

Ensuring non-violent childhoods

Guidance on implementing the prohibition
of corporal punishment in domestic settings




NON-VIOLENT
childhoods



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the non-violent childhoods programme

Changing the World: Making Non-Violent Childhoods a Reality

The adoption of a national law that prohibits the corporal punishment of children in all settings, including in the home, is a milestone achievement. It makes a clear statement that corporal punishment is a form of violence against children which is no longer socially acceptable nor legally condoned. Once a prohibition is in place, societies and states have a duty to invest in ensuring its effective implementation. Countries all over the world are confronting this challenge and the goal of ending the corporal punishment of children is now firmly on both national and regional agendas.

The Baltic Sea Region is almost a 'no-corporal-punishment zone' for children as 10 out of the 11 countries in the Region have prohibited corporal punishment in all settings. Sweden was the first country in the world to enact a legal ban in 1979; Finland (1983), Norway (1987), Denmark (1997), Latvia (1998), Germany (2000), Iceland (2003), Poland (2010), Estonia (2015) and Lithuania (2017). The Russian Federation has yet to introduce a legal ban.

The Baltic Sea Region is diverse. While some countries in the Region have almost 40 years of experience of implementing a legal ban, others have only just embarked on the journey to ensure childhoods free from violence. The Non-Violent Childhoods Programme draws on the outstanding commitment and leadership demonstrated by changemakers in the Region. This includes politicians, public officials, service providers, practitioners, researchers, advocates, the media and citizens, including children, young people and parents.

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

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

The Non-Violent Childhoods Programme has developed a set of guidance reports and a campaign, aimed at parents, children, practitioners, advocates and policy makers. Each report focuses on a specific theme – a step-by-step guide, implementing the ban in the domestic setting, positive parenting, awareness-raising campaigns, service provision and tracking progress. In addition, the campaign raises awareness of the harmful impact of corporal punishment and the importance for children to have trusted adults to turn to. The reports and campaign offer inspiration and provide guidance standards and practical tools aimed at transforming societies and making non-violent childhoods a reality. While the reports are based on the experience of the Baltic Sea Region, they convey key messages and highlight best practices that have relevance not only to the 11 states in the Region but also to Europe and beyond.

More information on the reports and campaign can be accessed at www.childrenatrisk.eu/nonviolence



01

introduction and key messages

Across the world, the family is the fundamental unit group of society, and in whatever form the family takes it plays a foundational role in a child's development and education. In this way, the family is best placed to empower a child and support them in reaching their full potential. But in the same way, the family can also, often unintentionally, negatively affect a child's development, and in extreme cases, can even present a danger to the child.

Corporal punishment is the most common form of violence experienced by children worldwide. In the worst cases, it can lead to serious injury and even death, and there is no question but that such treatment of children must be prevented, and perpetrators held accountable. More commonly, and in too many homes, children are subjected to some level of violent punishment – physical or emotional – in the guise of “discipline” or education or in the mistaken belief that it is in the child's interests.

The belief that corporal punishment is in the child's interest was once widely socially and legally accepted, but times have moved on. We now know that physical and humiliating or degrading punishment of children is ineffective as a disciplinary method and is linked with a range of negative health and behavioural outcomes. Fortunately, we now also know of many more ways to establish positive, nurturing and trusting relationships between parents or carers and children, to the benefit of both.

States are obliged under international human rights law to fully prohibit and eliminate corporal punishment of children in all settings, including the home. More than half of all UN Member States have now either achieved full prohibition or committed to doing so. Domestic settings are arguably the most difficult context in which to challenge violence against children, as States can be criticised for intervening in the “private” sphere.

KEY MESSAGES

This guidance report provides the following key messages:

- Achieving equal protection from assault for children in the home requires an explicit statement in legislation, which makes it absolutely clear that any form or degree of physical punishment, or any other form of humiliating or degrading punishment, of children is unlawful. This is an essential step in creating childhoods free from violence, given the traditional legal and social acceptance of some degree of corporal punishment in child rearing.
- The primary aim of the ban is to stop parents from using violent or other cruel or degrading punishment through supportive and educational, not punitive, interventions. That said, all reports of violence against children should be appropriately investigated and their protection from harm assured.
- A common fear in relation to introducing a ban on corporal punishment is that it will lead to increased prosecution of parents and family separation. This can lead to resistance to legal and social reform and a reluctance to report suspected or identified cases of violence in the home. Measures must be put in place to encourage reporting and to increase understanding of the ban as an educational, rather than punitive, tool among children, parents and other carers and all those working with and for children.
- Preserving the family unit and preventing separation are essential objectives of the child protection system. When corporal punishment is identified in the home, the child's best interests will most often be served by responses that support the parents to change their behaviour and restore or enhance the family's capacity to care for the child. In cases where it is not possible for a child to remain within his or her family without suffering severe harm, the child's best interests must be assessed and taken into account as a primary consideration. The child's best interests must be determined on a case-by-case basis, taking into account the particular circumstances of the child.

02

key considerations for a ban in domestic settings

Achieving equal protection from assault for children in the home requires an explicit statement in legislation, which makes it absolutely clear that any form or degree of physical punishment, or any other form of humiliating or degrading punishment, of children is unlawful. This is an essential step in creating childhoods free from violence, given the traditional legal and social acceptance of some degree of corporal punishment in child rearing.

2.1 WHAT IS “HOME” ?

Children today grow up in a wide variety of family compositions or settings. This report uses the terms “home” and “family” interchangeably to refer to any domestic setting in which a child lives. The UN Committee on the Rights of the Child states that in interpreting the UN Convention on the Rights of the Child (UNCRC) the term “family” must be interpreted in a broad sense to include biological, adoptive or foster parents or, where applicable, members of the extended family or community as provided for by local custom.¹

The UNCRC upholds the family as the fundamental group of society and the natural environment for the growth and well-being of children. It requires States to respect and support families, and to respect the rights and duties of parents and caretakers to provide appropriate direction and guidance to the child. The Committee on the Rights of the Child is clear that the interpretation of “appropriate” direction and guidance must be consistent with all articles of the Convention and this leaves no room for justification of violent or other cruel or degrading forms of discipline.²

2.2 WHAT IS “CORPORAL PUNISHMENT” ?

The Committee on the Rights of the Child defines corporal punishment as “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light”.³ This often involves hitting children with the hand or with an implement – such as a stick, belt, shoe or wooden spoon – or, for example, kicking, shaking or throwing children, pinching, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion. It also includes non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention – such as that which belittles, humiliates, threatens, scares or ridicules the child. In the view of the Committee, corporal punishment is invariably degrading.⁴

2.3 NEED FOR FULL AND EXPLICIT PROHIBITION

International human rights law is clear that the use of corporal punishment violates a child’s right to respect for their human dignity and physical integrity, as well as their right to health, development, education and freedom from torture and other cruel, inhuman or degrading treatment or punishment. In countries where corporal punishment of adults is prohibited, the legality

¹ UN Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), para.59.

