

UNSAFE HAVENS?



Violence against Children at
Home and in Schools in the
Baltic Sea Region



Save the Children
Sweden

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Violence against Children at Home
and in Schools in the Baltic Sea Region

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ISBN 978-91-7321-272-4
Code no 10114

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Contents

- Preface*..... 7**
- Introduction and methodology*..... 8**
- Estonia* 11**
 - Introduction11
 - Corporal punishment.....11
 - Bullying14
 - Comments from the CRC Committee.....16
- Finland* 17**
 - Introduction17
 - Corporal punishment.....17
 - Bullying19
 - Comments from the CRC Committee.....21
- Latvia* 22**
 - Introduction22
 - Corporal punishment.....22
 - Bullying25
 - Comments from the CRC Committee.....26
- Lithuania*..... 27**
 - Introduction27
 - Corporal punishment.....27
 - Bullying29
 - Comments from the CRC Committee.....31
- Poland* 33**
 - Introduction33
 - Corporal punishment.....33
 - Bullying37
 - Comments from the CRC Committee.....38
- St. Petersburg (Russian Federation)*..... 40**
 - Introduction40
 - Corporal punishment.....40
 - Bullying43
 - Comments from the CRC Committee.....44
- Sweden* 46**
 - Introduction46
 - Corporal punishment.....46
 - Bullying49
 - Comments from the CRC Committee.....50
- Concluding comments and topics for further discussion* 51**
 - Corporal punishment.....51
 - Bullying52
 - The role of NGOs and overall developments in society52
- People interviewed*..... 54**
- List of references* 55**

Preface

Issues relating to violence put the implementation of the rights of the child to the test .

This study indicates that large parts of the adult population in the countries around the Baltic Sea still think that children do not deserve the same right to be protected from violence as adults. Physical and humiliating punishments are widely practiced - and tolerated. Peer violence (bullying) is also common and is often discarded as “children’s play” or something that children and young people have to sort out themselves.

These attitudes are an obvious demonstration of the fact that the rights of the child are still not fully internalised, neither among decision-makers and professionals, nor among the general public.

This study covers six countries; Estonia, Finland, Latvia, Lithuania, Poland and Sweden, and the St. Petersburg region of the Russian Federation. The aim of the study is to explore the situation in these countries and the St. Petersburg region in relation to measures taken to prevent physical and humiliating punishment of children and bullying and to build the case for legal provisions, public education and adequate protection systems.

Many thanks to organisations working within the field of child rights in the above mentioned countries and the St. Petersburg region for taking part in planning and practical execution of the work with the study. Thank you also for contributing with invaluable knowledge about the situation in the Baltic Sea region.

Save the Children Sweden

Introduction and methodology

Introduction

The gap between children's rights and the human rights enjoyed by adults becomes evident when it comes to issues relating to violence.

Not only are children more likely than adults to suffer from violent behaviour towards them, it is also common that they lack legal protection. This inadequate protection is especially aggravating as it is more difficult for children to claim their rights than it is for grown-ups. Therefore, in order to ensure the fulfilment of child rights, children need strong legal provisions as well as well-functioning and accessible protection systems that take into account the views and experiences of children.

It is common, however, that violence against children in the form of physical and humiliating punishments is excused as being demonstrations of love or necessary and well-intended measures for discipline. Bullying and other kinds of peer violence are often ignored as being just "children acting like children" and nothing that requires adults' interventions.

In this study the situation in six Baltic Sea countries, Estonia, Finland, Latvia, Lithuania, Poland and Sweden, and the St. Petersburg region in the Russian Federation is explored with regard to prevention as well as measures for assisting victims of domestic violence and bullying.

Scope of the study

The purpose of this study is to explore the situation for children experiencing corporal punishment and bullying in the six above mentioned Baltic Sea countries and the St Petersburg region.

The following issues are covered:

- Available research on attitudes in the society and the prevalence of physical and humiliating punishment and bullying.
- Laws regulating the issues of corporal punishment and bullying.
- Implementation of relevant laws.
- Government institutions and measures taken by the government.
- Responsibilities of regional and/or local authorities and service providers.
- Examples of programmes and projects concerning domestic violence and bullying carried out by non-governmental organisations (NGOs).
- Debate in the media, at political level and among the public about the issues of domestic violence, corporal punishment and peer violence in the respective countries.

The empirical work for the study was carried out in October and November 2007 and events after this are therefore not covered.

Organisation of the study

The study is divided into nine chapters.

In this introductory chapter purpose of the study, methodology and limitations are explained.

In the chapters two to eight the situation regarding corporal punishment and bullying in each of the six countries covered and the St Petersburg region is covered.

In chapter nine some conclusions are drawn and steps forward are discussed.

Author

On assignment of Save the Children Sweden the study has been carried out by Agneta Gunnarsson, journalist, researcher and consultant at the consultancy company Context in Stockholm, Sweden.

Monika Sarajärvi, programme officer on violence and child participation at the Europe section of Save the Children Sweden, was contact person.

The consultant wants to express her sincere gratitude to all those individuals who shared their time and knowledge with her. Special thanks to the members of the project group: Merit Lage in Estonia, Agnese Sladzevska in Latvia, Agata Jaworska in Poland, Reda Lileikyte in Lithuania and Olga Kolpakova in St. Petersburg, for contributing practical support and valuable information.

While many people have contributed, any errors or misunderstandings remaining are the fault of the author.

Methodology

In order to describe the situation in the six Baltic Sea countries and the St. Petersburg region two methods have been used: study and analysis of documentation and interviews.

Initially, research articles, government policies, legal texts, booklets and other material from the countries concerned were gathered and analysed. In addition, information from the Committee on the Rights of the Child, the United Nations and the Council of Europe was gathered.

This material provided useful knowledge about the situation in the different countries and constituted an important point of departure for the interviews.

Approximately 30 interviews were carried out in Poland, Estonia, Latvia, Lithuania and St. Petersburg. The interviewees were parliamentarians, government officials at national, regional and local level, experts in the field of child rights, NGO representatives, as well as other people with specific knowledge about issues of interest.

The interviews were semi-structured, departing from a number of pre-defined questions but with opportunities for follow-up questions depending on the answers provided.

For a list of people interviewed, see the list of people interviewed.

The intention was to visit Finland as well, but for practical reasons this was not possible. Therefore, the information about Finland was mainly gathered through the use of written sources.

Concerning Sweden, the information was gathered from written sources and information provided by programme officers of Save the Children Sweden.

Limitations

This study builds on already existing research and other information. A major limitation has been that a considerable share of the research, government documents, information from NGOs and other relevant information is only available in the original languages. In some cases summaries have been translated into English, in others only oral information about the contents of the documents has been available to the author of the study.

This lack of access to first-hand information increases the risks of misunderstandings and errors. Furthermore, it implies that full knowledge about, for example, methods used in different studies about the prevalence of corporal punishment and bullying has not always been available. This in turn means that caution is warranted when it comes to comparing percentages as well as other information from the different countries.

Considering the explorative nature of this study and the limited knowledge about methods used in some studies that are referred to it has not been considered relevant to differentiate between different terminologies used for corporal punishment. Despite awareness about the differences between terms such

as “corporal punishment”, “physical punishment”, “physical and humiliating punishment” and “disciplinary or punishment violence”, the expressions are here used as synonyms.

Efforts have been made to differentiate between bullying, meaning repeated physical or verbal aggression which is characterised by an imbalance as regards power between perpetrators and victim, and other forms of violence, but neither this distinction is fully clear throughout the study.

Time has been an important limitation. Solely about two days have been spent on interviews in each of the countries. This is far too little time to get a comprehensive picture of fairly complex issues and processes.

There are also many more people who could have been interviewed in each of the countries.

It should also be highlighted that, contrary to the other countries, no government institutions at national level have been interviewed in the Russian Federation. Except for some examples of research from other parts of the country, the chapter dealing with the vast Russian Federation only covers the St. Petersburg region.

Despite these limitations, however, this study should constitute a point of departure for discussions about similarities and differences between the countries, possible lessons to be learnt from innovative measures taken by governments or NGOs in some countries and potential NGO cooperation across borders. Furthermore, it highlights the need for more research and knowledge dissemination on issues relating to corporal punishment and bullying.

Estonia

Introduction

Several campaigns against corporal punishment and bullying have been carried out in Estonia in recent years, most of them in cooperation between the Ministry of Social Affairs and NGOs.

Despite this, corporal punishment is still rather widely used and no explicit ban is in place. An amendment to the Child Protection Act which unambiguously prohibits corporal punishment has, however, been prepared and will be submitted to Parliament in 2008.

School violence and bullying are issues that attract considerable attention from researchers and NGOs as well as politicians and government authorities.

A strategy against violence was implemented by the Ministry of Education and Research in cooperation with different authorities and organisations in 2003-2006. A new strategy for 2008 and onwards is being developed. NGOs have been invited to present proposals for the strategy.

Several interviewees point out that the Estonian school system is very demanding and competitive, which increases the risks for stress ending in aggressive behaviour. In some rural areas of the country there is a lack of teachers and school psychologists, which further aggravates the situation for children in the school environment.

Corporal punishment

Attitudes and prevalence

According to a survey¹ carried out with about 1,000 parents in the 1990s over 80 per cent use light physical punishment, albeit at rare occasions. Eight per cent of the parents responded that they *often* use light physical punishment. Regarding severe corporal punishment two per cent said they often applied this kind of punishment. Approximately 50 per cent answered that they seldom or very seldom use severe physical punishment.

Due to lack of clear definitions of what is meant by “light” and “severe” as well as “often” and “seldom” the figures are difficult to interpret. However, they provide an approximate indication of the situation.

According to a survey² carried out by UNICEF in 2001 with 400 children and young people, nine to 17 years old, two of three children experience violent and aggressive behaviour at home. Of the respondents 60 per cent reported shouting and other verbal aggression while 20 per cent also mentioned physical abuse.

Young peoples’ attitudes towards corporal punishment were estimated in a study³ among students at the University of Tartu. Of the 1,000 students who participated in the survey 52 per cent said that they would never use physical punishments if they had children and 33 per cent answered that they would use it in extreme cases. Of the respondents 16 per cent considered corporal punishment to be an important element of child education which can be used sometimes.

Research carried out in 2000⁴ found that a third of almost 900 children aged 14 to 16 had experienced slight physical abuse, such as pinching and poking, and 16 per cent beating or other severe abuse.

Attitudes towards physical punishments of children do not seem to become more negative with time. According to figures based on surveys following “Stop Child Spanking” media campaigns and provided by Estonia to the UN Study on Violence against Children,⁵ 58 per cent of Estonians were opposing corporal punishment in 1995. In 2000, 55 per cent were negative towards the use of physical punishments against children.

¹ Kraav, I., 1998

² UNICEF, 2001

³ Hämäläinen, J., Kraav, I., 1993

⁴ Soo, K., & Soo, I., 2001

⁵ Republic of Estonia, 2004

Legal framework

The Child Protection Act provides an overall framework regarding the treatment of the child. According to the act it is prohibited to “humiliate, frighten or punish the child in any way which abuses the child, causes bodily harm or otherwise endangers his or her mental or physical health”.

If an adult treats a child in a prohibited manner, the social services departments of the municipalities should intervene and provide necessary assistance. The law stipulates that also an adult who treats a child violently shall receive counselling in order to prevent further mistreatment.

The Penal Code establishes that causing damage to the health of another person or physical abuse is punishable by a fine or up to three years of imprisonment.

Despite these legal provisions no explicit prohibition of corporal punishment in the home is in place. The Ministry of Social Affairs has, however prepared an amendment to the Child Protection Act which establishes a clear ban. This amendment will be submitted to the Parliament (Riigikogu) Social Affairs Committee in 2008.

“We do not know if the Estonian society is ready for a prohibition yet. We have had quite many negative reactions already”, an advisor in the Ministry of Social Affairs says. “But we have to take the lead and try to change attitudes.”

Article 37 of the Child Protection Act establishes a duty of judges, police officers, prosecutors, health care and education staff to give notice of a person or family in need of social welfare. In Article 59 it is furthermore established that “every person is required to immediately notice the social services departments, police or some other body if the person knows of a child who is in need of protection or assistance”.

Government institutions and measures

The Social Welfare Department within the Ministry of Social Affairs is responsible for coordinating issues relating to children’s rights.

In 2003 the Government approved the 2003-2008 Strategy to Guarantee the Rights of the Child. Concerning child maltreatment the strategy establishes three objectives:

- Measures are developed to prevent child maltreatment;
- Knowledge about identification of maltreated children and information to service providing institutions shall be disseminated;
- A system for assisting maltreated children shall be developed.

