

1. Target group

Includes young people up to the age of 29 years, who are about to be released from prison or were released recently and who are parents or parents-to-be, living under greater stress due to the need of finding their place in society, they were victims of abuse on the part of their own parents and are not willing to repeat the pattern.

2. Goals

The idea is to support young parents in getting to understand and respond adequately to children's needs, in developing a secure attachment with the child and feeling rewarded as parents. Objectives: making sense of parenting through their own childhood, through their childhood experiences, through making sense of ambivalent feelings they may have experienced, i.e. feelings of trust and love but also of fear and horror, understanding the consequences of abuse-based approaches when imposing restrictions and punishments.

3. Methods



Individual case work, information activities, consultation, accompanying, mediation, etc.

4. Philosophy

The programme takes into account the needs of the young people released from prison, who are faced with the difficulty to find an acceptable way to integrate into social life, and in their personal life, they are faced with the challenge of being successful parents. The research works referred to earlier show that the young people released from prison, who are parents or parents-to-be, need to develop greater self-respect and confidence in their ability to build parental authority, to set boundaries and ensure the child's security. The programme's philosophy is also based on the understanding that regardless of the model set by their parents, every parent-to-be could improve the parenting model and be a better parent and raise their child without using force.

The programme's main idea is to bring about a change in the understanding of parenthood through working with the experiences and emotions of childhood and their processing, differentiation between love and being loyal to the parents. In other words, the young people released from prison have the opportunity, in a safe environment, where no one is judging or criticising them, to consider the impact of abuse and the difficulties it generates throughout the period of growing up, to adopt alternative parenting approaches, different from the ones they know from their personal experience, not involving abuse.

5. Description of content, topics, duration

The young people use the integrated service voluntarily as part of the rehabilitation and social inclusion measures after the release from prison. CSC professionals provide a complex social support, with a substantial part of the package of activities being related to the parenting skills. The package includes: a/ legal consultation of the young people; b/ social accompanying and mediation; c/ psychological counselling and therapeutic activities; d/ activities and services aimed at the development of parenting skills.

Most often the service offers initial meetings, held during the first two weeks of the service, with the purpose of gaining the young people's trust. Those include



motivational techniques to attract the young person as a voluntary user of the service, visits paid to the client – either in prison (if they are not released yet) or where they live. Most often, the trusting relationship is built through the well-intentioned approach of the social worker during the process of accompanying the client to institutions, mediation when applying for various documents, advocacy for enrolment in vocational training programmes, finding accommodation, job, perceiving the assistance as a personal benefit.

Once an agreement is signed for provision of an integrated service to the young person, depending on their individual assessment, the service plan is agreed to include the particular activities under their individual programme. The individual programme is 6-months long, organized in a minimum of 24 sessions, held at least once a week. The package of activities includes the good parenting support meetings, organised in at least 10 sessions. The particular work topics focused on good parenting are selected depending on the request and assessment.

In the beginning, the client is given an opportunity for self-reflection, support for expressing and making sense of childhood experience, the relationship with the parents or significant adults, dealing with difficult situations. The work continues with providing support to the young person in order to define their understanding of parenthood, the child's place in their life and the child as a person, the plans for the child; the client's attitude and feelings about the impact of abusive parental approaches on the child are also considered; knowledge and understanding of the resilience factors enabling a child to grow as a stable person "I have, I am, I can"; firming up the intentions to avoid abuse against the child and willingness to adopt alternative upbringing approaches, excluding spanking.

Most often, after a six-month period and complex support being provided to the young person, the work concludes with an analysis of the process and a review of what has been achieved against indicators set in the individual service plan. It is expected that as a result of the activities, the young person will be relatively relaxed and certain about his social fulfilment after the release from prison (housing, education, job, income); in terms of his personal development, to be supported by way of empathy, compassion and



socially acceptable interaction; to be empowered also as a parent, to speak more confidently and specifically about their plans to raise their child, to differentiate between the various educational approaches and to be willing to learn about alternative ways for dealing with difficulties in the process of parenting. In that sense, the service could continue by including the young person in a *No Spanking* group programme for parents of young children, also provided by the CSC team.

We can get an idea about the short-term effect of the social service from the feedback provided by the clients themselves and their relatives, based on our observations after the case is closed. Sometimes, we realise what the meaning and the effect of the service is when we notice change in the way the young person talks about the child and about their future plans as a parent and mostly based on the observations of the child themselves.