² UN Committee on the Rights of the Child, General Comment No. 8 (2006) on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)”, paras. 27-28.

³ *ibid.*, para. 11.

⁴ *ibid.*

of corporal punishment of children violates their right not to be discriminated against by the law because of their age. This type of discrimination is highly symbolic of children's low status in society, reinforcing the view of children as possessions rather than individual people and full rights-holders.

In many countries or in segments of the population, physical and other humiliating punishment is still seen as necessary in order to raise and educate children effectively, or as a religious or cultural right or imperative. Given the traditional legal and social acceptance of corporal punishment, the Committee on the Rights of the Child has suggested that – in addition to repealing laws authorising corporal punishment – prohibition requires an explicit statement in legislation to make it absolutely clear that any form or degree of physical punishment, or any other form of humiliating or degrading punishment, is unlawful in any setting.⁵

PROHIBITION OF CORPORAL PUNISHMENT IS ACHIEVED WHEN:

- Legislation explicitly prohibits – or is clearly interpreted as prohibiting – all corporal punishment and other cruel and degrading punishment.
- The language used is clear and not open to misinterpretation
- The law must leave no doubt that children should not be physically punished or suffer humiliating or degrading punishment.
- There are no legal loopholes which could be used by those seeking to justify or defend some level of violent punishment of children.
- All defences and authorisations of corporal punishment are repealed (removed) so that the criminal law on assault applies equally to assaults on children as to adults, whether or not it is described as discipline or punishment.

PROHIBITION OF CORPORAL PUNISHMENT IS NOT ACHIEVED BY:

- Laws which do not explicitly refer to corporal punishment, for example, laws which prohibit “all forms of violence” or confirm the child’s right to “respect for human dignity and physical integrity”. Given the traditional acceptance of corporal punishment in child rearing, these laws are unlikely to be perceived and interpreted as prohibiting corporal punishment. Laws which prohibit “corporal punishment that causes harm” – these laws could be interpreted as not prohibiting all corporal punishment

by those who believe that physical punishment is only harmful if it reaches some threshold of severity. The law must be clear that corporal punishment is prohibited regardless of the level of severity or frequency, and regardless of whether it caused harm or was intended to cause harm.

- Laws which limit, rather than prohibit, the use of corporal punishment (for example, making it unlawful for older children but allowing it for younger children, or prohibiting the use of an implement but allowing slaps) – these so-called “compromise laws” do not achieve full prohibition.

2.4 NEGATIVE EFFECTS OF CORPORAL PUNISHMENT

Corporal punishment is the most common form of violence against children. On average, about 80 per cent of children worldwide have been found to experience some form of violent “discipline” at home (physical punishment and/or psychological aggression),⁶ and an estimated 1.3 billion children aged one to 14 years experienced corporal punishment in a single year.⁷ Younger children,⁸ children with disabilities⁹ and LGBTQIA children are particularly vulnerable to physical punishment, while older children are often exposed to more emotional violence. Experience of corporal punishment can also be gendered, as girls and boys can experience different types of punishment and may be punished for different behaviours.

The dangers posed by corporal punishment are significant and far-reaching. In addition to direct physical harm, an ever-growing body of research links corporal punishment with poorer mental health, brain development, moral reasoning and educational outcomes, as well as increased aggression and anti-social behaviour and damaged family relationships.¹⁰ Many of these negative outcomes can persist into adulthood, including poorer mental health and increased approval and use of violence in later life, particularly experience of intimate partner violence, either as a victim or perpetrator.¹¹

Evidence of the harmful effects of corporal punishment add further compelling arguments for ending its use, but it is important to remember that it is primarily about children’s human rights. We do not look for evidence of the effects of physical punishment on women, older people, or any other group, to know that it must be ended – it is enough that it breaches fundamental rights.

5 Ibid, para. 34.

6 United Nations Children’s Fund, *Hidden in Plain Sight* (New York: UNICEF, 2014).

7 *Know Violence in Childhood, Ending Violence in Childhood. Global Report 2017* (New Delhi: Know Violence in Childhood, 2017).

8 *Non-Violent Childhoods: Moving on from corporal punishment in the Baltic Sea Region, Report of the National Consultation in Sweden, 8-10 May 2017.*

9 Hendricks, C., Lansford, J. E., Deater-Deckard, K., Bornstein, M., “Associations between Child Disabilities and Caregiver Discipline and Violence in Low- and Middle-Income Countries”, *Child Development* 2014 (85(2)), 513-531.

10 Gershoff, E. T., “Corporal punishment by parents and associated child behaviors and experiences: A meta-analytic and theoretical review”, *Psychological Bulletin* 2002 (128(4)), 539-579;

Gershoff, E. T., Grogan-Kaylor, A., “Spanking and Child Outcomes: Old Controversies and New Meta-Analyses”, *Journal of Family Psychology* 2016 (30(4)), 453-469.

11 *Global Initiative to End All Corporal Punishment of Children, Corporal punishment of children: review of research on its impact and associations, Working paper* (London: Global Initiative to End All Corporal Punishment of Children, 2016); Temple, J. R., Choi, H. J., Reuter, T., Wolfe, D., Taylor, C. A., Madigan, S., Scott, L. E., “Childhood Corporal Punishment and Future Perpetration of Physical Dating Violence”, *Journal of Pediatrics* 2017, published online 4 December 2017.

2.5 POSITIVE IMPACT OF ELIMINATING CORPORAL PUNISHMENT IN THE HOME

Evidence of positive changes in attitudes and practice in disciplining and educating children following prohibition of corporal punishment is strong. This can be seen in the Baltic Sea Region, thanks to comparable research conducted before and after law reform in a number of countries.