The strategy is operationalised into an action plan which is being updated every year. The action plan contains activities by government institutions and different levels as well as NGO initiatives.

In 2008 the Ministry of Social Affairs plans to open a national telephone helpline. The helpline is both intended for children who need somebody to talk to about abuse or other problems and for people who suspect that a child is in need of assistance and need advice about where to report the case:

“Many people do not know what to do. They think that you should not go to the police unless the situation is really alarming.”

Through a tendering process the Ministry of Social Affairs intends to select an NGO or some other institution to run the helpline. Funding will be provided by the ministry.

Estonia has no ombudsperson for children but the Chancellor of Justice carries out the function as ombudsperson.

The Chancellor of Justice analyses whether new laws are in accordance with the Estonian Constitution, provides advice to ministries on legal matters and examines individual complaints, including from children.

Advisors of the office of the Chancellor of Justice also carry out check visits to special schools, prisons, detention centers, residential care institutions, etc.

“Sometimes we find quite serious violations; for example children who are locked in their rooms. Staff of the institutions do not always realise that such measures are against the law.”

From 2007 heads of counties are responsible for monitoring residential care institutions as well as other social services:

“The counties should check the quality of social services. But sometimes they do not do it; probably because they are uncertain about how to carry out this duty”, an advisor at the office of the Chancellor of Justice says.

Recently she planned to visit a private residential care institution for children with disability. She called the county office and found out that an inspection had been made in 2002. Indications of rather serious problems had then been found, but the county had not done anything to follow-up on the issues.

“We have rather strong authority, but there are things that we can not say because the society is not ready for them yet. After an inspection to a pensioners’ home I for example issued a press release where I said that some routines in the pensioners’ home were against human dignity. I then had e-mails saying things like ‘What do you want, should people in institutions be served on silver plates?’”

Regional and local level institutions and measures

Estonia consists of 15 counties. The counties are in turn divided into 33 city municipalities and 194 rural municipalities.

As stated above, counties are responsible for monitoring the quality of services for children. As this function is new, however, most counties still lack competence about how to carry out the task.

At municipality level, child protection officers from the child protection departments are responsible for offering assistance and treatment to a child who has been subject to abuse or maltreatment. In each county there should be at least one psychologist available.

Therapy, individually or in groups, for children who have been victims of abuse is offered by municipal service providers and NGOs. Some of the former started as NGOs but later developed into municipal institutions.

The coverage is not equal all over the county; in some counties and municipalities sufficient resources are available, in others not. The Ministry of Social Affairs encourages cooperation between municipalities, but this cooperation is not always systematic yet.

The Ministry of Social Affairs is also aware of the lack of services:

“One of our main challenges is to establish more possibilities for services at local level. In some municipalities resources are limited.”

One NGO working with children who have suffered from violence and abuse is Tartu Child Support Center:

“Municipalities refer children to us and should compensate us for the services we offer”, a psychologist of the center says. “But sometimes they do not want to pay, as they think we should provide the services on a voluntary basis.”

Examples of NGO initiatives

Apart from offering therapy to children who are victims of violence and abuse, Tartu Child Support Center provides training for professionals, such as social pedagogues, social workers, police officers and doctors about child abuse, how to work with risk families, interviewing of children, how to improve cooperation between different institutions, etc.

In recent years Tartu Child Support Center has noted an increased number of children who are victims of emotional neglect, for example due to the fact that parents go abroad to work and leave the child with grandparents or other relatives:

“Emotional and physical abuse often go together. But physical maltreatment is a more hidden problem. Teachers or other people sometimes notice physical abuse but they do not notify local authorities, as the issue is considered to be a private matter.”

About 20 per cent of the costs for the center are paid by the municipalities from which children are referred. The remaining 80 per cent are financed on project basis with revenues of the Estonian gamble tax⁶ and contributions from the Ministry of Social Affairs and foreign donors.

On three occasions in the late 1990s the Estonian Union for Child Welfare (Lastekaitse Liit) carried out the campaign “Stop Child Spanking”. The campaign was financed by the Ministry of Social Affairs. Other campaigns on positive parenting, financed by the Ministry of Social Affairs and the Ministry of Education and Social Science, were coordinated by the family center You Me and the Estonian Union for Child Welfare. These campaigns were carried out in 2006 and 2007 and among the messages were “Listen to your child!” and “Try to understand, not to judge!”

⁶ NGOs dealing with the combat of violence against children can submit project applications to the Gambling Tax Act Council, which selects innovative projects and provides funding for them.

The Estonian Union for Child Welfare has published several books about relationships between children and parents and child upbringing methods without the use of violence.

According to information from the Ministry of Social Affairs, NGOs such as the family center You Me carry out parents' education, with financing from the ministry. Such education for parents is also available in some municipalities. The ministry, however, recognises that these services are neither coordinated nor available all over the country. Therefore, a remaining challenge is to scale up this activity.

Debate about corporal punishment

Interest from the media in issues relating to domestic violence and corporal punishment has, so far, mainly been noticeable through the coverage of individual cases.

In Parliament a special session under the heading "The situation of children and the guaranteeing of the rights of children in Estonia" took place in 2004 after proposal from the Estonian Union for Child Welfare to the Social Affairs Committee. As part of the preparations for the session NGOs submitted their concerns regarding problems and proposals for improving the situation. Among other things it was pointed out that the coordinating role of the state in relation to children who have been victims of abuse is not working. Another concern was that the rehabilitation of abused children is mainly carried out by NGOs, which, due to insufficient funding, have difficulties in meeting the demand.

Bullying

Attitudes and prevalence

A considerable amount of research on violence in schools and bullying has been carried out in Estonia. A university teacher and psychologist in Tartu has for example been active in this field for about ten years.

This researcher has carefully defined the concept of bullying in order to separate the phenomenon from other peer violence. Her definition of bullying is: a kind of aggression which has the main characteristics of repetitiveness and imbalance as regards power.

Furthermore, the researcher has carried out longitudinal studies about the prevalence of bullying. According to these studies the percentage of Estonian children involved in bullying was 17 per cent in 1997. In 2002 the percentage had increased to 22 per cent and in 2005 it had dropped considerably; to 15 per cent.

The Tartu researcher explains the decrease in 2005 with greater public attention to the issue of bullying, increased attention to the problem in schools and successful interventions that have been carried out by different actors.

According to this researcher there is no difference between urban and rural schools when it comes to the prevalence of bullying. The highest prevalence is found in institutions that are separated from the surrounding society, such as training schools and schools for children with mental retardation.

Other studies, carried out by researchers at the Tallinn University, come to different conclusions, probably because of different methodology and definition of the concept of bullying.

According to one of these studies⁷ 13 per cent of the students in Estonian schools had been verbally abused while six per cent were hit or mistreated, 1.5 per cent were beaten and four per cent reported some kind of undetermined violence.

Another study,⁸ covering 1.800 students of 7th to 9th grades, indicates that 20 per cent of the boys have been victims of bullying during the last year. The percentage of girls being victims to bullying is slightly lower. The percentage of victims was highest in the lowest grade; 31 per cent.

A result of this study was that pupils of Estonian speaking schools report being victims of bullying much more often than Russian speaking pupils. Despite this, Russian pupils consider the level of violence in the schools to be higher; 56 per cent of the Russian students agreed to the statement that there is a lot of fighting in their schools while 42 per cent of the Estonian pupils considered this statement to be correct. The researchers who carried out the study assumed that the difference is due to different perceptions of violence among Russian speaking young people compared to Estonian speaking adolescents.

⁷ Ots, et al, 2007

⁸ Strömpl, Soo, undated

Legal framework

No special law regulates bullying. The Basic Schools and Upper Secondary Schools Act, however, establishes that “schools shall ensure the mental and physical security of the students and the protection of students’ health during their stay at school”. Furthermore, a procedure for notification of incidents that endanger the mental or physical security of teachers or students shall be established by the internal rules of the schools.

How these internal rules deal with bullying and other violence is up to each school. In some schools the internal rules mention violence in one sentence or two, while others have more elaborate rules and routines for dealing with the issue.

In many schools, especially in the cities, the staff includes school psychologists and social workers. In some schools in rural areas, however, no such staff is available. Many teachers have limited experience in how to deal with issues such as discipline problems and bullying.

According to the Social Welfare Act, the Ministry of Education and Research and the county governor shall exercise supervision over the schools.

Schools should set up teachers’ councils. According to the Basic Schools and Upper Secondary Schools Act, the function of them is to analyse and assess the education and make decisions for directing the school. Furthermore, all schools should form boards of trustees, consisting of teachers, the local government council, parents and sometimes students. The function of a board of trustees is to monitor the education and facilitate improvements of the working conditions in the school. Most schools also have pupils’ unions that can be more or less active.

A representative of the Ministry of Education and Research admits that the function of boards of trustees and pupils’ unions is unclear and that there is a need to clarify their roles. More involvement of parents in day-to-day proceedings of the schools would also be beneficial, according to the representative of the ministry.

With support from the European Social Fund the Ministry of Education and Research plans to establish counselling centers in the counties. In these centers different kinds of services for students will be available.

Government measures

In 2003 the Ministry of Education and Research adopted a strategy to prevent and reduce violence in schools for 2003-2006. The implementation of the strategy was shared between different authorities at national and local level.

In 2007, the ministry invited experts in the field of school violence to a roundtable meeting. The aim of the meeting was to develop and discuss proposals for dealing with bullying. The Ministry of Education and Research was planning to present a new action plan in December 2007.

Since 1996, the Ministry of Education and Research finances an NGO that coordinates a peer support system in 70 secondary schools. The peer support enters into function when there are conflicts in schools and offers support to children in need.

The Ministry of Education and Research also finances the School Peace Programme, which has, until now, been coordinated by the government agency Estonian Youth Work Center. The aim of the School Peace Programme is to promote a friendly school atmosphere through cooperation between students and teachers. Furthermore, the ministry has financed some other projects, aiming at prevention and intervention in case of bullying and promotion of tolerance among young people.

The Chancellor of Justice has addressed the issue of bullying on several occasions. For example, a meeting was organised to discuss violence in schools, which brought together teachers, students, members of parliament and NGOs. The Chancellor also has a good working relationship with the Association of School Psychologists in order to assure access to information about the situation in schools.

The office of the Chancellor of Justice receives few individual complaints from children - or concerning children.

Recently, however, the Chancellor of Justice had a complaint from the father of a child who was bullied. The father was dissatisfied because the headmaster of the school wanted to send the boy who was victim of bullying to another school and did not take any measures to deal with the offenders.

An advisor of the office thinks that more should be done to make the Chancellor of Justice known:

“Children have no information about us. Probably we could cooperate with the Estonian Union for Child Welfare in order to do some promotion and make the institution known”.

Examples of NGO activities

The Estonian Union for Child Welfare carries out several programmes against bullying, often in cooperation with local authorities.

In 2008 an anti-bullying programme will be initiated in six schools in Tallinn. The programme is based on a method which, among other things, emphasises work on all levels; individual level, class level and school level. The method has been evaluated and has been found to be effective in decreasing the level of bullying.⁹

From 2008 the Estonian Union for Child Welfare will also take over responsibility for the School Peace Programme (see above).

Debate about bullying

School violence and bullying are issues that cause some debate, both in the media and at political level.

The chairman of the Cultural Affairs Committee of the Estonian Parliament notes that schools need more resources, such as extra teachers and support staff, in order to deal with the violence problems. Due to lack of money as well as limited general understanding of the issues such resources are not forthcoming, however.

In addition, the Member of Parliament points out that it is important to realise that school violence is partly a consequence of developments outside the schools, such as poverty and growing income disparities in the Estonian society and the fact that the country has one of the highest levels of alcohol consumption in Europe.

Comments from the CRC Committee

The Committee on the Rights of the Child considered Estonia's initial report, which was received in 2001, in 2003.

The Committee recommends the State party to explicitly prohibit corporal punishment and take all measures to prevent physical and mental violence of children. It also recommends Estonia to continue to carry out public education campaigns on the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline.

In addition, the Committee suggests the development of a comprehensive strategy for reducing and preventing violence in schools.

⁹ Köiv, undated

Finland

Introduction

Corporal punishment has been explicitly prohibited since 1984, which means that Finland was the second country in the world to ban physical punishments within the family.

Even though attitudes seem to be gradually changing, the majority of Finnish parents still use corporal punishment, according to a recent survey, carried out by the Central Union for Child Welfare.