A case from the practice

This is the case of a 24 years old young man, released from prison a month ago, where he served a 1 year sentence for larceny. He was imprisoned for larceny, battery, shooting, complicity to robberies and has previously served a total of 6-years imprisonment sentences; one attempted prison escape, a number of probation measures and is currently serving probation. When he was a child, he lived in institutions and also with his grandparents; the mother did not want him (she was 15 when she gave birth and did not look after him). He has no good childhood memories; he was neglected, humiliated by the adults, disciplined by being kicked and spanked. He completed 2nd grade. He has had a partner for two years, she is 19 now; he became a father 2 years ago.

In the beginning, the young man requested support for having new ID documents issued, finding a place to live, enrolling at school and finding a job. All of this was completed within a month and we gained his trust. In the course of the meetings that we had with him, he started opening up, while we helped him define what was important to him and his needs of support. This is how he finally shared his desire that we “teach” him, as he put it, how to avoid the mistakes of his parents and relatives. It turned out



that he had in mind mostly the risk of abandoning his child, giving up his role as a father and sticking to his intention to give his son care, love, support and set an example.

We had many emotional conversations with him in the course of his programme – about the pain and fear, horror and hope, love and hatred, insult and forgiveness. We tried to make him appreciate that he had and still has valuable things and important people in his life, who have not betrayed him and have helped him without him knowing it. We tried to develop together his life project, his son being an important part of it. All of this laid the foundations of a professional relationship, meant to make it worthwhile for the young parent and give him support during such a difficult period in life.

The case was developing over a period of 6 months and was completed after all planned objectives were fulfilled, in terms of social integration and parent support for meaningful and positive fatherhood. The sense of professional satisfaction for a job well done was due to the information that roughly 2 years after the case was closed, the young man has not committed any new offences, the family receives child benefits, the child goes to kindergarten and is taken care of by both his parents.

POSITIVE DISCIPLINE PROMISING PRACTICES SPAIN

CRECER EN FAMILIA (GROW UP IN FAMILY)

Psychoeducational support program to promote child development

<http://www.jcyl.es/web/jcyl/ServiciosSociales/es/Plantilla100DetalleFeed/1246991411473/Publicacion/1284280580959/Redaccion>

The program is carried out by a group of professionals who, through the Social Services Management of the Junta de Castilla y León, with the collaboration of the Department of Evolutionary Psychology and Education of the Laguna.



1. **Target group:** It is aimed at families at psychosocial risk, who are users of the Basic Social Services. Fundamentally for parents with children between 0 and 5 years.
2. **Goal:** To provide a program and a practical manual of positive parenting. The general objective of this individual home support program, with group attention in community sessions, focuses on promoting parental skills as well as improving the family's educational environment, promoting the proper development of children from birth to five years of age.

Specific objectives:

- Promote the development of secure attachments.
- Help parents identify and respond to the needs of children.
- Encourage parents to recognize and react positively to the evolutionary progress of their children.
- Teach basic skills of child care and safety.
- Guid parents on teaching habits into daily routines.
- Help parents to distinguish and understand the mental states of children and promote their physical and emotional autonomy.
- Help parents to identify their children's communication and interaction attempts.
- Encourage parents to talk to their children and respond to their verbalizations.
- Emphasize the cognitive and affective richness of the game and solving tasks in collaboration with parents.
- Provide strategies to regularize children's behavior according to the norms.
- Make parents aware of their perceptions and attributions of the childish behavior and the emotional states that this causes.
- Provide alternative education guidelines.

3. Methods: The group program for parents follows the experiential methodology that has been validated in education programs. Trying to promote and interpret various vital situations. The group program for parents follows the experiential methodology that has been validated in education programs. Trying to promote and interpret various life situations, be aware of why certain actions are carried out and the analysis of the consequences of them. To do this, different techniques are used, such as simultaneous dialogues, directed discussion, work in small groups, case studies, role play, video-forum, etc. **In the home support program**, parents are trained in real situations of observation of behaviors, routines and stimulation sequences, parents record the knowledge and experiences in a personal notebook.

Evaluation: the evaluation is done analyzing parenteral changes. The impact of the program on the service and on the technicians or mediators who have carried it out is also evaluated. A mid-term evaluation is made, six months after its application, to the parents. The program includes an evaluation notebook.

4. Description of content, topics, duration

From a Module 1. about the development of the affective bond. Composed of four sessions that are presented below:

Session 1. How attachment relationships are established.