EXAMPLES

In Sweden, there has been a consistent decline in adult approval and use of physical punishment since prohibition was achieved in 1979. Around half of children were smacked regularly in the 1970s; this fell to around a third in the 1980s, and to a few per cent after 2000. The change was achieved through a wide range of measures implemented across policy sectors, including a comprehensive national public education campaign run by the Ministry of Justice, which resulted in a very high level of awareness about the law.¹²

Similarly, in Finland the prohibiting legislation was accompanied by a public education campaign resulting in a high level of awareness of the ban.¹³ Adult acceptance of corporal punishment declined consistently from 43% in 1983 when prohibition was achieved, to 34% in 2002, 29% in 2006, 15% in 2014 and 13% in 2017.¹⁴

In Germany, the number of young people reporting that they had been “thrashed” fell from 30% in 1992 to 3% in 2002, two years after prohibition was achieved.

And in Poland, where prohibition was achieved in 2010, approval of “spanking” fell by 32% over an eight-year period, from 78% in 2008 to 46% in 2016.¹⁵

FACTORS THAT CONTRIBUTED TO THE SUCCESS OF THE SWEDISH BAN IN DOMESTIC SETTINGS:

- The strong political consensus behind the legal ban was an important precondition for its subsequent implementation.
- The functioning welfare state has been of fundamental importance, including the availability of social protection, social services and preventive health care for all, and high levels of education and economic and gender equity.
- Children coming into the public space at a very young age, in daycare and preschools, has meant that incidents of violence are easier to identify.
- Awareness-raising campaigns began even before the law was adopted and continued afterwards. The main campaign material was disseminated to all households and was available in a number of languages.
- An independent Ombudsman for Children was established in 1993, which has contributed to an increased awareness of children’s rights and their role as members of society.
- Research, analysis and evidence informs the ongoing process of implementation – of particular importance are the periodic evaluations of the impact of the ban.

¹² Modig, C. (2009), Never Violence – Thirty Years on from Sweden’s Abolition of Corporal Punishment, Save the Children Sweden and Swedish Ministry of Health and Social Affairs.

¹³ Central Union for Child Welfare (2012), Attitudes to disciplinary violence, Finland: Central Union for Child Welfare & Taloustutkimus Oy.

¹⁴ Non-Violent Childhoods: Moving on from corporal punishment in the Baltic Sea Region, Report of the National Consultation in Finland, 19-20 June 2017.

¹⁵ Although this figure rose to 52% in 2017. See Ombudsman for Children, Violence in Upbringing – Time to end this! The Ombudsman for Children’s Report 2017, Warsaw: Office of the Ombudsman for Children.



03

principles for implementing a ban in domestic settings

The primary aim of the ban is to stop parents from using violent or other cruel or degrading punishments through supportive and educational, not punitive, interventions.

That said, all reports of violence against children should be appropriately investigated and their protection from harm assured.¹⁶

The principles described below contribute to ensuring that the educative aim of prohibiting all corporal punishment in the home is achieved, and that the ban does not result in the ‘over-prosecution’ of parents.

3.1 USE OF NECESSARY FORCE TO PROTECT PEOPLE FROM HARM¹⁷

Parenting and caring for children, especially very young children, naturally demands frequent physical actions and interventions to protect them from danger. Protective actions are quite distinct from the deliberate and punitive use of force to cause some degree of pain, discomfort or humiliation. The law in all countries – explicitly or implicitly – allows for the use of non-punitive and necessary force to protect people.

A common objection to a ban on corporal punishment is a mistaken fear that parents will be prevented from protecting a child, particularly a small child, from dangers such as touching a hot surface or wandering onto a busy road. As the UN Committee on the rights of the Child has explained: “As adults, we know for ourselves the difference between a protective physical action and a punitive assault; it is no more difficult to make a distinction in relation to actions involving children.”¹⁸

3.2 THE DE MINIMIS PRINCIPLE¹⁹

The de minimis principle refers to the fact that the law does not concern itself with trivial matters. In the case of assault, this ensures that minor assaults are only prosecuted in exceptional circumstances. In this way, equal protection of children from assault, including within the family, does not mean that all cases of corporal punishment of children by their parents that come to the attention of the authorities should lead to prosecution – just as this would not happen in all cases of assault on adults.

States must develop appropriate reporting and referral mechanisms and investigate all reports of violence against children. Children’s dependence on their parents and the unique intimacy of family relations means that decisions to prosecute parents, or to formally intervene in the family in other ways, should be taken with very great care. In many cases, prosecuting parents is unlikely to be in the child’s best interests and should only be pursued when considered necessary to protect the child from significant harm. It is important to ensure effective cooperation between law enforcement and prosecution services and the social or child protection services to ensure that cases that do not lead to prosecution are appropriately followed up with supportive services to the child and parents.

¹⁶ UN Committee on the Rights of the Child, General Comment No. 8 (2006) on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)”, para. 40.

¹⁷ Ibid, paras. 14-1

¹⁸ Ibid, para. 14.

¹⁹ Ibid, paras. 40-41.

3.3 THE BEST INTERESTS OF THE CHILD²⁰

The UN Convention on the Rights of the Child gives the child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her, both in the public and private sphere. This is identified by the Committee on the Rights of the Child as one of four general principles for interpreting and implementing all the rights of the child.

THE COMMITTEE UNDERLINES THAT THE CHILD'S BEST INTERESTS IS A THREEFOLD CONCEPT:²¹

- **A substantive right:** The guarantee that this right will be implemented whenever a decision is to be made concerning a child, a group of children or children in general, and that it can be invoked before a court.
- **A fundamental, interpretative legal principle:** If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child's best interests should be chosen – based on all rights in the Convention and its Optional Protocols.
- **A rule of procedure:** Assessing and determining the best interests of the child require procedural guarantees, and States must be able to show that their interests have been explicitly taken into account in making a decision including: what is considered to be in the child's best interests; what criteria the decision is based on; and how the child's interests have been weighed against other considerations.

The concept of the child's best interests is flexible and adaptable and to be interpreted and implemented in line with all articles of the Convention, by lawmakers, the judiciary and other authorities, on an individual basis. For individual decisions, the child's best interests must be assessed and determined in light of the specific circumstances of the particular child. For collective decisions – such as by the legislator – the best interests of children in general must be assessed and determined in light of the circumstances of a particular group and/or of children in general.²²

WHEN ASSESSING THE CHILD'S BEST INTERESTS, THE COMMITTEE HAS HIGHLIGHTED THE NEED TO CONSIDER:

- the child's views and identity
- the family environment and maintenance of relations, where appropriate
- the care, including continuity of care, protection and safety of the child
- the child's situation of vulnerability
- the child's rights to health, development and education.