Available information about the prevalence of bullying suggests that 5-10 per cent of Finnish children in their early teens are bullied. All schools are supposed to have anti-violence plans and NGOs, such as the Mannerheim League for Child Welfare, promote peer support activities and other interventions with the aim of enhancing social responsibility.

Corporal punishment

Attitudes and prevalence

Despite the fact that corporal punishment was prohibited in Finland in 1984 existing evidence indicates that physical punishments are still widely practiced.

A 1992 questionnaire survey¹⁰ of 7,400 students aged 15-16 years found that 72 per cent had, on some occasion, experienced mild corporal punishment at home (slapping, pulling the hair, etc.) and eight per cent had experienced severe punishment by their parents. During the year preceding the research 19 per cent had been subjected to less severe violence at home and five per cent to severe violence.

The respondents' answers showed that mothers and fathers inflicted physical punishments equally. There was no regional variation in the incidence of domestic violence. Violence was more common in a family with a stepfather than in other types of families and among unemployed parents. Children whose parents were farmers were less exposed to physical punishments.

According to the survey, 45 per cent of the children considered corporal punishment to be necessary. However, only five per cent intended to use physical punishments in bringing up their own children. This discrepancy can be explained by the respondents' will to defend their parents.

Most of the respondents who considered corporal punishment necessary had been subjected to violence themselves. The students who had been exposed to severe violence or were abused frequently were less inclined to accept corporal punishment. The respondents with least willingness to accept physical punishments were those who had not experienced this kind of punishments at home.

A new, comprehensive survey, using the same methodology as the 1992 survey, will be carried out during the first half of 2008.

A more limited survey¹¹ commissioned by the Central Union for Child Welfare in 2007 indicates that 73 per cent of the women and 68 per cent of the Finnish men have used corporal punishment towards their children on some occasion.

In an article in the newspaper *Helsingin Sanomat*, Heikki Sariola from the Central Union for Child Welfare said that the physical violence by mothers is an issue that is not spoken of. Hence little or no attention is being focused on the prevention of their use of corporal punishment:

“Attitudes do not cease to exist without conscious self-control training and conviction”, Heikki Sariola argued.

According to the survey, 25 per cent of the respondents consider it acceptable to use corporal punishment. This figure is a decrease from 33 per cent in a similar survey, conducted three years earlier.

The 2007 survey was carried out among 1,000 respondents, aged 15 to 79, in different locations all over the country.

¹⁰ Sariola, H., Uutela, A., 1992

¹¹ *Helsingin Sanomat*, international edition, 27 September 2007

Legal framework

Section 19 of the Constitution of Finland states that public authorities must support families and others responsible for providing for children so that they are able to ensure the wellbeing and personal development of the children.

The Custody of Children and Rights of Access Act, adopted in 1983, contains the prohibition of physical punishments. According to the Custody of Children and Rights of Access Act children must not be subjugated, physically punished or otherwise treated injuriously.

The Child Welfare Act obliges municipal child welfare authorities to act when a child is in need of protection.

In the Penal Code there are several provisions criminalising various kinds of violence against children. Chapter 21 of the Penal Code includes provisions on physical abuse of children, which can be mild or gross.

The Child Welfare Act and the Youth Act contain provisions concerning the participation of children and young people and their right to be heard in matters concerning them.

Paragraph 40 of the Child Welfare Act obliges all civil servants and elected officials in social services, health professionals, teachers and church servants to report children in need of protection to local child welfare authorities. These authorities in turn are obliged to report to the police.

Government institutions and measures

The Ministry of Social Affairs and Health is responsible for coordinating issues relating the children's rights.

Under the Ministry of Social Affairs and Health, a post of Ombudsman for Children was set up in 2005. The ombudsman's mandate is focused on promotional work and advisory services. The ombudsman has supported requests from civil society organisations to conduct surveys on violence against children on a regular basis.

In addition, both the Parliamentary Ombudsman and the Chancellor of Justice have competence in the area of violence against children. They both supervise the lawfulness of actions of public officials and the implementation of basic rights and liberties.¹² The Parliamentary Ombudsman also investigates individual cases.

A comprehensive National Plan of Action, "A Finland Fit for Children", has been elaborated, based on the final document "A world fit for children", adopted by the UN General Assembly at its special session on children in 2002.

A violence prevention campaign was carried out in 1997-2002. One of the key elements of the campaign was prevention of violence against children in the home. Efforts were also made to draw attention to the fact that it is harmful for a child to be eyewitness of acts of violence.

As a follow-up the Ministry of Social Affairs and Health developed a national programme on the prevention of domestic violence, which was meshed with parallel programmes being developed by the Ministry of Interior and the Ministry of Justice. In particular, the programme aims at developing services nationwide to assist victims and perpetrators of domestic violence against women and children.¹³

An investigation, carried out by the Council on Prevention of Crime in early 2007 indicates that, despite the national programme on the prevention of domestic violence and numerous projects, seminars and trainings aiming at decreasing the levels of violence in Finland, few of the activities focus on violence against children. Furthermore, when children are victims of violence authorities and organisations often act in an uncoordinated way and it is not sometimes unclear who has the overall responsibility.

Regional and local authorities

Finland is divided into 19 regions plus the autonomous province of Åland. Currently there are 416 municipalities, but mergers continuously take place, which means that the number of municipalities is decreasing.

Social services and health care are mainly provided by the local authorities. More than half of the employees in the municipal sector work in social services and health care. Local child welfare authorities are responsible for addressing child protection issues.

¹² Government of the Republic of Finland, undated

¹³ Ibid

Approximately 70 per cent of the expenditure of the local authorities for the provision of social welfare and health care services is funded from the municipal tax revenue. The remaining 30 per cent are funded through transfers from the central government and client fees. In the third periodic report to the Committee on the Rights of the Child, the Government pointed out that, owing to the fact that local authorities have extensive powers of self-governance and autonomy, measures are needed to ensure the equality of resources for children and the availability of services throughout the country.

With the aims of improving the availability and quality of services, improve cooperation between public authorities and eliminate disparities between different parts of the country, a programme to reform social services is ongoing.

Examples of NGO activities

The Central Union for Child Welfare is an umbrella organisation, founded in 1937. Approximately 86 NGOs and 35 municipalities are members.

The organisation carries out research, such as studies on attitudes towards corporal punishment (see above), organises campaigns and has produced material on positive discipline. The Ministry of Justice financed a recent campaign, which was executed by the Central Union for Child Welfare.

The Federation of Mother and Child Homes and Shelters started its first national project with the aim of developing services for children traumatised by domestic violence in 1997.

Debate

The tradition of using corporal punishment is old and it is still difficult for many people to understand that physical punishments are an assault, researchers explain. Until recently people have, according to opinions expressed in the leading national newspaper, *Helsingin Sanomat*, considered corporal punishment as a parents' right.

After a media campaign, carried out by the Central Union for Child Welfare in 2004, lively discussions emerged on the Internet. Young parents were debating about child upbringing and a tendency to defend corporal punishment was noticed. Therefore, the Central Union for Child Welfare decided to emphasise the principles of children's human rights and the right to be protected from violence in the following year's media campaign. Also a new term, "kuritusväkivalta" (disciplinary or punishment violence), was introduced. It refers to the same phenomenon as corporal punishment but has a stronger negative meaning in Finnish. The new term has now been accepted in the media and some experts consider that it makes it more difficult to defend violence against children.

The media campaign in 2005 included TV-spots, advertising, an Internet site and brochures to parents. Surveys after the campaign showed that attitudes towards disciplinary or punishment violence among the population had become more negative; those in favour of corporal punishment had decreased from 34 to 26 per cent.

Bullying

Attitudes and prevalence

In Finland, the word "koulukiusaaminen" (school bullying) is generally used as the term includes both physical and mental violence. The word has been defined in the following way:

"...a chain of events where one or more pupils is/are repeatedly and continuously subordinated physically or psychologically, directly or indirectly, by one or more pupils".

According to a WHO research, nine per cent of 11-15 year-old boys and six per cent of girls in Finland were bullied at least once a week during the school term.¹⁴

There are remarkable differences in the prevalence of school violence between schools. Violence is more common in urban areas and in large schools than in rural areas and in small schools.

Another study,¹⁵ published in 1999, reports lower figures regarding prevalence; six per cent of the boys and five per cent of the girls said they had been bullied weekly. Nine per cent of the boys and two per cent of the girls had bullied others.

¹⁴ Puukari, 2001

¹⁵ Riittakerttu, K-H., et al, 1999

Since 2005 Save the Children Finland carries out a yearly survey on young people's mobile phone habits. The 2007 survey shows that cyberbullying has increased. The phenomenon is, however, a hidden issue. A fourth of those who had experienced cyberbullying had not told anyone about it.

Legal framework

According to the Basic Education Act the purpose of instruction is to support pupils' growth into humanity and ethically responsible membership of society and to equip them with knowledge and skills needed in life.

An amendment of the Basic Education Act from 2003 states:

1. A pupil participating in education shall be entitled to a safe learning environment.
2. The education provider shall draw up a plan, in connection with curriculum design, for safeguarding pupils against violence, bullying and harassment, execute the plan and supervise adherence to it and its implementation. The National Board of Education shall issue regulations in the core curriculum concerning the formulation of the plan.

There are no special legal provisions on bullying. General provisions on assault may apply.

Government institutions and measures

The Finnish National Board of Education (FNBE) is in charge of the development of education in Finland. FNBE is working under the auspices of the Ministry of Education and its' main areas of operation are: development of education, information services, educational services and evaluation of education.

Since 2002 the National Research and Development Centre for Welfare and Health (STAKES) carries out a continuous School Health Promotion Study, which collects data on the living conditions and health of 14-18 year-olds. The aim of this data collection is to provide knowledge for the development of school health care and other measures to promote the health and well-being of young people.

A yearbook on the living conditions of young people is published by STAKES in cooperation with the Advisory council for Youth Affairs and the Finnish Youth Research Network. A youth database, maintained by the Advisory Council for Youth Affairs, also provides information on the living conditions of young people.

Parents are encouraged to report to the school administration and board if they suspect that their children are bullied at school. If the school is reluctant to take measures to stop the bullying cases should be reported to municipal welfare authorities in charge of school inspection. If these authorities do not take action, victims of bullying or their parents can complain to the provincial government or the local court. Finally, if the education provider still neglects the duty to ensure a safe study environment, an administrative complaint may be filed with the provincial administrative board. The chances of having the complaint dealt with are increased if several parents agree that a certain school is not ensuring a safe school environment. The provincial government can urge the school to take measures or to present an action plan. If the school does not comply with the recommendations it may be punished by a fine.

A criminal report can be filed if the bullying case is comparable to an assault, usually involving severe physical violence. In Finland this seldom occurs when it comes to bullying, however.

Examples of NGO activities

The Mannerheim League for Child Welfare (MLL) is the largest child welfare organisation in Finland. The organisation has 13 regional branches, about 560 local associations and 96,000 individual members.

MLL started peer student activities in 1972. Since then the peer student system has developed into a broad national network, encompassing some 10,000 peer students, 700 per student instructors and 60 trainers. Currently, peer student activities exist in some 90 per cent of the secondary schools in Finland. In addition, there are mentoring activities in primary schools. The activities are coordinated by the MLL's main office and regional branches. Within the peer student system, students support each other by discussing and organising games and other events. Peer students also act as trustworthy partners with whom to talk about problems. The activities aim at increasing the students' shared sense of responsibility and enhance cooperation in schools. When serious problems, such as bullying, are detected, peer students should inform school staff and student welfare officers about the situation.

In cooperation with the National Board of Education and the Ministry of Interior's Police Department, MLL has also been carrying out a so-called school peace programme. The idea behind the programme was that students jointly assess what school peace means and develop a school peace declaration. Furthermore, MLL has set up a child helpline which both Finnish and Swedish-speaking children can call if they need somebody to speak with. It is also possible to send e-mails to the MLL helpline. In addition, there is a parents' net, which parents can contact if they need advice about child rearing issues. Limited information is available about cyberbullying, but MLL has started a project for families about how to cope with electronic media. Save the Children Finland is running a safe Internet programme, providing child friendly information material.

Debate

There has been an intense debate in the media about bullying, especially after a tragic case when a bullied 13-year old girl committed suicide. Experts have called for zero tolerance on bullying and the need for support to both victims and perpetrators.

The debate has also highlighted the frustration of teachers about the lack of "tools" to deal with bullying. Smaller classes and possibilities for classroom support, such as an extra teacher, are constantly asked for, but the financial resources are lacking.