Session 2. The sensitivity of the carer to the needs of the child

Session 3. When the child makes it difficult for us.

Session 4. The types of attachment and their consequences for children.

From a Module 2.

Session 1. The needs of the children.

Session 2. My son / daughter

Session 3. The development clock.

From a Module 3.

Session 1. We observe the behavior of our children.

Session 2. We establish standards and limits to child behavior.

Session 3. We educate for coexistence.



Session 4. There is no single solution.

From a Module 4.

Session 1. My son / daughter goes to school.

Session 2. The importance of the family in school support.

Session 3. How to foster the relationship between parents and teachers.

Session 4. The spaces for meeting and collaboration with the school.

From a Module 5.

Session 1. Discovering the network.

Session 2. Important supports in my life.

Session 3. Looking for supports for each problem.

Sesión 4. Hatching networks: how to use social supports.



2. QUERIENDO SE ENTIENDE LA FAMILIA (THE FAMILY UNDESTANDS ONESELF BY LOVING).

Intervention guide on positive parenting for professionals.

http://www.observatoriodelainfancia.es/oia/esp/documentos_ficha.aspx?id=4099

The program was developed by Save the children and Ministries of Health, Social Services and Equality of Spain. It has a national coverage.

- 1. Target group:** It is aimed primarily at professionals, it can be applied to parents and children. It is focused on both primary prevention to the general population, and to those sectors that may have some risk of mild intensity. The contents are adapted to children between 6 to 16 years.
- 2. Goal:** Positive discipline guidelines. Family empowerment through the experimentation of forms of positive relationship and participation in playful-creative activities that help participants to recognize themselves in the role of son, daughter, mother, father or tutor.
- 3. Methods:**

Based on active participation and cooperative learning (interdependence, mutual help, etc.)

An environment of dynamic and multidirectional interaction is proposed among the participants: the facilitators, the peer group and the family nucleus, which allows the new information to be accommodated to the participant's previous knowledge and to extrapolate what has been learned to other situations of his daily life.

Two-way learning process. Each participant can be indistinctly "teacher" and "student" offering feedback to their peers and monitoring their own achievements regarding personal and family goals generated during the workshop.

Evaluation: The program consists of a preliminary evaluation of process and results.

4. Description of content, topics, duration



In each session of the workshop, techniques of effective communication and non-violent conflict resolution, such as dialogue and negotiation, are made known and practiced. The concept of "active listening" and "assertiveness" takes on a relevant role throughout the development of the workshop, not only as essential ingredients of effective communication, but also to work on the expression of affection.

Dramatization is used to present everyday situations where conflicts occur.

The education of emotions, is another fundamental aspect and present throughout the workshop.

The artistic expression is the common thread of the sessions. The games and planned plastic activities allow them to explore their creativity and flexibility.

Four differentiated groups are proposed, in addition to that of the fathers and mothers (or tutors) and different itineraries according to age:

Small (6-8 years old).

Medium (9-11 years old).

Seniors (12-13 yearsold).

Adolescents (14-16 years old)

It is recommended to group children according to whether they are in Primary Education or Secondary Education.

It is recommended that the groups consist of a minimum of 5 attendees and a maximum of 10, in the case of boys and girls. The group of adults can be with a maximum of 15 participants.

The workshop consists of 9 sessions and different itineraries according to age:

1: Knowing ourselves

2. Communicate

3. Exchange



4. Agree
5. Travel together
6. We solve
7. We overcome challenges
8. We participate
9. We celebrate

EDUCAR EN POSITIVO (EDUCATE IN POSITIVE).

<http://www.educarenpositivo.es/index.php?lang=es>

It is a program at nacional level, developed by a research group (FADE) of the Department of Evolutionary Psychology of the University of La Laguna. It is part of the result of various research programs funded by the Ministry of Science and Innovation and the Ministry of Economy and Competitiveness of Spain. It is designed to be done through the Internet.

1. **Target group:** Persons targeted of the program are parents with children who may have a mild risk (secondary prevention) or with various problems (tertiary prevention).
2. **Goal:** The main objective is to avoid both physical punishment and abuse in general. At the same time it provides alternatives to physical punishment and positive discipline guidelines.
3. **Methods:**

The program is designed so that it can be followed autonomously through the Internet. At any time and from any place with access to the network.

The recommended minimum time is 15 minutes to perform an activity, participate in the forums or review the so-called "your personal diary".