The Committee has made clear that any level of corporal punishment or other forms of cruel or degrading punishment cannot be justified as being in the best interests of the child. It stated that "interpretation of a child's best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence..." and that it cannot be used to justify practices, including corporal punishment, which conflict with the child's human dignity and right to physical integrity.²³

Preventing family separation and preserving family unity are important components of the Convention and the child protection system. Separating a child from a parent and/or prosecuting a parent are therefore only likely to be determined as being in the best interests of a child in extreme cases where the safety and health of the child are at risk. The primary purpose of prohibiting corporal punishment of children within the family is to prevent violence against children by changing attitudes and practice to promote positive, non-violent and participatory forms of child rearing.

20 UN Committee on the Rights of the Child, General Comment No. 5 (2003) on "General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)" and General Comment No. 14 (2013) on "The right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)".

21 UN Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), para.6. 22 *ibid.*, para.34.

23 UN Committee on the Rights of the Child, General Comment No. 8 (2006) on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)", para. 26.



04

overcoming common obstacles to implementation

A common fear in relation to introducing a ban on corporal punishment is that it will lead to increased prosecution of parents and family separation. This can lead to resistance to legal and social reform and a reluctance to report suspected or identified cases of violence in the home. Measures must be put in place to encourage reporting and to increase understanding of the ban as an educational, rather than punitive, tool among children, parents and other carers and all those working with and for children.

4.1 STRENGTHENING UNDERSTANDING OF A BAN IN DOMESTIC SETTINGS

Opponents to the introduction of a prohibition on corporal punishment in the home often suggest it will lead to increased prosecution or imprisonment of parents, or children being taken into care. However, States that have achieved prohibition offer no evidence to support this view. Despite the lack of evidence, the fear of increased prosecution of parents as a consequence of the ban can be a significant barrier to reform.

In addition, corporal punishment of children affects many people on a very personal level. Many people were hit as children and many parents have hit their children, and we do not like to think badly of our parents or of our own parenting. This can hinder compassionate, logical or rights-based consideration of the issue. In many countries, corporal punishment remains a deeply embedded traditional practice, a habit passed down from one generation to another as part of the child rearing culture, in some cases supported by religious belief. As a result, challenging the “right” or “duty” of parents or other carers to use

corporal punishment can sometimes be met with significant opposition.

Addressing these concerns must form part of the strategy for implementing the ban in the home.²⁴ Important remedies and approaches are discussed below, which can contribute to an increased understanding and awareness of the ban, as well as increasing support for the ban and contributing to a change in attitudes and behaviour with regard to violence in child rearing.

4.1.1 AWARENESS-RAISING CAMPAIGNS

Awareness-raising is a vital element in building consensus in support of the law and achieving behavioural change and social transformation. It involves informing individuals and communities about the legal framework, the impact of corporal punishment, the benefits of positive parenting and support services available for parents and children. A number of key elements of awareness-raising activities have been identified in countries implementing a full ban as particularly useful to generate awareness and support of the law and a change in behaviour.

²⁴ Common questions and objections to prohibition of corporal punishment in the home are addressed in a series of booklets available in over ten languages: Global Initiative to End All Corporal Punishment of Children & Save the Children Sweden (2017), Prohibiting all corporal punishment of children: Answers to frequently asked questions.

Campaigns should be incremental, long-term and have a broad target audience. Changing attitudes and practices that have been around for a long time will require a sustained effort, so plans and funding should be put in place for long-term and recurrent activities, which draw from and follow-up on learning from previous campaigns and initiatives.²⁵

Campaigns should motivate parents and carers by raising awareness about the negative impact that corporal punishment can have on children's health and development. Information about positive parenting and the benefits of non-violent parenting strategies for supporting children's healthy development, reducing stress and strengthening parent-child relations is also central to stimulating changes in attitudes and behaviour.

Effective campaigns must address justifications for corporal punishment based on culture or religion, including by using evidence and research as well as cultural and theological arguments to address misconceptions, attitudes and beliefs. They should also instil a duty to act, such as the campaign "See it, hear it, tell it" rolled out in five European countries, which encourages and empowers people to notice signs of violence and to take action.

Both before and after law reform is achieved, public education aimed at parents and children should highlight the purpose of the ban and how it will be implemented. In order to dispel the common fear that the ban will result in increased prosecution of parents, the following key points should be highlighted:

The primary purpose of prohibiting corporal punishment of children within the family is prevention – to prevent violence against children by changing attitudes and practice, underlining children's right to equal protection from assault, and promoting positive, non-violent forms of child rearing.

Equal protection for children means that an assault of a child will be a criminal offence, just as it would be if it was directed at an adult. However, criminalising all parental corporal punishment does not mean automatic or frequent prosecution of parents. This is very seldom in the best interests of children, since they are intimately related to and dependent on their parents. Prosecution should only proceed when it is the only way to protect the child.

While minor assaults on adults by adults are clearly unlawful, they very seldom go to court due to the *de minimis* principle – the principle that the law does not concern itself with trivial matters. Minor assaults on children may be even less likely to go to court because of the difficulties in obtaining suitable evidence. Calling

assaults "minor" does not mean they are unimportant or should be ignored or considered lawful; it means that the response needs to be educational, positive and supportive, rather than negative and punitive.

In the few cases when other supportive interventions have failed and where removing a child into care or criminal prosecution is necessary to protect a child from danger, it will be easier to protect the child because the perpetrator will no longer be able to rely on laws that allow a certain level of violence against a child. This includes the legal defence of "reasonable punishment" or laws that provide a "right of correction" to parents and other carers.

EXAMPLES

In Sweden, a large-scale Government funded campaign was run before and after the law reform was achieved in 1979. It included the delivery of a brochure to every household. Information was also posted on milk cartons to raise awareness among both children and adults and to encourage discussion within the family. The campaign resulted in a very high level of public awareness of the law. By 1981, over 90% of Swedish families were aware of the prohibition on corporal punishment.²⁶

Increasing awareness of children's right to freedom from violence, the dangers associated with its use and the positive alternatives that are available, should lead to reduced tolerance of violence against children in society. As a consequence, some countries where the State has actively implemented the ban have seen an increase in reports of assaults against children, particularly where the ban is combined with reporting obligations. An increase in reporting allows for increased action by social and child protection services to support families in need but does not necessarily lead to an increase in cases that go to court.