Other teachers stress the importance of addressing the root causes of bullying and involving parents and the wider community in the problems.

Despite bullying and disciplinary problems, however, Finland was the highest performing country on the PISA 2006 science scale, which is a test carried out among students in 57 countries. The 2006 test focused on students' abilities to tackle scientific problems and provided an update on performance in reading and mathematics.

Comments from the CRC Committee

Finland's third periodic report was considered by the Committee on the rights of the Child in October 2005. In the concluding observations, the Committee commends the 1997-2002 campaign to prevent violence. However, it also shares a concern of the Parliamentary Ombudsman that violence against children and sexual abuse within families is one of the most serious obstacles to the full implementation of children's rights in Finland.

The Committee therefore recommends strengthened awareness-raising and education campaigns in order to prevent and combat all forms of child abuse, increased support to and collaboration with the toll-free national helpline and strengthened measures to encourage reporting child abuse.

The Committee also welcomes the measures taken to tackle violence and bullying in schools, including the requirement that every school has to develop an action plan against bullying and violence.

The Committee recommends that the State party continue to take measures to combat the phenomenon of bullying and violence in schools with the full involvement of children, including by carrying out periodic surveys among students, staff and parents about the quality of peer relations being fostered by the school. The Committee considers that there should be special focus on bullying and violence towards children with disabilities.

Latvia

Introduction

Despite a prohibition of corporal punishment, which was introduced almost ten years ago, physical and humiliating punishments are still widely practiced by parents, and also in schools and institutions. In Latvia violence against children in the home is widely considered to be a private matter.

Both government authorities and NGOs highlight the need for education and campaigns on alternative, non-violent means of child upbringing. NGOs also emphasise the need for adequate sanctions against offenders.

Despite a large number of institutions at national, regional and local level there is often a lack of action when children's rights are violated. Limited resources, but also lack of initiative by responsible public officials are mentioned as reasons for this.

Bullying and peer violence is a relatively "new" issue in Latvia, but concerns are increasing about the problem. Government authorities and NGOs agree that bullying is a fast-growing problem. Increased income disparities in the Latvian society are said to be one of the reasons for this.

Corporal punishment

Attitudes and prevalence

In 2005, studies were conducted in Latvia¹⁶ within the framework of the research project Childhood without violence – towards better protection of children in Eastern Europe, financed by the OAK Foundation. In each of the seven participating countries the respondents were teachers working in capital-city primary schools. The Latvian sample consisted of 152 teachers.

The Latvian teachers estimate that over 50 per cent of the children in Latvia are subject to corporal punishment. Of them 27 per cent experience severe punishments, that is punishments that leave injuries or bruises. Despite these figures, the respondents perceive that the prevalence of corporal punishment has decreased in recent years. The teachers also think that the situation is better in the schools where they themselves are working than in the country in general; 26 and 10 per cent of the children respectively experience spanking and severe corporal punishment in the schools where they work, the teachers estimate.

Despite the fact that corporal punishment is illegal, only 80 per cent of the teachers think that third parties' interventions are legitimate. No less than 40 per cent of the teachers admit that, on some occasion, they did not intervene despite knowing that a child was victim of abuse. Most of them could not explain why, but of those who gave an explanation the largest number did not think that an intervention would have helped the child.

Almost 45 per cent of the teachers think that it is justified to beat a child if she or he commits a petty theft and 28 per cent agree to physical punishment if the child drinks alcohol.

Approximately 30 per cent of the respondents have encountered cases of emotional neglect of children during the last year and 20 per cent know of children who are victims of domestic violence.

Asked about the quality of interventions in cases of child abuse, nearly half of the respondents had negative opinions: it is not possible to isolate the offender from the victim, court sentences are too lenient or no therapeutic support is offered to the abuser. Moreover, nearly 40 per cent think that court procedures are carried out under conditions unfavourable to the child and may lead to new traumas. Half of the respondents indicate that cooperation among institutions responsible for protecting children needs to be improved.

A survey including a representative sample of Latvia's population was carried out by a marketing and public opinion research centre in 2005.¹⁷ According to this survey 21 per cent of the population believes that over 60 per cent of the children are subject to corporal punishment. Another 25 per cent think that between 40 and 60 per cent are subject to corporal punishment.

¹⁶ Nobody's Children Foundation and Centre Against Abuse "Dardedze", 2005

¹⁷ skds, 2005

More than half of the respondents consider corporal punishment to be a childrearing method which can be justified while almost 40 per cent think that physical punishments should never be used. In a survey carried out by the Department of Clinical Psychology at the University of Latvia and the Centre Against Abuse “Dardedze” young people were asked about their experiences of corporal punishment. Of the respondents 23 per cent reported experiencing less severe physical abuse and around 13 per cent more severe physical abuse.

Legal framework

Article 9.2 of the Latvian Law on the Protection of the Rights of the Child states that “A child cannot be treated cruelly, cannot be tormented and physically punished, and his/her dignity and honour cannot be offended.” This article applies to the home and well as schools, the penal system and childcare institutions.

The Criminal Code punishes corporal punishment which leads to light body injury as well as systematic beating. The law envisages up to three years of imprisonment for those who commit physical or emotional violence against children.

Article 200 of the Civil Code provides for deprivation of parental authority in cases of severe ill-treatment. Article 52.4 of the Law on the Protection of the Rights of the Child states that a child who has suffered from violence within his/her own family or for who there is a danger of violence shall be immediately provided outside-family-care, if it is not possible to isolate the perpetrator from the family.

Under Article 51.3 of the Law on the Protection of the Rights of the Child all people have a duty to report violence towards a child.

Government institutions and measures

The Law on the Protection of the Rights of the Child, which prohibits corporal punishment and outlines the responsibilities of national, regional and local authorities in case of violence against children, was adopted in 1998.

A long term policy planning document, Latvia Fit for Children 2004-2015, based on the outcome document of the Special Session of the United Nations General Assembly, has been developed by the government. The document is not yet available in English and does not seem to have become a common point of reference for institutions working with children’s rights.

In 2003 the Ministry for Children and Family Affairs was established. This ministry is responsible for coordinating actions relating to children.

The Ministry for Children and Family Affairs supports NGO working with children and violence issues, such as a project on positive parenting and the training of mediators who should intervene in case of conflicts in families.

The State Inspectorate for Protection of Children’s Rights was set up in 2005. The inspectorate is placed under the Ministry for Children and Family Affairs. The main duties of the inspectorate are:

- to provide information about children’s rights, including for children;
- to monitor compliance with laws and international treaties through 20 regional inspectors; and
- to provide practical help children in need, primarily through a telephone helpline.

According to the State Inspectorate for Protection of Children’s Rights the helpline was established in order to ensure professional assistance to children. Calls to the helpline are answered by psychologists and social workers, not by volunteers as is normally the case with existing NGO help lines. Furthermore, free of charge-calls to this helpline are possible also from mobile phones. This is not the case with NGO help lines.

In 2003 the Children’s Rights Department was created under the Human Rights office. The Children’s Rights Department examines individual cases, provides information about children’s rights and issues statements on issues relating to the situation for children in the country.

In the Latvian Parliament there is a sub-committee on children’s rights which is placed under the Human Rights and Public Affairs Committee. The sub-committee examines and discusses various issues relating to children and can also take legislative initiatives.

Regional and local level institutions

Latvia is presently divided into 26 districts and 512 municipalities.¹⁸ The regional inspectors of the State Inspectorate for Protection of Children's Rights carry out inspections of residential child care institutions three times a year. They can also inspect schools and other institutions and issue fines if problems are detected.

According to staff of the inspectorate, the most common way for the inspectors to receive information about possible problems is through the telephone helpline.

At district level, psychologists who offer therapy and other assistance to children should be available in case of abuse. There is, however, no financing from the state available for rehabilitation of offenders.

At local level the most important institutions are the so called Orphan's Courts¹⁹ which are established in all municipalities. The Orphan's Courts normally consist of five members who are elected by the local government council (parish council). The Orphan's Courts are administrative units that have the duties to examine reports about suspected neglect or abuse, act on behalf of the child and cooperate with other responsible institutions. For example, they can decide to place a child in residential care if so is deemed necessary. The Orphan's Courts were created in 1996. In 2007 a new law²⁰ that regulates their work was adopted.

At municipal social service offices social workers, placed under the Ministry of Welfare, are expected take action if domestic violence or other problems for children are detected. Except in small municipalities, one of the social workers at the social service office should be a specialist on children and family affairs.

The police investigates suspected crimes committed against children. The cases are few, though: reportedly in 2004, 72 criminal cases of violence against children were reported and in 2005 there were 66 cases registered.²¹

Despite the considerable number of institutions at different levels that have a mandate to intervene in case of violence or abuse against children, it is widely admitted that considerable challenges remain. For example, educated specialists are lacking and the administrative capacity at local level is insufficient. There are also constraints relating to attitudes; lack of initiative and limited interest in the work from some officials.

The Ministry for Children and Family Affairs sees the latter problems as "a legacy from the Soviet era" which will gradually be overcome through seminars, trainings, etc.

Examples of NGO initiatives

Several NGOs, such as the Center Against Abuse "Dardedze", provide assistance to children who have suffered from abuse in their families. Professionals, such as social workers, psychologists and therapists, form teams and try to work with all members of the family, including the abuser.²²

The government buys services from these centers and invites them to submit tenders. This means that the centers, if they are among the winners in the tendering process, are assigned cases from government institutions.

These tendering processes, however, imply that the organisations which offer the lowest prices are awarded contracts. This is a way for the government to cut costs, but it also means that there is a risk that the quality of services decreases, NGOs point out. NGOs that are eager to maintain quality have to find additional resources from other sponsors.

Latvian NGOs have started to lobby the government on the different aspects of this issue and have formed a coalition consisting of 15-20 organisations.

NGOs have developed material on how to be a good parent, discipline children without the use of violence, etc. This material is mainly used in group discussions with parents of families where abuse has taken place or there is a risk for violence. With funding from the Ministry for Children and Family Affairs, the Center Against Abuse "Dardedze" organised such group discussions in 2006.

Other NGOs work with telephone helplines which children can call in order to discuss their problems.

¹⁸ As administrative reforms are being discussed this may change soon.

¹⁹ The Orphan's Courts are also called Custody Courts or Family Courts.

²⁰ Republic of Latvia, 2007

²¹ United Nations Committee on the Rights of the Child, 2006

²² Center Against Abuse "Dardedze", undated

The helpline operated by the Children's Help Line has been functioning since 2002 and is funded by OAK Foundation. The helpline receives about 6,000 calls per month. The number of calls has, however, decreased substantially since the government set up a similar helpline (see above).

The most common problems which children want to talk about are relationships, including sexual relations, and bullying in schools. There are also calls about violence and abuse. If the child agrees the NGO provides the police and social institutions in the municipality where the child lives with information about the case.

A relatively new problem in Latvia, which has been noticed by the Children's Help Line, is that many people migrate to Ireland, Denmark or other European countries in order to find work. The children are often left behind, at best with their grandparents or other relatives, but teenagers can also be left on their own.

Several NGOs, such as St. Nicholas Riga Christian Children Shelter, work at local level. The St. Nicholas shelter is located in a poor area of Riga where there are serious problems with unemployment, criminality, alcohol and drugs. The police and municipality social workers offer limited help, according to staff of the shelter. As most of the families are living under severe stress due to lack of income, violence and other problems there is a need for counselling services and other holistic assistance for the entire families. Such support is not available, though.

Debate about domestic violence

Violence against children is an issue that is becoming more and more visible in the media. Experts, such as professional staff working in the Center for Abuse "Dardedze", notice an increased interest from the media.

A debate also sparked when the chairperson of the Human Rights and Public Affairs Committee recently, with reference to a statement in the Bible, said that corporal punishment as a means of child rearing should be discussed. Human rights institutions and NGO reacted strongly and highlighted the fact that there is a prohibition of corporal punishment in the law. From comments received by the Children's Rights Department of the Human Rights Office and others it was, however, obvious that many Latvian citizens supported the idea of opening a discussion on the use of corporal punishment.

Bullying

Attitudes and prevalence

Government institutions as well as NGOs consider bullying to be an increasing problem in Latvian schools. No statistics or research concerning the prevalence of the problem are available, though.

Several reasons for the growing problems are indicated. One of them is that children are increasingly exposed to violence on TV and video. Another cause for peer violence is said to be the increasing differences between social classes in the country and the tensions that these inequalities create. A third reason is that youth gangs have started to be formed, especially in Riga and other Latvian cities.