The course of the program involves the realization of a series of main activities, spread over several blocks. These activities suppose the didactic base of the program, so that to complete them will be the way to advance through it. This means that the following blocks can not be accessed until the activities of the block that is being carried out have been completed.

It is an experiential learning program. This means that parallel activities that are proposed from the main activities are equally important, since it help to bring to the familiar context of the users the knowledge, techniques and skills they have learned during the course of the program.

Along with the main activities, there are parallel resources and activities, one of them is the forum of each session, in them parents can comment their opinions and reflections both with the trainers and supervisors of the program, as with other fathers and mothers. Being able to do so, maintain an exchange that will help them to know other experiences related to "educate in positive".

Evaluation: It is evaluated by means of the information that the users send to the administrators of the platform. With a double purpose, evaluate the acquired and that parents see their degree of assimilation of the concepts that have worked in the sessions.

4. Description of content, topics, duration

The course of the program involves the realization of a series of main activities, spread over several blocks. These activities suppose the didactic base of the program, so that to complete them will be the way to advance through it. This means that the following blocks can not be accessed until the activities of the block that is being carried out have been completed.

It has 5 modules like:

- Internet a resource in family.
- We improve the family relationship.
- Understand and guide children's behavior.
- Our son / daughter is different, we help him grow.
- Food and health: a challenge for the family.
- Other blocks like:



- Family and sport Improve school sports practice and build a culture based on coexistence.
- Reconstitution. Living the reconstitution of families, challenges marred by lights and shadows.
- Adoption. Another way to make family.

PROMISING PRACTICES IN GERMANY

NATIONWIDE CAMPAIGN „MORE RESPECT FOR CHILDREN“ (MEHR RESPEKT VOR KINDERN), 2000 TO 2002

1. Target group

The campaign was aimed at parents, staff working at counselling and support facilities, school teachers and interested citizens. Local projects also systematically targeted municipal and independent facilities' parents' groups and addressed specific target groups, such as immigrant families.

2. Goal

In November 2000, the law on the proscription of violence in education ("Gesetz zur Ächtung der Gewalt in der Erziehung") came into effect, establishing the children's right to a non-violent upbringing as a part of the German civil code, banning corporal punishment, psychological violence and any other humiliating educational measures. The main aim of the campaign was to communicate the new legislation and to show parents alternatives to corporal punishment, enabling them to solve conflicts and deal with straining situations without resorting to violence.



3. Philosophy and principals

The legislative change was accompanied by the nationwide campaign “More respect for children”, run from September 2000 until the end of 2001. The responsible institution was the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (“Bundesministerium für Familie, Senioren, Frauen und Jugend”).

4. Method

Apart from the press, TV and radio, the campaign was flanked by many practical projects that were close to the citizens and received a great deal of attention.

5. Description: overall review

Approximately 500 events – courses, lectures and panel discussions – took place in more than 35 towns and administrative districts in the whole country. In addition, street fairs and theatre performances took up the topic of the new educational principle and almost two thirds of the German counseling and support facilities organized their own informational events, workshops and poster campaigns.

The campaign has been evaluated: Prof. Kai-D. Bussmann of the University of Halle-Wittenberg conducted surveys for the German Federal Government, gathering information from parents, children and multipliers. These have shown that after one year, approximately 30% of all parents and almost as many children and adolescents knew about the new legislation.

Particularly those adolescents who were exposed to more familial violence seemed to be well aware of the legislative change. Another positive result the study reports is a raising awareness for the issue of physical violence. Less than half of all parents are convinced that mild corporal punishment, including sanctions such as slaps in the face, is admissible, and there is hardly anybody left who would say that thrashings and beating children with objects was legally allowed. The described changes in attitude can be attributed to the law banning



violence in education: A comparison between those parents and adolescents who had heard about the legal reform and those who hadn't shows that both parents and adolescents who knew about it had developed a significantly stronger awareness of what is allowed and what is not.

Moreover, 90% of the staff working at counseling and support facilities knew about the campaign and about the legislative change. The survey among these multipliers also found that the right to non-violent upbringing had more often been explicitly brought up in the targeted regions. The promotional material was mostly appreciated.

ONLINE EDUCATION MANUAL "ENHANCING PARENTING SKILLS IN GERMANY" (STÄRKUNG DER ERZIEHUNGSKOMPETENZ IN DEUTSCHLAND)

1. Target group

The target group includes parents with children up to 14 years of age, couples, expectant mothers and families with adolescents, school and kindergarten teachers, staff working at family education centers and scientists.