In Sweden, reports of assaults against children rose following the ban, but the vast majority were in the most minor assault category. This suggests that children at risk of violence were being identified before serious injury occurred.²⁷ In fact, the ban has not led to an increase in cases that are prosecuted and taken to court and studies have shown that convictions only occur in cases where there is clear evidence of the pain inflicted on the child in light of the Criminal Code. There is also no indication of an increase in the numbers of children placed in alternative care due to corporal punishment since the ban was adopted.²⁸

²⁵ See for example https://www.unicef.org/cbsc/index_42352.html and Corporal punishment in the Baltic Sea Region, National Consultation Report Estonia, 15-17 November 2017.

²⁶ Modig, C. (2009), Never Violence – Thirty Years on from Sweden's Abolition of Corporal Punishment, Save the Children Sweden and Swedish Ministry of Health and Social Affairs.

²⁷ Durrant, J. (2000), A Generation Without Smacking: the impact of Sweden's ban on physical punishment, Save the Children.

²⁸ Leviner, Pernilla, The Swedish Ban on Physical Punishment of Children – Legal implications, implementation and challenges, Presentation, Stockholm, 8 May 2017, cited in National Consultation in Sweden, May 2017.

INCREASING AWARENESS AMONG NEWLY ARRIVED CHILDREN AND PARENTS

Countries where strong social consensus and support for a legal ban on corporal punishment has been achieved may need to reconsider their strategies and adopt new ways of reaching out to newly arrived children and parents. The information provided should address differences in culture, perceptions of children and violence so that it contributes not only to an awareness of the law, but an incremental change in attitudes and practice. People within migrant and refugee communities are well placed to become advocates for changing attitudes and behaviours among people with similar backgrounds and cultures.

EXAMPLES

Experience in Finland has found that providing information can make a difference if it is combined with counselling and advice on how to apply it in day-to-day family life.²⁹

In Sweden, a web-based youth clinic is administered by the county council in Stockholm. Information on the youth clinics is available online in the five most common languages of migrants and asylum seekers. Together with the Swedish Agency for Youth and Civil Society, the youth clinics are developing training courses linked to this website.³⁰

4.1.2 USING THE MEDIA TO INFORM PUBLIC DISCOURSE

Many journalists and media outlets report actively about matters related to families, including domestic violence, the rights of children and women and the evolving meaning of family and parenting in modern society. Journalists often cooperate closely with civil society, performing an awareness-raising, information provision and educational role.

Experience in the Baltic Sea Region has shown the media can play an important role in bringing child protection themes into the public debate, including information about the ban on corporal punishment and about positive parenting. In some countries, media reporting about infringements against the rights of the child in institutions has helped to exert public pressure on state agencies to live up to their responsibilities to ensure children's safety.

States that are planning to enact prohibition and those seeking to implement a ban effectively should ensure that their agencies coordinate effectively with supportive journalists. This can help raise the profile of the issue and inform parents and children about the ban, emphasising that the purpose of the ban is educational, not punitive. It is important to identify key moments and stories that attract the attention

of the public, and to keep journalists up to date with accurate information on the law, and with research on the negative effects of corporal punishment and on positive alternative methods of discipline. It is also important to involve journalists and media outlets that are popular among harder to reach groups, including minorities, and to ensure accurate information is not only provided but also tailored to their specific needs.

The media can also provide a platform for public debate, for example in social and political debates where politicians, academics, practitioners and citizens can all discuss the issue together. This can be a powerful tool for engaging citizens in the topic.

Children's voices and opinions can also be heard and amplified through the media. Structures should be put in place for sustained contributions from children and young people from a variety of backgrounds and with diverse abilities to ensure different childhood experiences are represented. Children can play an active role in producing their own media and messages, which can help to ensure their contribution is meaningful and accurate.

At all times, consideration must be given to ethical reporting, data protection and privacy when discussing corporal punishment in the media, in particular to protect the identity of children and professionals.

4.1.3 WORKING WITH COMMUNITIES AND FAITH-BASED ORGANISATIONS

Links with community networks can provide opportunities for education and awareness-raising. Parent support groups, local community leaders and religious leaders can play a key role in supporting their communities to move on from corporal punishment to more positive and participatory methods of parenting. They can use their position in the community to work with others to help transform attitudes and practices that may be rooted in culture and tradition. They can also play a significant role in evaluating the impact of law reform.

Growing numbers of religious communities and organisations are working actively to eliminate all violence in child rearing, including by challenging those who use their sacred texts and teachings to justify it. The core values of compassion, equality, peace and non-violence are universal across all major world religions. The Kyoto Declaration - A Multi-Religious Commitment to Confront Violence against Children, was developed by religious leaders of all faiths and adopted at the World Assembly of Religions for Peace in 2006.³¹ It calls on Governments to prohibit and eliminate all violence against children, including corporal punishment.

29 Non-violent childhoods: Moving on from corporal punishment in the Baltic Sea Region, National Consultation Report Finland 19-20 June, 2017.

30 Florin, Ola, Preventing Men's Violence Against Women and the Child Rights Implications, Ministry of Health and Social Affairs, Presentation, Stockholm, 10 May 2017.

31 See <https://www.unicef.org/violencestudy/pdf/Final%20Declaration%20VAC-28%20Aug-Kyoto.pdf>

Building on religious support for ending corporal punishment can make an important contribution towards implementing the ban on corporal punishment in the home. It is important to include supportive religious leaders as partners in any awareness-raising campaign, to consult them about best approaches within their particular faith tradition and to find opportunities for harnessing their influence and skills of communication, leadership and scholarship. Guidance is also available to support those working with and within religious communities, or in multi-religious gatherings, towards prohibition and elimination of corporal punishment of children.³²

4.1.4 CLEAR DIRECTION AND TRAINING FOR THOSE WORKING WITH AND FOR CHILDREN

In order for the ban to achieve its aim - to stop parents from using violent or other cruel or degrading punishments through supportive and educational, not punitive, interventions - clear guidance and direction is needed. Advice and training on the purpose of the ban, and how to implement it in the best interests of the child, should be provided to all officials and professionals working with and for children and families. This includes:

- Policy-makers
- Health, education and social care professionals
- Police, prosecuting authorities and the judiciary

Specific guidance should be given to each group, setting out their role in implementing the ban in the home. The guidance should emphasise the purpose of the ban, children's right to equal protection, the focus on positive responses and interventions to support families in need and emphasise that any separation of the child from his or her parents must be a measure of last resort, applied only when deemed necessary in the best interests of the child and subject to judicial review.