Finally, there are tensions between Latvians and Russian speaking inhabitants of the country. These nationality conflicts are also reflected in schools and among the youth.

Apparently, cyberbullying is largely an unknown phenomenon in Latvia. Whether this is because bullying through the Internet and mobile phones seldom occurs or because the problem is yet unknown is unclear.

Laws and implementation

No specific laws mention peer violence. Bullying like other cases of violence is dealt with in the Criminal Code.

Schools are supposed to have a plan on how to deal with violence and other social problems. Not all schools have developed such a plan, however. When there is a plan it might not be comprehensive or there is often limited knowledge about how to make use of it and actively work against violence and bullying.

Teachers have the duty to report if cases of violence occur. The Children's Rights Department of the Human Rights office, however, has received complaints about bullying which seem to indicate that teachers have not reacted.

In some schools there are social workers or psychologists who should assist in dealing with bullying and other cases of violence:

“We would like it to be obligatory for all schools to have such support staff, but this is a matter of resources”, the head of the State Inspectorate for Protection of Children’s Rights says.

Government measures

In 2007 the Ministry for Children and Family Affairs has supported a mediation project in schools. Within the context of this project, teachers and students were trained in conflict resolution and training materials has been developed.

For 2008 the ministry intends to prioritise issues relating to violence in schools; peer violence as well as violence between teachers and pupils.

Examples of NGO initiatives

NGOs have initiated projects, such as preventive work in schools and training of teachers on how to deal with conflicts.

Bullying is one of the most common issues raised by children who call the helpline run by a Latvian NGO.

In 2006 the Latvian Youth Red Cross, with support from the European Union, carried out a project aiming at training peer educators in dealing with violence. The participants, who were 15 to 18 years old, received training in how to act when bullying occurs and where to look for help. An Internet forum was set up where a psychologist provided advice. About 25 peer educators were trained.

Debate about school violence

As of yet there is no intense debate about bullying in the media or among the general public. Discussions about the issue have recently started among professionals.

Comments from the CRC Committee

Latvia’s second periodic report was considered by the Committee on the rights of the Child in mid-2006. In the concluding observations the Committee on the rights of the Child welcomes the explicit prohibition of corporal punishment in the law. However, it remains concerned that corporal punishment and other degrading practices continue to be practised within schools and in other institutions. The Committee is also concerned that while “regional inspectors are mandated to investigate cases of corporal punishment, the sanctions they impose may not always be adequate, and that it is difficult to suspend or dismiss the offenders”.

The concluding observations contain no comments on bullying and other forms of violence in the schools.

Lithuania

Introduction

“Acute problems of high levels of violence against children and abuse within families” as well as widespread violence in schools and a “culture of violence”, were highlighted by the Committee on the Rights of the Child in 2006.

Presently there is no explicit prohibition of corporal punishment in homes, schools and alternative care institutions in Lithuania. The Ministry of Social Security and Labour has, however, drafted an amendment to the Law on the Fundamentals of the Rights of the Child, which unambiguously prohibits corporal punishment. The amendment will be submitted to Parliament in 2008.

NGOs such as Gelbekit vaikus (Save the Children Lithuania) lobby the government, organise campaigns about violence against children and carry out practical support projects.

The debate about bullying has been intense in recent years. The NGO Child Line has been in the forefront of lobbying efforts, which have made the media as well as political decision-makers pay attention to the issue. In May 2007 the Government formed a task force which was assigned the responsibility of preparing recommendations on violence prevention. These recommendations will include the national implementation of an internationally recognised programme for prevention of bullying.²³

Corporal punishment

Attitudes and prevalence

A survey²⁴ carried out on behalf of Gelbekit vaikus in 2005 showed that four per cent of the respondents often were beaten by their parents when they were children, 42 per cent were occasionally beaten. Asked about whether they themselves use corporal punishment to punish their children 0.5 per cent answered that they often do so and 41 per cent said that they sometimes punish their children physically.

Almost 50 per cent of the respondents think that corporal punishment should be prohibited while 27 per cent are against a prohibition and 23 per cent do not know.

According to data from the Lithuanian municipalities²⁵ 1,639 children were the victims of violence in 2006. This figure is lower than the ones for 2005 and 2004; 2,311 and 2,359 respectively. Of the victims in 2006, 730 children suffered from parental violence. Almost 60 children died as a result of criminal acts.

Legal framework

Article 10 of the Law on the Fundamentals of the Rights of the Child prohibits violence against the child, but does not specify corporal punishment as an unacceptable form of violence.

This law also establishes the duty for people in national government institutions, municipalities, NGOs or other institutions working with children to inform liable institutions about violations of children’s rights.

The Penal Code establishes criminal liability for an individual who, by beating or other violent treatment, causes physical pain, light injury or temporary disability of another person.

The Civil Code contains provisions that if parents avoid their obligations with regard to upbringing of their children, abuse parental authority, subject their children to cruel treatment or exert detrimental effect on their children by indecent behaviour or neglect, the court may take a decision on a temporary or unlimited restriction of parental rights.

The Ministry of Social Security and Labour has recently carried out an analysis on how to introduce an unambiguous prohibition of corporal punishment. Based on this study the ministry has come to the conclusion that an amendment in the Law on the Fundamentals of the Rights of the Child is required. The amendment should clearly state that corporal punishment of children is prohibited.

This amendment has been drafted and it will be submitted to parliament (the Seimas) in 2008, according to information from the Ministry of Social Security and Labour.

²³ The programme has been developed by professor Dan Olweus, one of the world’s leading experts on bullying.

²⁴ Public opinion and market research centre Vilmarus, 2005

²⁵ Republic of Lithuania, Ministry of Social Security and Labour, 2007

The Ombudsperson for children is however, not satisfied with this proposal. The Ombudsperson does not consider an amendment of the existing law to be sufficient and would prefer the development of a separate law on violence against children.

Government institutions and measures

The Family, Children and Youth Department under the Ministry of Social Security and Labour is responsible for coordinating issues relating to children. The ministry has developed the 2005-2012 Action Plan of the National Strategy on Child Welfare Policy, which was approved by the Government in 2005. In 2000, an Ombudsperson for Children's Rights was established. The law²⁶ which regulates the activities of the ombudsperson, officially called Controller for Protection of the Rights of the Child, stipulates the following mandate:

- To examine complaints for natural and legal persons;
- To control how the provisions of the constitution and Lithuanian laws regulating the rights of the child, are implemented;
- To supervise and control the activities of institutions;
- To propose measures to the Seimas and the Government; and
- To provide information to the public about the protection of the rights of the child.

In 2005-2007 the Ministry of Social Security and Labour implemented a National Programme for Prevention of Violence against Children and for Assistance to Children. A new violence prevention programme is being prepared for 2008-2010. According to representatives of the ministry, the programme, which especially focuses on violence in schools, will contain activities such as training of professionals on how to identify and combat violence, continued support to awareness-raising campaigns (for example May – a month without violence against children) invitations to NGOs to submit tenders for carrying out services for children who are victims of violence and opportunities for NGOs to submit ideas regarding violence prevention projects and obtain funding for them.

NGOs have provided the government with numerous suggestions regarding what to include in the violence prevention programme. Several of these proposals have also been approved by the Ministry of Social Security and Labour. Despite this, however, in its presentation of the programme, the ministry solely mentions cooperation with other ministries and government agencies. Civil society organisations express certain dissatisfaction with this lack of recognition.

Regional and local level

The Republic of Lithuania is divided into 10 counties and 60 municipalities.

In the municipalities, social workers and child rights protection officers of the Children's Rights Protection Offices should offer support to children in difficult circumstances, visit families and report on problems that need to be dealt with by other authorities.

Especially in rural municipalities there is, however, a lack of social workers. The government is aware of the problem and in 2007 subsidies from the government were used to establish 550 new posts of social workers in municipalities to work with risk families, according to information provided by the Ministry of Social Security and Labour.

As the salaries of social workers are very low the government also plans to gradually increase their remuneration.

For children in need of psychological assistance, special centers that offer therapy and other support are being set up, with support from the European Union. These services are, however, still limited and only cover part of the country. Moreover, some of the staff working in the centers need capacity building on how to support children who are victims of violence, sexual abuse and other serious violations of their rights.

²⁶ Republic of Lithuania, 2000

Examples of NGO activities

Several NGOs are active in the field of violence against children. The five largest NGOs have formed an informal network, mainly for information sharing. The common activities are rather few, though, partly because the organisations are busy with service providing activities:

“It is difficult to go to a meeting when you have six children waiting”, as a representative of one of these NGOs explains the dilemma.

The Child Line has set up a helpline for children which received more than 85,000 calls in 2006. The calls are difficult to categorise, but relationship problems and bullying are among the most common subjects. Presently the helpline is partly financed from the Ministry of Social Security and Labour, partly from private sources and municipalities.

The Ministry of Social Security and Labour has, however, announced that it intends to establish its own helpline. If this intention, which is not only criticised by NGOs but also by other government ministries, becomes a reality it is likely to mean that the resources available for the already existing helpline will decrease.

A Lithuanian expert on children’s rights concludes that the ministry’s plan to set up a new helpline, despite the fact that there is already a well functioning NGO helpline, shows the lack of trust from the part of the government in NGOs.

The NGO Child House provides legal and psychological support for sexually abused children, partly with support from international donors such as the Swedish World Childhood Foundation. Cases are received from courts or from the police.

The psychologists of Child House work extensively with the parents of abused children.

“Parents often do not know what to do; sometimes they even blame the child for what has happened, and it takes time to motivate them. Especially if the abuse is a father or a step-father we put a lot of efforts into supporting the mother.”

Gelbekit vaikus runs 28 day-care centers in different parts of the country. The main target group is children from socially and economically vulnerable families. Approximately 20 per cent of the Lithuanian children live in families whose incomes are below the national poverty line.²⁷

The aim of the day-care centers is to reduce social neglect and abuse. Therefore, Gelbekit vaikus also tries to involve parents in different activities and has developed a material on child upbringing without corporal punishment.

For almost ten years Gelbekit vaikus has also been lobbying the government to adopt a law against corporal punishment.

Jointly with the Ministry of Social Security and Labour, NGOs have, since 2004, been arranging the yearly campaign “May – a month without violence against children”.

Debate

So far the debate about domestic violence and corporal punishment has not been intense in Lithuania, neither in the media nor among decision makers.

The relative silence surrounding the issue is, however, broken in May when the Ministry of Social Security and Labour and NGOs carry out the annual campaign on violence against children.

Possibly this situation will change when the government submits the proposed amendment to the Law on the Fundamentals of the Rights of the Child, which would make corporal punishment illegal, to the Parliament. Many Lithuanians are against a prohibition of corporal punishment and they might take the opportunity to voice their concerns and try to stop the amendment from being approved.

Bullying

Attitudes and prevalence

In 2001-2002 the World Health Organisation (WHO) conducted a cross-national survey²⁸ in 35 countries.

²⁷ Gelbekit vaikus, 2006

²⁸ WHO, 2004

The data from Europe show that levels of bullying (defined as children being bullied at least twice a month) range from one to 50 per cent. Lithuania, Austria and Greenland have consistently high levels of bullying. The highest levels of fighting of 13-15 year old boys are reported from Lithuania and Estonia.

Two Lithuanian surveys²⁹ were conducted in 2003. In these surveys the prevalence of bullying among students of 4th, 5th and 9th graders in three cities was estimated. The results revealed that approximately two thirds of the students were exposed to bullying. Approximately 25 per cent had suffered frequent harassment during the last 2-3 months. About 60 per cent of the children who participated in the survey furthermore admitted that they occasionally bully others.

A small survey³⁰ about cyberbullying was carried out among pupils of grades five to 11 in 2007. In this survey nearly half of the respondents state that they have received improper offers from other people on Internet chats. Some of the respondents also admit that they have been involved in sexual harassment on Internet chats.

Legal framework

No special law regulating bullying exists, but Article 10 of the Law on the Fundamentals of the Right of the Child, which states that the dignity and honour of a child shall not be degraded and the child shall not be subjected to cruel treatment, applies.

Every person's human dignity is also embedded in the Lithuanian Constitution.

Government institutions and measures

The Ministry of Education and Science has suggested several activities relating to bullying to be included in the above mentioned National Programme for Prevention of Violence against Children and for Assistance to Children.

Furthermore, the ministry has prepared an information material for students of grades five to eight on violence prevention; "What every child has to know about violence and how to remain safe". A reference material for parents has also been prepared with information about different types of violence, how to behave when there is suspicion that the child has been victim of violence, assistance available, etc.