2. Goal

The online manual aims to provide information that facilitates a smooth organization and development of family life. The manual is also intended to positively influence the plans the parents have for their lives and their perspectives on the roles they play within the family (especially where sharing tasks and power constellations are concerned), their ideas about education and their parenting approach.



3. Philosophy and principals

The Online education manual "Enhancing parenting skills in Germany" ("Stärkung der Erziehungskompetenz in Deutschland") represents an interesting form of making content available to a wide public. The State Institute of Early Childhood Research (IFP) is in charge of the online manual.

4. Method

The online education manual included articles as well as an online forum for discussion among parents.

5. Description: overall review

The Online education manual "Enhancing parenting skills in Germany" ("Stärkung der Erziehungskompetenz in Deutschland") represents an interesting form of making content available to a wide public. The State Institute of Early Childhood Research (IFP) is in charge of the online manual. Parents and other readers were by now increasingly using the "family forum" to exchange ideas and discuss the articles: By February 2003, 950 statements had already been made about the different topics. During the third phase, from January to November 2004, the website was further expanded to include another 400 articles. More and more visitors were using the "family forum": By the end of the project phase, 6,000 statements had been written by parents and other readers. Entries can be found via keyword search and the content is available in eight languages.

In order to promote the online manual, welfare associations and youth welfare offices sent a few thousand posters to childcare facilities. Posters, leaflets and bookmarks were sent to all members of the national paediatricians' association and to all education counselling facilities, family education centers and youth welfare offices in Germany. The online manual was linked to other websites directed at a similar target group and to those of various ministries, associations, authorities, counselling facilities, TV stations and newspapers. It was also promoted at several press conferences and public events.

According to an internal evaluation by the State Institute of Early Childhood Research, the online manual serves as a first reference on educational issues with its easily comprehensible



articles based on sound knowledge. The evaluation concludes that the online education manual substantially enhances parents' educational skills.

“FAMILY FLAT” (FAMILIENWOHNUNG)

1. Target group

- Children aged 6 and older in a socially disadvantaged residential block who are not supervised much by their parents nor engaged in structured activities
- Children's families
- Neighbors, volunteers living in the residential block

2. Goal

- Enhancing the security and quality of life of children and their families in the residential area
- Strengthening voluntary activities
- Strengthening neighborhood structures

3. Philosophy and principals

This innovative small scale project aims to support children in a disadvantaged local neighborhood who are not supervised by their parents well and not reached by regular activities for children and youth. The project was originally designed to prevent sexual harassment of children in the area, but proved to be able to reach disadvantaged children and families and sensitize them for topics such as corporal punishment as well. The area had witnessed sexual harassment by perpetrators who had opened their flat to children offering them a space to spend their free time after school. After perpetrators had been arrested, the project was developed as a preventive measure by state actors as well as the local housing company.

4. Method

The “Family Flat” is a regular flat on the ground level of a residential block. A social worker as well as volunteers living in the area offer activities for children and parents.

5. Description: overall review

The “Family Flat” is designed as a safe space for children and parents who have not been able to get to know positive forms and rituals of togetherness in the family. It is open daily for children, families and neighbors, offering a space to meet and exchange ideas. The social pedagogue offers professional counselling on family topics and life questions. Volunteers offer activities for children and become attachment figures supporting their education. Children and families learn positive forms of being together as families which they might use as a model for their own family life.

MULTI-FAMILY THERAPY (MFT)

1. Target group

Target group are families which have serious problems with their children, particularly families without structures and families with multiple problems which have difficulties to offer adequate development conditions to their children.

2. Goal

The aim of the MFT is to bring families in contact with each other in such a way that they consult each other and support each other in the task of taking on parental responsibility for their children. The experience of a supportive social coexistence of several families, who are in comparable life situations and are struggling with similar everyday problems, is of central importance.

3. Philosophy and principals

Approximately six families regularly come together as a group and work together on their concerns. All families in the group share the same problems. This aspect is crucial, since it enables parents to initiate an exchange with other parents who encounter themselves in the same situation, discuss and recognize their problems and develop solutions together. Besides, families are regarded as entities, shifting the focus from the "problematic child". With the



MFT, families emerge from their shame-filled isolation and experience a sense of solidarity when they encounter other families with similar problems.