4.2 INCREASING REPORTING AND REFERRAL

Professionals working with children and families are often worried that they might lose the trust of their clients when they report suspected or identified cases of corporal punishment, or that it may cause additional stress to a family that is already in a difficult situation. Children themselves, family members and members of the public (such as neighbours) can also be reluctant to report corporal punishment due to the fear of unknown procedures, risk of family separation or criminalising the parent, or being perceived as a whistle-blower. Some of these fears can also prevent parents and carers themselves from speaking out and seeking help to change their behaviour, particularly in countries where corporal punishment is prohibited, and a social stigma has become attached to its use.

Young people consulted in Estonia described a number of factors that can prevent children from reporting corporal punishment in the home:

- Fear of being removed from their families. Children would often rather accept a certain degree of violence than risk being separated from their families. For this reason, some children do not tell a friend, teacher or social worker when they have experienced violence at home. Sometimes, children do not even tell the other parent when one parent has been violent, as they do not want them to be punished.
- Fear of a lack of confidentiality about their experiences. Young people can find it difficult to trust teachers, social workers or psychologists at school, as they fear they will not keep their experiences confidential.
- Shame associated with corporal punishment prevents open discussion of children's experiences and its impact on them. Children often feel ashamed, not only for being victims of corporal punishment but also for their parents' behaviour, and how they might mistakenly feel that it reflects on them or their family.

Children should know that it is wrong when parents hit them, and they should be encouraged to speak out about it, in confidence, and seek help. They should know that it is not their responsibility to keep secrets, and that there are services available to support their parents that may not require removing the child from their family or punishing their parents.

Professionals and officials are bound by rules of confidentiality, but they also have an obligation to protect the child from violence and, in many countries, there are reporting obligations and waivers to confidentiality. Officials and professionals need to be transparent about this to the child and inform the child how they are going to act upon information they have shared, in the best interests of the child.

In the Baltic Sea Region, factors that have helped to encourage and increase reporting and referral of suspected or identified cases of corporal punishment include mandatory reporting and the availability of free national helplines.

4.2.1 MANDATORY REPORTING OF SUSPECTED CASES OF VIOLENCE

Mandatory reporting of known or suspected cases of violence against children aims to enable early identification of cases of harm to children which might otherwise not be brought to the attention of relevant authorities that have the power to intervene to protect the child. It also reinforces the ethical obligation on all adults to care for and protect children from abuse and harm and helps to create a culture which is more child-centred and less tolerant of abuse and violence against children.

³² See <http://churchesfornon-violence.org/> or <https://endcorporalpunishment.org/>

Reports are usually based on suspicions; it is not up to the individual citizen to make a decision or judgement about the nature of the problem, or what measures to take. Social workers are competent to gather evidence and assess the case in order to make appropriate decisions, in accordance with the best interests of the child. It is important for everyone involved to be aware that a notification does not automatically lead to sanctions against the family but is a necessary step to ensure that the system can operate correctly and effectively.

EXAMPLES

Different approaches have been taken to mandatory reporting by different countries. Reporting obligations may be imposed for officials and professionals, or for all citizens, and may apply to different levels of risks and dangers to children. For example, Estonia's Child Protection Act obliges all citizens to report to the authorities when they become aware of a child who is "in danger" (when the risk to the life or health of the child is acute and there are reasonable grounds to believe that the child is facing a concrete threat) or a child who is "in need of help" (this more broadly includes all cases when a child's safety, well-being and development is at risk).

Reports may be made to social services, which represents a lower threshold approach, or to the police, and countries have organised this in different ways. In Sweden, reports are usually made to social services, who investigate the case and make the decision whether or not to report the case to the police for a law enforcement investigation. Where available, this decision is made at a Barnahus by a multi-disciplinary and interagency team. In Estonia, social workers must decide within ten days of receiving a report whether to open a social investigation.

Finally, sanctions may or may not be imposed in cases where there has been a failure to report. To uphold standards of service delivery to families in need, it is recommended to apply sanctions for officials and professionals who fail to comply with their reporting obligations. Sanctions may not apply to citizens who fail to comply, as is the case in Estonia.

In Estonia in 2017, about 40% of the notifications of children in need or in danger were made by officials and professionals, such as police officers, social workers or kindergarten staff, although neighbours also reported suspicions of child maltreatment.³³

LESSONS LEARNED

Mandatory reporting has proven instrumental in bringing more cases to the attention of state agencies and service providers. Many countries have observed a trend whereby the number of reports, and therefore caseloads, rise in the first years after

reporting obligations are introduced, and later come back down. It is therefore important to plan and prepare appropriately for the introduction of reporting obligations in order to bolster service provision and responses to incoming reports. This includes allocation of budget, recruitment of relevant officials and professionals, and provision of training.

4.2.2 NATIONAL HELPLINES

Helplines can be integrated into social service delivery to provide a free and accessible first point of contact for children, parents, professionals and others seeking assistance related to cases of corporal punishment and other violence in the home. They provide a confidential service that usually offers information, support, guidance and referral.

The benefits of free national helplines are wide-ranging. They are broadly accessible in terms of geographical coverage and affordability, since money is removed as a barrier to access. They provide convenient and immediate access to accurate information, advice and support, particularly for 24/7 services, and they are non-judgmental, confidential and, in some cases, anonymous. Importantly, they can also act as a gateway for other services, including counselling, health and emergency support.

Helplines should provide relevant and culturally appropriate information and promote equal access by paying particular attention to vulnerable children and adults, and those with impairments.³⁴

LESSONS LEARNED

- Children and parents use services they trust and that they perceive as meaningful for them.
- An easily accessible national helpline offers low-threshold access to information, advice and a complaint mechanism for children, parents and professionals. Effective integration of the helpline into the national child protection system therefore helps to increase the protection of children.
- Quality assurance is vitally important, including appropriate recruitment, training and supervision of staff and volunteers, and monitoring and evaluation of the service.
- Anonymity can help to encourage reporting without fear of embarrassment, stigmatisation or repercussions. The Child Helpline in Estonia has found that children, or neighbours who have witnessed violence against children, usually do not want to mention their names. In acute cases, the helpline staff will inform the police who may go to the home right away.

³³ Eve Liblik, Social Insurance Board, National Consultation Estonia, Narva, 16 November 2017.

³⁴ Social Policy Evaluation and Research Unit (Superu), What is known about the effectiveness of social sector freephone helplines? Rapid evidence-based literature review, February 2018.