In addition, the Ministry of Education and Science has arranged a number of seminars on prevention of bullying at schools for school psychologists, pedagogues, teachers and administrative staff. Methodological recommendations for how to organise prevention of violence have also been developed. The Ministry of Health and the Ministry of Interior have arranged seminars for health care staff and police officers on violence prevention, how to work with children who are victims of violence, etc.³¹

Under the Ministry of Education and Science, the National Center for Special Needs Education and Psychology is responsible for providing support to schools and municipalities in the fields of psychological needs, special education and materials and methodological development.

In 2007 issues relating to school violence attracted interest at overall government level and in Parliament. In January a special seminar on bullying was organised in Parliament. Shortly thereafter the Prime Minister formed a task force for the preparation of recommendations on violence prevention. These recommendations were about to be approved by the government in November 2007. One of the recommendations is to implement an internationally recognised prevention programme, developed by the world leading expert on bullying, Dan Olweus, in Lithuania.

Institutions at regional and local level

In all schools of the country, psychologists, social pedagogues and social workers should be available. This is not the case yet, however. Of the 1,500-2,000 existing schools in Lithuania there is a psychologist in only 300 and a social pedagogue in 1,200.

Schools are also required to set up so called prevention teams. The task of these teams is to develop prevention plans against violence, drug abuse, etc.

In addition, the municipalities should have School Support Centers with psychologists, social pedagogues and other staff who can provide support to the schools when needed. In most municipalities these centers have been set up, but in some municipalities the teams are still not complete.

²⁹ Povilaitis, undated

³⁰ Kulbauskas, undated

³¹ Republic of Lithuania, Ministry of Social Security and Labour, 2007

Despite this impressive number of specialists and functions that should be in place to deal with violence and other problems in Lithuanian schools there are, according to several people interviewed, a number of problems:

- Lack of psychologists and other specialised staff.
- Teachers have low wages and the motivation among them is low.
- The divisions of roles and responsibilities, for example between teachers and social workers, are unclear.
- Cooperation between schools, municipalities, police, etc. does not always work.
- Teachers as well as psychologists and social pedagogues have a theoretical education and are not trained for dealing with complex problems, such as bullying and abuse.

Examples of NGO activities

The Child Line was the first organisation in Lithuania to draw attention to bullying:

“Until recently we did not even have the concept of bullying. We spoke about kicking, calling names, etc. but without seeing these behaviours as part of the same pattern.”

The Child Line initiated a campaign about bullying in 2004. The campaign included training for professionals. It also used an idea from the helpline BRIS in Sweden; cards where singers, sports celebrities, etc. speak about experiences of bullying from their childhood. These cards were distributed to all students of 4th and 5th grades in the country.

“When we had raised awareness about bullying children started to call the hotline about it.”

After these initial activities the Child Line has been successful in lobbying politicians. As said above the government is about to approve a national prevention programme. The director of Child Line is member of the steering committee which coordinates the implementation of the programme.

In December 2007, the hotline, in cooperation with government institutions and other NGOs, will arrange an international conference on bullying.

Child House organises seminars for teachers and children about how to prevent violence and deal with existing cases of bullying.

The Ministry of Education uses tendering processes in order to buy services from NGOs. The Child House considers this to be a step forward as it, contrary to before when NGOs had to look for all resources they needed abroad or from the private sector, means that there is some government funding available.

Gelbekit vaikūs has set up 64 so called anti-abuse groups in 16 municipalities all over the country. More than 600 children are active in these groups, which carry out prevention work, provide knowledge about violence and bullying, organise seminars, etc.

Debate

From being a more or less unknown phenomenon a few years ago, bullying is now an issue that receives considerable attention in the Lithuanian society.

The Child Line has been instrumental in this process. The NGO “discovered” a new and important topic and was successful in attracting the interest of the media. In recent years numerous articles about bullying have been published in Lithuanian newspapers.

The attention from the media was crucial for getting political recognition and, more importantly, political action.

Comments from the CRC Committee

In 2006 the second periodic report of Lithuania was considered by the Committee on the Right of the Child.

In the concluding observations the committee expresses concern about lack of coordination and coherency in the implementation of the Convention on the Rights of the Child, both at national and local levels, and the inadequate resources that have been allocated for the implementation of plans and programmes.

The committee is also concerned at regional disparities between rural and urban areas and that a large number of families with children live in poverty and do not have enough support. Furthermore, the

committee “remains concerned at insufficient efforts made by the State party to involve and support civil society in the implementation of the convention”.

Regarding corporal violence against children the committee welcomes the commitment from the government to prohibit corporal punishment. In addition to an explicit prohibition the committee recommends measures to raise awareness on the harmful effects of corporal punishment with a view to changing the generally tolerant attitude in the country towards this practice.

The committee notes “with deep concern” reports that bullying in schools is widespread. Therefore, it recommends the development of a comprehensive strategy addressing the culture of violence and “creating an environment of tolerance, peace and understanding of cultural diversity”.

Poland

Introduction

Until recently, child abuse was a hidden social problem in Poland. The media kept silent and policy recommendations and academic research avoided the issue. Professional assistance for abused children did not exist. Of the social problems mentioned in surveys carried out until the 1990s, the question of child abuse does not appear even once.³²

In recent years campaigns and other activities, mainly carried out by civil society organisations, have contributed to increased awareness about child abuse. Still, however, corporal punishment is not prohibited in Polish law. Surveys indicate that a majority of the children in the country experience corporal punishment.

Also bullying is increasingly being debated. Campaigns against violence in schools are carried out by the Polish Ministry of Education as well as by media organisations and NGOs.

Corporal punishment

Attitudes and prevalence

According to a survey, conducted with a nation-wide representative sample of Polish adults by the Nobody's Children Foundation (Fundacja Dzieci Niczyje) in 2001³³, almost 60 per cent of Polish children (59.3 per cent) are physically punished by their parents. The respondents estimate that severe corporal punishment, which results in physical injuries, is experienced by almost 25 per cent of the children. Furthermore, 30 per cent of the children are verbally abused and humiliated by their parents.

Opinions differ among the respondents regarding changes in parental behaviours during the last ten years. While 20 per cent think that the use of corporal punishment occurs more often, 45 per cent estimate that there has been a decrease in the use of this kind of punishment.

Approximately 35 per cent of the respondents state that corporal punishment is admissible while 48 per cent say that nothing can justify hitting a child. Almost half of the respondents think that the use of any form of corporal punishment by parents should be legally banned. Women and people with secondary and university education more often support a ban on corporal punishment than other groups.

About 80 per cent of the respondents themselves experienced beating or other forms of corporal punishment in their childhood and youth.

In a survey conducted with teachers in capital-city primary schools in 2005-2006 within the context of a study carried out in seven Eastern European countries³⁴ teachers were asked to estimate the prevalence of corporal punishment. According to the teachers, approximately 70 per cent of the Polish children experience spanking and 26 per cent severe corporal punishment. The teachers, however, estimate prevalence to be lower in the schools where they are working: 55 and 15 per cent respectively.

Regarding attitudes to physical punishment, 13 per cent of the teachers think that it can be used if the parents find it effective, 50 per cent think that it should not be used, but that there are situations in which it can be justified and 35 per cent say that it should not be used under any circumstances. Approximately 20 per cent answer that corporal punishment is justified if the child commits a petty theft, 18 per cent if he or she starts smoking cigarettes and 15 per cent of the child does not obey the parents.

A third of the teachers have encountered children who are victims of domestic violence during the last year and 44 per cent have come across children who suffer from severe emotional abuse.

Concerning parents who have used severe physical violence against a child, 40 per cent of the teachers think they should receive therapy while 30 per cent say they should be punished and 25 per cent consider they should be deprived of parental rights.

³² Fluderska, G., Sajkowska, M., 2001

³³ Ibid

³⁴ Sajkowska, M., 2006

The experiences and views of children and young people themselves have not been included in the research mentioned above. A survey,³⁵ conducted with children in residential care institutions, however, reveals that more than half of the children have experienced verbal abuse and humiliation in the last year. Nearly one third were abused physically. In most cases the abuser was a family member, but corporal punishment is also used by institutional custodians. Almost a third of the victims of physical abuse were beaten by their custodians in the institution.

According to background information³⁶ for a campaign, initiated by the Ombudsman for Children, “aggression towards the youngest children is increasing every year” and “the people closest to them – parents, guardians or relatives – are becoming increasingly irresponsible and brutal”.

Data compiled from blue card reports (see below) and presented in the Ombudsman’s background information³⁷ indicate that the number of domestic violence victims, both adults and children, has increased from 97,000 in 1999 to 157,000 in 2006. The number of crimes against minors under 15³⁸ has increased from 26,300 in 2002 to 27,900 in 2006, of which 90 per cent were cases of family abuse, according to the same source.

NGOs working in the field of child abuse, however, express doubts whether the data show a real increase. The larger numbers could also, at least partly, be the result of an increased tendency to report domestic violence and abuse.

Legal framework

Corporal punishment is banned in Polish schools and alternative care settings. Prohibition to apply corporal punishment in the family is, however, not explicitly expressed in any Polish law.

Article 40 of the Constitution of the Republic of Poland stipulates that no one may be subject to torture or cruel, inhuman or degrading treatment or punishment. There is, however, no explicit statement that this applies to the relationship between parents and children. Moreover, the Constitution is not used as a legal act in courts. Crimes that are dealt with in courts are regulated in specific legal acts.

The Penal Code mentions maltreatment, but not specifically in relation to children. The paragraphs in the Penal Code about violence and inviolability of persons are the legal basis in cases of violence against children.

In the Poland’s report to Paulo Sergio Pinheiro, the UN independent expert on counteracting violence against children,³⁹ the government, however, refers to Article 40 of the Constitution and states: “This ban applies also to the relationships between parents and children. /.../ The penalties for persons using corporal punishments to children are regulated by the Penal Code and the Petty Offences’ Code.”

NGO representatives and other experts who have been promoting a prohibition of corporal punishment for several years explain this statement by referring to contradictory aspirations among Polish politicians and within the society at large:

“There is a certain shame of old-fashioned ideas. Poland wants to be perceived as a progressive country in Europe. But at the same time there is a fear for institutions’ interference in the families. Large groups in Poland can not imagine bringing children up without corporal punishment.”

In the mid-1990s an attempt was made to introduce a ban of corporal punishment. A proposal for a law on domestic violence, including prohibition of corporal punishment of children, was presented by the Government’s Representative for Equal Status between Men and Women. A special commission with the task of dealing with the issue was created in the Polish Parliament (Sejm). Intense discussions took place for several years, but during these discussions it became more and more clear that conservative members of parliament would not accept a ban on corporal punishment. Therefore, the articles dealing with this topic were omitted from the proposal before the law was finally accepted in 2005.

This law, the Law on Counteracting Family Violence, provides, among others, the obligation of the perpetrator to leave a home inhabited together with a victim of violence.

³⁵ Sajkowska, M., 2005

³⁶ Ombudsman for Children, 2007

³⁷ Ibid

³⁸ Criminal code articles 200 (sexual relationship), 201 (incest), 202 (production and distribution of pornography), 207 (family abuse), 208 (encouraging a minor to drink alcohol), 210 (abandonment) and 211 (kidnapping).

³⁹ Government of the Republic of Poland, 2005

The Polish Ombudsman for children, Ewa Sowinska, in a statement dated 8 October 2007,⁴⁰ claims to be ready to raise the issue of corporal punishment again. In connection with a campaign to counteract violence against children, “Love, Don’t Abuse, Help”, the ombudsperson says:

“Our undertaking could be concluded with working out prohibition to apply any kind of violence against children, including corporal penalties, and including such legal solutions into the Polish legal system.”

Civil society organisations and other experts in the field of child abuse, however, doubt that this will happen. In their view the Ombudsman for children has neither taken a firm stand against corporal punishment earlier, nor been very active when it comes to presenting new proposals. Furthermore, the Parliament is dominated by conservative parties that would hardly approve a ban on corporal punishment.⁴¹

The Ombudsman for Children can not develop draft acts of law or submit them to the legislative authorities. She or he can only apply for appropriate legal initiatives to competent authorities.

Government institutions and measures

The Ministry for National Education is responsible for the coordination of policies regarding children and youth.

In 2004 the Government adopted a long term action plan for children, “Poland for children 2004-2012”.⁴² One of the chapters of the action plan is about violence and maltreatment of children. In general terms it outlines measures for increasing awareness, improving legal and administrative systems, etc.