4. Method

The MFT combines the possibilities of systemic family therapy with the effects of group therapy. Family members learn how to communicate and understand their own perspective as well as the positions of others. The group can be easily divided into children's and parents' groups, mothers' and fathers' groups or individual family groups, if individual family therapy is required in addition to the group therapy. Generally, families are supposed to attend sessions as a whole, although parents also meet without children. Besides, each family is accompanied individually and visited at home, if necessary.

5. Description: overall review

A multi-family therapy can be appropriate to deal with diverse problems, such as behavioural issues surfacing in (nursery) school or in case of impending placement outside the family. Approximately six families form one group, in which they can learn from each other, with the help of two therapists, enabling them to improve their family dynamics. The group remains active, so that individual families can join or leave any time, as required. Each family is scheduled to participate over a period of at least one year.

PROMISING PRACTICES IN PORTUGAL

1. Programa Anos Incríveis – Básico | (Incredible Years Basic)

Originally developed by Carolyn Webster-Stratton, the program is based on different psychological theories (Social Learning, Cognitivism) and concepts (Self-efficacy, Responsibility) that are reflected both in the contents of the sessions and in the dynamic strategies and methodologies used. The basic theoretical premise is that negative reinforcement develops and maintains the child's negative behaviour and coercive behaviour in parents and therefore parents have to change their own behaviour to increase the child's social and emotional skills.



The dissemination of the Incredible Years Programs in Portugal has been carried out by a team from the Faculty of Psychology and Educational Sciences of the University of Coimbra (FPCEUC), coordinated by Professors Maria Filomena Gaspar and Maria João Seabra-Santos.

Target Group:

Parents (or parental figures) of children from 3 to 8 years old (in Portugal it is implemented the version previous to 2008, in 2008 the program was revised and two new versions of the Basic Program were created: Pre-school - 3 to 5 years, 6 to 12 years, not yet translated into Portuguese).

Duration and theme of the sessions:

In Portugal the program is implemented during 12 weekly sessions, of 2 hours each, for the universal level, or for prevention; in 14 sessions for clinical application or with families with other types of risks. The author recommends that for clinical groups the implementation should vary between 18 and 20 sessions per week.

The sessions aim to develop the following skills in the parents: child centered play; children's social and emotional skills training; effective use of concrete praise and rewards; stimulation of the child's development and learning; effective establishment of limits; positive discipline strategies to deal with negative behaviour; encouragement of problem solving by the child.

2. Projeto Família

Founded in 1996 , “Projecto Família” is pioneer in Portugal in the field of intensive intervention among families with children at risk, developed by the organisation MDV - Movimento de Defesa da Vida.



Developed by a team of experts on psychology, social service, sociology, among others, the main objective is to preserve the family and prevent the institutionalization of minors through the intensive, immediate and individualized support of these most fragile families.

Target group:

Families with children at risk.

Goals:

- support at-risk children from institutionalised;
- intervene with families in crisis helping them to change behaviours that may lead to the children being separated and institutionalised;

Methodology:

The methodology of intervention used is an intervention in the most fragile families and in their own homes. These families are provided with intensive, immediate and individualised support.

This program is based on the American Model, Families First - Homebuilders, implemented by the Michigan Department of Social Services since 1974. Institute for Family Development

This model is characterised by being a specific program to preserve the family in safety, guaranteeing the right that all children have to live with their family.

The methodology is developed in phases:

- In an internal supervision meeting, the team analyses the problems and assigns a Family Project Worker to each family that meet the required eligibility



criteria. Next, the Technicians immediately contact the entity that indicated the family to the program and schedule a meeting with the family;

- The Family Project Technician intervenes motivating the family to be the one to carry out the survey of their needs. Potentials and weaknesses, protective factors and stressors are identified, whether or not development tasks are being carried out, reflect on the causes of non-compliance, and skills training that are lacking or deficient.
- The objectives to be attained are then outlined and these will promote the stay of the children in their home. These objectives are carried out by stages outlined weekly during the internal supervision meeting. The involvement of the technician ranges from motivation to change and skill training to practical and more material help. It is not intended to give orders on how to do it, it is intended to work with the family and help them do it; the family does not go alone to the services - whenever it is necessary the Technician accompanies it.
- After the intensive intervention program of 6 weeks, the follow-up work is divided into 4 follow-up sessions with the family: 1 month, 3 months, 6 months and 1 year. Together, the objectives are reviewed, others are added, the difficulties and the new needs are listed.

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