- Helplines may be used more for advice and information than for reporting violence. Recent research from Sweden has found that although the helpline is often used, only 1.6% of abused children report abuse through an anonymous helpline (abuse is most commonly reported to a friend, followed by a sibling).
- Helplines will benefit from keeping up to date with user needs and being innovative in providing choice to meet those needs. The term 'helpline' is therefore used in a broader sense, as phone helpline services expand to utilise other platforms, including web-based, email and text.

05

responding to cases of corporal punishment

Preserving the family unit and preventing separation are essential objectives of the child protection system. When corporal punishment is identified in the home, the child's best interests will most often be served by responses that support the parents in changing their behaviour and restore or enhance the family's capacity to care for the child. In cases where it is not possible for a child to remain within his or her family without suffering severe harm, the child's best interests must be assessed and taken into account as a primary consideration. The child's best interests must be determined on a case-by-cases basis, taking into account the particular circumstances of the child.

5.1 INVOLVING CHILDREN IN SERVICE DESIGN AND RESPONSES TO CASES OF CONCERN

Article 12 of the Convention on the Rights of the Child sets out the child's right to be heard. It provides children with the right to express their views and to have their views given due weight in accordance with their age and maturity in all matters that affect them. Article 12 is recognised as one of the guiding principles of the Convention and fundamental to the interpretation and realisation of all other rights. It recognises that children are the experts in their lives and experiences and it applies both to socio-political participation and to judicial and administrative proceedings affecting the child. The latter will require child-sensitive communication and interviewing, including the provision of a child-friendly environment.

In terms of their socio-political participation, children can make valuable contributions to the design of services and response to cases of violence in the home. The process for engaging children in this way must be prepared carefully, both to ensure that safeguarding obligations are met and in order to choose the best methods for children of various ages

and with different levels of maturity and ability to express themselves. Options may include using drama, art, painting, making short films or digital story telling.

EXAMPLE

The Ombudsman for Children in Sweden works with a method called "Young Speakers"³⁵ conducting interviews and group discussions with children in different situations, including on the theme of violence. The Ombudsman for Children has also developed the child-friendly website 'Koll på Soc'³⁶ in cooperation with children, which provides child-friendly information about their rights, how to contact social services, the role of social services and relevant laws, including the legal ban on corporal punishment.

RECOMMENDATIONS FROM CHILDREN AND YOUNG PEOPLE IN THE BALTIC SEA REGION ³⁷

- Children want more access to quality information about violence prevention, their rights and where to get help if needed. Interactive websites and a dedicated space close to schools or other places children spend time would be useful for this purpose.

³⁵ See <https://www.barnombudsmannen.se/young-speakers/om-unga-direkt/>

³⁶ See <https://kollpasoc.se/>

³⁷ Non-Violent Childhoods: Moving on from corporal punishment in the Baltic Sea Region, National Consultation in Sweden, 8-10 May 2017, pp.22-24; Non-Violent Childhoods: Moving on from corporal punishment in the Baltic Sea Region, Report of the National Consultation in Estonia, 15-17 November 2017.

- Social workers and other professionals should be more proactive and approach children who they believe are experiencing violence at home, to help children speak out.
- Pupils would like to be able to contact a social worker anonymously at any time. This could help to reduce the worry and uncertainty about the effect that speaking up about violence in the home might have on their family.
- Children should be engaged more actively and systematically in decision-making processes that affect them.
- Themes related to violence against children and effective communication with children should be included in academic and in-service training for all professionals working with children and families, including social workers, teachers and psychiatrists.
- Teachers and daycare staff should start talking about corporal punishment with children from a very young age in nurseries, kindergartens and elementary schools.
- Group programmes for children who have been exposed to violence in different forms should be made available, as children are used to spending time in different child groups and many children feel comfortable doing activities together with other children.

5.2 POSITIVE INTERVENTIONS TO SUPPORT FAMILIES

The primary purpose of prohibiting corporal punishment of children within the family is to prevent violence against children by changing attitudes and practice and to promote non-violent child rearing. Children are reliant on their parents and the family is recognised as the natural environment for the growth and well-being of children. Preserving the family unit and preventing separation should therefore be essential objectives of any child protection system, grounded in the UNCRC (article 9).

When corporal punishment is identified in the home, the child's best interests will most often be served by responses that support the parents in changing their behaviour and restore or enhance the family's capacity to care for the child. An exception is only made in cases where the child's safety and health is at risk and separation is necessary to protect the child.

EXAMPLES

A number of integrated services and multi-disciplinary responses to cases of corporal punishment in the home, which are centred around the child, have been implemented in the Baltic Sea Region and other countries. Examples of successful interventions include the Barnahus model which is based upon multi-disciplinary and interagency interventions organised

in a child-friendly setting. The professional forensic interview and medical evaluation of the child are central components of the Barnahus model.

In addition, the Family Group Conferencing method provides a structured framework for the assessment and resolution of conflicts and engages all family members actively with support from public services. This method trains family members to identify solutions to their problems and take responsibility to resolve them.

5.3 CHILD-CENTRED SERVICES

There is no single definition of what a "child-centred" approach means and how it can be achieved in practice in social services, the education sector and other areas. However, experience shows that placing the child at the centre of activities requires a drastic change of mind-set. Today, systems and services in many European states are still largely centred around adults.³⁸

Being child-centred does not mean to be present with the child or to obey the child's every wish. It rather describes an approach where the best interests, the rights and the views of the child are at the centre of decisions.

A framework of good practice and safeguards can support an effective child-centred approach. Individual consideration of each case is fundamental to a child-centred approach. In general, the situation should be discussed with the child, and due respect given to his/her views and needs, and time taken so the child can express his/her views, and be given the support he/she needs. It is essential the child understands what is happening, feels heard and knows the steps that will take place as a result of the process. Acting in a child-centred way therefore involves accessible dialogue, discussions, and a consideration of individual situations and needs.

PERSONAL DATA AND VIOLENCE PREVENTION

All countries in Europe have quite similar data protection laws, but some countries in the Baltic Sea Region have developed unified national social services databases, which have been effective in facilitating prompt access to information on children and families at risk of violence. A unified database allows for a continuity of service when families move between municipalities, as the social services can access the case files of a family that has previously been in contact with services in a different municipality. This improves the quality and speed of services and provides an important safeguard for children as the child and parents do not need to be interviewed again and re-tell difficult or traumatising experiences in each new location. It also reduces strain and cost on public and private service providers.