There is no special Children’s Act in Poland. Legal issues relating to children are covered in several other laws, such as the Act on Social Welfare, the Penal Code, the Law on Counteracting Family Violence, the Act on Juveniles and the Code of Criminal Procedure.

The law on Ombudsman for Children was passed by the Polish Parliament in 2000. According to the law the Ombudsman’s task is to protect the rights of the child. For this the Ombudsman is equipped with “warning, signalling and initiating powers”.⁴³ The Ombudsman can apply to public authorities for any information, call on them to take action and ask relevant authorities to initiate a legislative process. An annual report is presented to the Parliament.

In 2007, the Ombudsman for children initiated a campaign named “Love, Don’t Abuse, Help”. The campaign had the aim of counteracting violence against babies and small children. Citylights mainly on the sides of the busstops, brochures and other information material contained messages about the importance of good patters of care for the youngest children and the fact that acts of violence against babies and infants constitute a threat to their life and health.

In the statement mentioned above, dated 8 October 2007, the Ombudsman for children says that she hopes that the information and prevention activities will be “followed by efficient procedures of prompt doctors’, midwives’, nurses’ and public and social services’ reactions to violence against children”.

Presently there is no legal duty, only a moral responsibility, for health staff, social workers, teachers and other public officials to report if they encounter cases of suspected violence against children.

In the Polish Government’s report to the Independent Expert on counteracting violence against children, it highlights the role of the State Agency for the Prevention of Alcohol Related Problems (PARPA). This agency receives financial resources from the state budget for the implementation of activities aimed at preventing and solving alcohol related problems, including counteracting family violence. Some of these resources are channelled to NGOs implementing programmes relating to family violence.

Regional and local level

In Poland there are 16 regions and 378 powiat, which is the intermediate administrative unit. The Powiat Centres for Assistance to the Families, in cooperation with local social service centres, play a key role in combating child abuse, in the home, in schools, etc. Teams of professionals should offer help and coordinate with other public authorities.

In reality, however, lack of financial resources, inertia and reluctance to introduce changes often impede concrete action.

⁴⁰ Ombudsman for Children, 2007

⁴¹ The information for this study was gathered in early October 2007, shortly before the elections – and the change of government that took place after the elections.

⁴² Ministry of National Education, undated

⁴³ Ombudsman for Children in Poland, 2006

At local level, social service centres, in the more than 2,500 gminas (municipalities) provide services to children and families. According to NGOs working with issues relating to family violence, however, victims of violence sometimes prefer to seek assistance elsewhere due to lack of resources and specialised staff, such as psychologists, at the social service centres.

Home interventions against family violence are carried out by the police under the name of “blue cards”. The provisions of the blue cards procedure underline the necessity to visit homes where family violence occurs and frequently check the situation in these families.

The regional and local authorities have at their disposal incomes from the fees for permits to sell alcohol. Some of these resources are, according to the governments report to the Independent Expert on counteracting violence against children, allocated to programmes for preventing and resolving alcohol-related problems, including counteracting violence in families.

Examples of NGO initiatives

Several NGOs work with service provision, such as psychological diagnosis, therapeutic support, individually or in groups, for children and family members, and legal, medical and psychological consultations. NGOs also offer training for judges, prosecutors, police officers and other professionals as well as education of parents. Among the sources of financing for these services are ministries, local authorities, the European Commission and individual donations. Ministries and government authorities at local level use tendering processes in order to procure services from civil society organisations, for example programmes for prevention of violence and assistance for victims of crime.

Some NGOs have set up help lines, such as the “blue line” (Niebieska linia) emergency service for victims of domestic violence. This helpline is run by the Health Psychology Institute of the Polish Psychological Association. The helpline is financed by the State Agency for Prevention of Alcohol Related Problems.

The people on duty servicing the blue line have psychology or pedagogy education and have been trained in the basic regulations of criminal, civil and family law. They also have access to a database through which they can inform about various types of help for victims of violence available all over the country.

Another prominent NGO activity is to run awareness-raising campaigns. In early 2007, for example, the Nobody’s Children Foundation carried out the campaign “See it, hear it, say it”.

This campaign was the first one in Poland to address witnesses of child violence. The main messages of the campaign were displayed as billboards and published in newspapers and in the form of leaflets. A website, an e-mail address and an anonymous telephone helpline were launched through which people who wanted to report suspected violence against children were provided with information and advice about the proceedings.

In 2001 a campaign, “childhood without violence”, which was later repeated in six other countries within the frames of the programme “Childhood without abuse - towards a better child protection system in Eastern Europe” was carried out. The campaign aimed at raising awareness about physical and emotional violence towards children and promoting non-violent means of child rearing.

NGO representatives coincide in highlighting the need for information and campaigns about so called “positive parenting” and alternative methods to the use of corporal punishment. Some efforts in this regard have been made, but more massive information is needed:

“Parents simply do not know what to do when they have problems with their children. So probably the best thing would be to start with teaching alternative upbringing methods and hope that attitudes will slowly change”, one of them says.

In 2007, the Nobody’s Children Foundation launched the programme “Good Parent, Good Start”, aiming at prevention of abuse of small children. The target groups are parents expecting a baby or with children up to four years of age and professionals working in the public health system and in nurseries, social workers, NGOs, etc. During the pilot phase of the programme, carried out in one district of Warsaw, doctors and nurses were trained about diagnosing child abuse.

Debate about violence

Numerous campaigns and other activities have contributed to increased visibility of the issue of family violence against children. Until recently people treated violence in the home as a private matter in which you normally do not intervene. This situation has started to change and increasingly the media report about problems relating to violence against children within the family.

Despite this, many people still categorically defend the use of corporal punishment. According to an NGO representative, a member of parliament recently stated that he was grateful that he had been physically punished as a child because the punishments had made him “a decent man”.

Bullying

Attitudes and prevalence

According to research that was carried out in 2006 in 150 schools,⁴⁴ 32 per cent of the students and 34 per cent of the teachers think that violence is a serious problem in their school. Verbal aggression is the most common form of aggressive behaviour; 44 per cent of the students declare that during the current year they have been verbally abused.

NGO representatives unanimously consider violence in schools to have increased in recent years. There are different opinions about why:

- Increasing violence in society and the media which is reflected in the schools,
- Lack of financial resources and support staff in the schools.
- Lack of knowledge among teachers and headmasters about how to deal with the issue.
- Larger schools with more anonymity due to recent reform of the education system.

Another form of bullying, which is becoming more and more frequent, is cyberbullying.

The first Polish survey on cyber-bullying was carried out by Nobody’s Children Foundation and Gemius S.A. in 2007.⁴⁵ The survey was conducted through Internet questionnaires targeting 12 to 17 year old children, which were displayed on a large number of web-sites.

The main findings were that 52 per cent of the young Internet users had had some contact with verbal abuse on the web or via mobile phones. Approximately 47 per cent had experienced crude name-calling, 21 per cent had been humiliated or mocked, 16 per cent had been intimidated and blackmailed. More than half of the respondents had been video recorded or photographed against their will at least once.

Legal framework

In Poland there is no national law that regulates bullying, but a prohibition is normally included in each schools’ code of rules.

From legal point of view issues relating to peer violence are considered in accordance with the provisions of the Act on Juveniles, which regulates cases relating to delinquents below the age of 18, and the Penal Code. Cases involving children between 13 and 17 years of age are examined in the special Family Court. Penalties could be therapy or other treatment or that the offender should spend some time in a remedial institution. Children under the age of 13 are not considered responsible for their acts. Cases relating to them are also examined in the Family Court.

According to the Act on the Education System and the Teachers’ Chart, all schools are supposed to have a programme against bullying. NGOs, however, state that these programmes often lack comprehensiveness and are not discussed, known and accepted by all groups in the schools.

Government institutions and actions

The Ministry of National Education initiated the programme “Zero Tolerance for Violence at School”⁴⁶ in early 2007. According to information on the ministry’s website the aim of the programme is to highlight the state’s disapproval of undesirable phenomena at school: aggression, physical and mental violence, taking drugs and alcohol, persecution, etc. Another objective is “to restore appropriate proportions between pupils’ rights and duties”.

Among the measures highlighted in the information about the programme are; video surveillance of entrances to schools and the introduction of a legal duty by headmasters and teachers to notify the police of circumstances indicating “moral corruption” of a juvenile, the commitment of a prohibited act or the use of alcohol or other drugs. The information on the ministry’s website also mentions the employment of additional psychologists and educationalists in schools and an expansion of after-school activities.

⁴⁴ Polskapersse, Media Regionalne, undated

⁴⁵ Nobody’s Children Foundation, Gemius S.A, 2007

⁴⁶ Ministry of National Education, 2007

Requirements for pupils to wear school uniforms are presented as a measure to “create a sense of community, equality and solidarity among pupils”. In addition, the introduction of school uniforms will have the favourable effect of elimination of visible financial differences in pupils’ school clothes, according to the ministry’s information.⁴⁷

NGOs are critical of the Zero Tolerance for Violence at School-programme, which they consider to build on a philosophy of excluding and isolating children who are considered to cause problems. NGOs also consider the programme to be badly and unscientifically executed.

Examples of NGO initiatives

The two largest publishing groups in Poland, Polskapresse and Media Regionalne, in cooperation with Polish Telecom are carrying out the campaign “School without bullying”.

The campaign was initiated in early 2006 with a large survey. The results were published in regional newspapers.

A hotline where cases of violence could be reported was opened and a suggested code of rules for schools was prepared and presented in the newspapers. Schools were encouraged to take part in the campaign and in the school year 2006-2007 approximately ten per cent of all schools in Poland participated. Promotion materials were sent out, different competitions took place and some schools had their situation audited.

According to Profile, the private PR company that carries out some of the practical work related to the campaign, the key issues are to help schools to organise themselves against violence and develop rules that are known and accepted by all groups, not to resort to bringing in the police or other repressive measures. Since 1998 the NGO Standby the Child (Blizej Dziecka) offers trainings to teachers about violence prevention and how to deal with bullying. These workshops take place during week-ends. Despite this, the interest from schools is increasing.

Standby the Child would like to see anti-violence training including in the curriculum but has no resources of its own to lobby the government on the issue.

Nobody’s Children Foundation is planning to run a campaign regarding cyber-bullying in late 2007. In January 2007 a free-of-charge helpline on cyber-bullying was started. From April to August it received 350 calls that were directly related to intimidations, blackmailing and humiliations through the Internet or mobile phones.

The work on Internet-related issues is carried out in cooperation with the Research and Academic Computer Network (NASK) and is financed through the European Commission Safer Internet programme.

Debate about bullying

Increasingly the issue of bullying, including cyberbullying, is being discussed in the Polish society. In recent years numerous articles in the media have highlighted peer violence, violence by teachers against children and also students’ violence against teachers. Seemingly, the age of both perpetrators and victims is decreasing.

An especially dramatic case was debated in 2006 when a girl was sexually harassed by classmates. The incident was recorded on a mobile phone by one of the pupils. A few days later the girl committed suicide.

Comments from the CRC Committee

The second periodic report of Poland to the Committee on the Rights of the Child was submitted in 1999 and considered by the committee in 2002.

In its concluding observations the committee expresses concerns that child abuse and violence in the home and in schools remain a problem and that there is no national system to receive and address complaints of child abuse and neglect. The committee is also concerned that victims of abuse and their families receive limited support for recovery and reintegration.

The committee is concerned that “corporal punishment is widely practised in the home, in schools and other institutions, such as prisons, and in alternative care contexts”. The committee recommends that corporal punishment should be expressly prohibited in the home, in schools and all other institutions.

⁴⁷ The obligation to wear school uniform in Polish schools entered into force in 2007.

The committee furthermore expresses concern about the lack of coordination between activities and programmes run by various ministries and levels of government and lack of resources for the Ombudsman for Children. It is also concerned about the fact that data are not available for all areas covered by the Convention on the Rights of the Child and by the fact that non-governmental organisations are not fully involved in the efforts to implement the convention.

St. Petersburg (Russian Federation)

Introduction

Despite recognition of the problems and some projects being carried out, for example regarding early identification of children in difficult circumstances and capacity building of professionals, corporal punishment and bullying are not considered as priority issues, neither by government authorities of St. Petersburg, nor by non-governmental organisations in the city.

One reason for this is that other child rights violations, such as sexual exploitation and children living in the streets, attract more interest. Another reason is that public officials, such as teachers and psychologists, often lack skills for dealing with domestic violence and corporal punishment.