5.4 SETTING THRESHOLDS

Child protection and social care systems must be designed to help families stay together wherever this is in the best interests of the child. In some cases, it is not possible for a child to remain within his or her family without suffering severe harm. Separating a child from the family may, however, be perceived as the most severe punishment of a child and the parents, even if it is done to protect the child.

The Guidelines for the Alternative Care of Children³⁹ agreed by the UN General Assembly aim to ensure that children are not placed in alternative care unnecessarily; and that where alternative care is provided, it is delivered under appropriate conditions responding to the rights and best interests of the child. A child should only be separated from his or her parents as a measure of last resort, and not if less intrusive measures could protect the child.

The child's best interests must be assessed and taken into account as a primary consideration and must be determined on a case-by-cases basis, taking into account the particular circumstances of the child. The UN Committee on the Rights of the Child has set out two distinct steps that must be followed in making a decision:⁴⁰

- **“Best-interests assessment”** – this is for finding out what elements are relevant to the specific case and weigh them up carefully in making a decision. This assessment should be conducted by a multidisciplinary team, or the decision-maker and his or her staff and requires the participation of the child.
- **“Best-interests determination”** – this describes the formal process with strict procedural safeguards designed to determine the child's best interests on the basis of the best-interests assessment. It ensures legal guarantees and proper application of the right.

ELEMENTS TO BE TAKEN INTO ACCOUNT WHEN ASSESSING THE CHILD'S BEST INTERESTS⁴¹

- **The child's views.** Article 12 of the UNCRC provides for the right of all children, including very young or vulnerable children, to express their views in every decision that affects them, and for their views to be given due weight according to their age and maturity, to allow them to influence the determination of their best interests.
- **The child's identity.** This includes characteristics such as sex, sexual orientation, national origin, religion and beliefs, cultural identity, personality. Although children and young people share basic universal needs, the expression of those needs depends on a range of aspects, including their evolving capacities.
- **Preservation of the family environment and**

maintaining relations. In cases of separation, the State must guarantee that the situation has been assessed, where possible by a multidisciplinary team of professionals with appropriate judicial involvement, ensuring that no other option can fulfil the child's best interests. Any separated child must be able to maintain links and relations with their parents and family (siblings, relatives and others to whom the child has had strong personal relationships) unless this is not in the child's best interests.

- **Care, protection and safety of the child.** This applies in a broad sense, since the objective is not only to protect the child from harm, but to ensure the child's comprehensive “well-being” and development, which includes their basic material, physical, educational, and emotional needs, as well as needs for affection and safety.
- **Situation of vulnerability.** This may relate to disability, belonging to a minority group, being a refugee or asylum seeker, victim of abuse, or similar. The different kinds and degrees of vulnerability of each child must be considered.
- **The child's right to health.** The child's right to health and his or her health condition are central in assessing the child's best interest.
- **The child's right to education.** This refers to the child's access to quality education free of charge, including early childhood education, non-formal or informal education and related activities.

LESSONS LEARNED

- Reporting obligations and a well-connected local referral mechanism are key elements that make the child protection system operational at the local level. They can help to ensure that suspicions and signs of violence are investigated by competent authorities responsible for providing appropriate follow-up measures.
- In situations of family separation, services are more effective when they generate trust in the population they serve. Community-based child protection and social services can be trusted more than state services because they are delivered by people from the community, but essentially, to achieve trust, services should aim to ensure transparency, reliability, accountability and impartiality in the way that cases of violence in the home are handled and followed up.
- It is important that informal and formal actors in the child protection system coordinate effectively and that it is clear how they will cooperate and refer cases to each other.

³⁹ General Assembly resolution 64/142, annex.

⁴⁰ UN Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), para. 47.

⁴¹ *ibid.*, paras. 52-79.

Non-Violent Childhoods

The Non-Violent Childhoods programme aims to promote the full implementation of the legal ban on corporal punishment in the Baltic Sea Region through collaborative, multi-stakeholder planning and action. The programme is managed by the Council of the Baltic Sea States and jointly funded by the European Commission. www.childrenatrisk.eu/nonviolence

Council of the Baltic Sea States

Established in 1992, the Council of the Baltic Sea States (CBSS) is a political forum for regional inter-governmental cooperation and dialogue. The member states of the CBSS are Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia, Sweden, as well as the European Commission. The CBSS operates through its networks and expert groups. In 1998, the CBSS initiated its work to implement the UN Convention on the Rights of the Child. The CBSS Expert Group on Children at Risk engages with national, regional and international stakeholders to end abuse, exploitation, trafficking and all forms of violence against children. www.cbss.org

A Regional Initiative and Partnership

The Non-Violent Childhoods programme operates in partnership with ministries from Estonia, Finland, Latvia and Sweden and with the Ombudsman for Children's Rights in Poland. Representatives from government ministries, national parliaments, ombuds-offices for children, academia and organisations as well as children from most of the countries in the Baltic Sea Region have in addition participated in expert meetings and contributed to the programme and the guidance reports. Experts from other countries and institutions in Europe have also taken part.

Global Initiative to End All Corporal Punishment of Children

The Global Initiative to End All Corporal Punishment of Children works with governments and non-governmental actors towards universal prohibition and elimination of corporal punishment of children. It is an international partner to the Non-Violent Childhoods programme. www.endcorporalpunishment.org

Guidance Reports

A Step-by-Step Guide on implementing the Convention on the Rights of the Child to achieve an end to corporal punishment

Ensuring Non-Violent Childhoods –
Guidance on implementing the prohibition of corporal punishment in domestic settings

Parenting for Non-Violent Childhoods –
Positive parenting to achieve an end to corporal punishment

Building Supportive Societies for Non-Violent Childhoods – Awareness-raising campaigns to achieve an end to corporal punishment

Service Providers as Champions for Non-Violent Childhoods – Service provision for children and parents to achieve an end to corporal punishment

Tracking Progress towards Non-Violent Childhoods – Measuring changes in attitudes and behaviour to achieve an end to corporal punishment

The Non-Violent Childhoods Programme is led by the
Council of the Baltic Sea States in partnership with:

Ministry of Social Affairs, Estonia
Ministry of Social Affairs and Health, Finland
Ministry of Welfare, Latvia
Ombudsman for Children's Rights, Poland
Ministry of Health and Social Affairs, Sweden
The Global Initiative to End All Corporal Punishment of Children

More information on the Non-Violent Childhoods programme, including its guidance reports and the campaign, can be found at www.childrenatrisk.eu/nonviolence



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