By and large corporal punishment remains socially acceptable. There are also several other obstacles to action against domestic violence. Although experts agree that Russian laws prohibit corporal punishment, also within the family, these laws are seldom applied. Few cases are reported to the law enforcing authorities and even fewer people are convicted for using physical violence against children.

During the work with this study no research about bullying has been found. People interviewed in St. Petersburg, however, agree that peer violence is widespread. Experts also estimate that violence and bullying in schools has increased in recent years, among others due to growing economic disparities in the Russian society.

Corporal punishment

Attitudes and prevalence

A survey⁴⁸, carried out in 2004 with 1,500 adult respondents in 44 Russian regions indicates that approximately two thirds of the respondents experienced some kind of punishment in their childhood. About 40 per cent were physically punished and 19 per cent had experience of verbal punishments, such as swearing and shouting at them.

According to the same study, 54 per cent of the respondents think that it is acceptable to punish children physically. For example, they state that physical punishment is a traditional method of upbringing and that it can be used when other methods do not work and parents lose their tempers.

Inhabitants of the capital and young people are slightly more negative to corporal punishment than other groups. Those who are against corporal punishment for example say that it is a humiliation of the child and that it is not effective as “the child will not become cleverer through being beaten”.

Saratov Centre of Social Policy and Gender Studies carried out a survey⁴⁹ about domestic violence against children in the three cities Izhevsk, Samara and Saratov. Almost 1,800 people were interviewed. More than 30 per cent recognised that they use corporal punishment. Only five per cent thought that violence against a child can be stopped through notifying the police or other authorities.

Interviews with children were also carried out by Saratov Centre. Approximately 60 per cent of the children said that they had experience of domestic violence and 15 per cent stated that they had been severely beaten.

A study which was carried out in Nizhny Novgorod in 1998,⁵⁰ showed that almost two thirds of the respondents considered physical punishment of children to be tolerable while 37 per cent saw it as an abuse. According to the interviewees, that main factors provoking family violence are alcoholism, drug-addiction, low levels of income and unemployment or fear to lose one’s job.

No studies that specifically deal with the situation in St. Petersburg have been found.

⁴⁸ Kochetkova, undated

⁴⁹ www.socpolicy.ru quoted by Muravyeva

⁵⁰ Kochetkove, 1999

Legal framework

In the Russian Federation, several federal laws that are relevant for the protection of children have been adopted since the early 1990s. The most important ones are the Family Code from 1995, the Civil Code from 1996, the Federal Law on Education from 1992, the Law on the Rights of the Child in the Russian Federation from 1998 and the Law on the System of Prevention of Child Neglect and Juvenile Offences from 1999.

The UN Committee on the Rights of the Child, in its concluding observations on the third periodic report of the Russian Federation, urges the State party to “explicitly prohibit by law all forms of corporal punishment in the family and in alternative care settings”.⁵¹

Also a report compiled by the Global Initiative to End All Corporal Punishment of Children states that corporal punishment is not prohibited in the home and in alternative care institutions in the Russian Federation.⁵²

Contrary to this, however, experts in St. Petersburg consider the provisions in Russian legislation to be sufficient for corporal punishment to be prohibited in all settings. For example, Article 65 of the Family Code says: “Parents may not cause any physical or psychological harm to their children or to their moral and ethical upbringing. The means by which parents raise their children must exclude any diminishing, cruel or humiliating treatment of children, or any form of exploitation or abuse.”

The Criminal Code contains several articles that mention “cruel treatment of the minor” and physical and mental abuse by systematic beating or other violent acts. The Family Code states that parents who violate the provisions of the law could be deprived of guardianship over their children.

Article 156 of the Criminal Code establishes punishments for “failure to discharge or improper discharging of the duties of bringing up a minor” by a parent, a teacher or other worker of an educational, medical or other establishment which exercises surveillance over a minor “if this deed is associated with cruel treatment of the minor”. The punishment for not complying with this law could either be a fine of 50 to hundred minimum wages,⁵³ restraint of liberty up to three years or deprivation of liberty for maximum two years. The sentence could also include disqualification to hold specific offices.

There are, however, several obstacles to the implementation of these laws:

“The main problems are, firstly, the low level of legal consciousness and the lack of trust. People are not aware of what is a crime, and if they are, they do not report to the police because they don’t want to become involved. Secondly, law enforcement officials do not do their job. Because of these factors, few offenders are sentenced”, an expert on the issue states.

Lawyers and other people interviewed for this study also highlight other difficulties on more technical level, such as lack of clear definition of the notion “cruel treatment” and lack of knowledge, for example from police officials, about how to interrogate children and secure evidence.

An interviewee states that if the child recovers from beating within three weeks, the maltreatment is normally considered to be docile. In such cases the offender will be acquitted – or the sentence will be mild. This, together with the difficulties in connection with investigating cases of domestic violence, makes prosecutors hesitate to pursue the cases.

The lawyer in St. Petersburg also points out that on some occasions a man’s right to live in the flat where he is registered seems to be considered more important than women and children’s right to safety.

“I had a case where the police told the woman to let her husband in, despite the fact that he had severely beaten her and the children”.

According to statistics for 2004, in the Russian Federation 1,560 people were convicted according to Article 156 of the Criminal Code, which establishes punishments for “failure to discharge or improper discharging of the duties of bringing up a minor” (see above) in 2004. Of them, only four per cent were sentenced to imprisonment and four per cent got a fine, while 69 per cent got a suspended sentence.

There are also cases of corporal punishments in schools and orphanages. In 2007 a secondary teacher was convicted for using corporal punishment to her students. The punishment was suspension of her teaching licence for three years. A headmaster of an orphanage had a suspended sentence of four years for using corporal punishment. In 2006 the Public Prosecutor’s Office, following inspections in schools, initiated almost 80 criminal proceedings against teachers for applying corporal punishment.⁵⁴

⁵¹ Committee on the Rights of the Child, 2005

⁵² Rustemier, S., 2007

⁵³ Presently 2,000-4,000 euros

⁵⁴ Various sources, quoted by Muravyeva

Until now the St. Petersburg lawyer has not managed to have anyone convicted for corporal punishment of a child. Neither does she now of any other case in the city where a sentence has been passed.

Government measures

At federal level ministries, such as the Ministry on Labour and Social Protection of Population, the Ministry on Education and the Ministry on Health are responsible for implementing government policies relevant for children's rights.

A Commission on Minors Affairs and Protection of their Rights, is responsible for the coordination of initiatives regarding children in difficult circumstances.

According to information obtained in St. Petersburg⁵⁵ a national strategy for children's rights, which is valid until 2015 has been developed. This strategy is not available in English, but reportedly it mainly concerns protection of children in orphanages and other especially difficult circumstances.

Institutions and measures at regional and local level

The Russian Federation consists of 89 so called subjects (regions), which are republics, territories and the cities of Moscow and St. Petersburg.

In these regions committees carry out the duties that are fulfilled by the ministries at federal level. Several of the committees are relevant for children's issues, for example the Committee on Labour and Social Protection of Population, the Committee on Education, the Committee on Health and the Committee on Youth Policy and Interaction with NGOs.

At regional level there is also a Commission on Minors' Affairs and Protection of their Rights. The main responsibility of the Commission is to coordinate activities for children in difficult situations. The commission in St. Petersburg, which has 24 members, does not only consist of representatives of the different committees but also Russian NGOs and international organisations, such as the International Labour Organisation (ILO), are members.

The Commission on Minors' Affairs and Protection of their Rights in St. Petersburg sometimes sets up working groups in order to highlight specific issues and involve professionals within different areas. Three such working groups are currently functioning. One of these working groups deals with early identification of children in different circumstances. This working group has initiated pilot projects, implying that special teams are established in some schools in order to identify children in risk situations at an early stage.

The Commission on Minors' Affairs and Protection of their Rights in St. Petersburg also arranges seminars for headmasters, teachers and other professionals in order to discuss the coordination of support for children in risk families.

The St. Petersburg region is divided into 20 districts. The structure at regional level is reflected at district level where there are departments, such as the District Department of the Committee on Education and the District Department of the Committee on Health. Social workers are placed under the District Department of the Committee on Labour and Social Protection. District Commissions on Minors' Affairs and Protection of their Rights coordinate activities relating to children in difficult situations.

Each of the districts consists of several municipalities. In each of the municipalities a Guardianship Department is responsible for overseeing the work of police officers, social workers and other public officials. The decision making body of the Guardianship Department decides if a child who lack parental care or is victim of abuse can stay in the family or should be placed in foster care or a residential institution.

Social workers from the district should pay visits to the family and provide other support, primarily to the child.

In St. Petersburg there are several institutions where psychologists and other specialised staff provide support to children. Shelters where children who are victims of abuse are placed while investigations are carried out are also available. There is, however, only one shelter that is specialised in working with children who are victims of violence. This shelter offers legal assistance as well as medical treatment, therapy and other support. The shelter also works with rehabilitation of offenders, which is still a new issue within Russian tradition and seldom practiced.

⁵⁵ As this study mainly concerns the situation in St. Petersburg no federal institutions have been interviewed.

Examples of NGO initiatives

Relatively few NGOs work with issues relating to domestic violence and corporal punishment.

Alexandra is an NGO that works with violence against women and children. With support from international donors the organisation operates a helpline which is open to women and children who are victims of violence. The helpline receives about 1,500 calls per year. A psychologist and a lawyer offer psychological and legal support to victims of violence.

In 2004-2006 the NGO Stellit, in collaboration with a Finnish partner and financial support from the Ministry of Foreign Affairs of Finland, carried out a prevention programme, which included the issue of violence, in six schools in St. Petersburg. Through seminars for school staff, films, posters and other material and activities for children and parents, awareness about topics such as drug addiction, reproductive health and violence was increased.

An evaluation showed that the effects of the project were positive and Stellit is disseminating the results to government authorities and others.

Parental education, for example on how to discipline a child without using violence, is still largely lacking, but NGOs that offer support to families who want to adopt children are reportedly arranging courses for parents.

Debate about corporal punishment

Violence against children, and specifically corporal punishment, is a topic that has not yet attracted much attention among the general public. There are few NGOs that work with the issue.

The media seldom pay attention to domestic violence. When issues relating to violence against women and children are covered on TV or in newspapers it is mainly the especially brutal cases that are highlighted. Discussions about causes and structural patterns are largely absent.

Bullying

Attitudes and prevalence

No studies or other information about the prevalence of bullying, neither in St. Petersburg nor in the Russian Federation, have been found.

In 1999, however, a study about violence in teenagers' environment was carried out in Ekaterinburg. Of the 500 respondents, aged 14 to 16, 74 per cent had experienced oral offence while about 33 per cent had been victims of corporal violence.⁵⁶

Regarding attitudes, a former school psychologist points out that peer violence is normally not considered as a problem that adults should take notice of. Rather it is seen as something that children and young people should solve on their own.

Legal framework

No special laws regulate bullying. Cases are dealt with according to the articles in the Criminal Code about abuse, beating, insult, etc.

Schools are not requested to develop any specific plans against bullying and discrimination.

In case of bullying or other problems, the child - or the parents - should report to the class teacher. If the class teacher is involved in the abuse or does not act, they should go to the headmaster and if the matter is still not dealt with they can report to law enforcement structures, the District Department of the Committee on Education or the Committee on Education.

Government measures

The Commission on Minors' Affairs and Protection of their Rights is aware of the problem of bullying in St. Petersburg schools. The secretary of the commission states that the intention is to address the issue. For example, the working group on early identification of children in different circumstances, which has been set up by the commission, could include the issue of bullying in its mandate.

⁵⁶ Zhuravlev, 2001

Another group, the working group on prevention of violence in all spheres of life in St. Petersburg, which consists of government officials, representatives of the police, NGOs, academics, etc., has recently been set up.

Opinions among professionals regarding teachers' knowledge and ability to deal with violence and bullying differ. One interviewee states that newly examined teachers are well prepared for working with violence prevention and conflict resolution. Older and more "traditional" colleges might, however, have different opinions about how to deal with these issues. Another interviewee says that class teachers, who should primarily take action, often do not know what to do and therefore prefer to turn a blind eye to what is happening.

Examples of NGO initiatives

The NGO Stellit carried out a project in three schools in 2004-2006 about early identification of social exclusion. The project was initiated with a study, showing that problems are normally identified at a late stage and that schools often try to solve them on their own. Through seminars the schools were provided with knowledge about other institutions at district and municipality level, NGOs, etc. This knowledge led to more cooperation and opened for new ideas about how to solve existing problems.

Another NGO offered to provide lectures for students in St. Petersburg schools about violence and trafficking. The Committee on Education declined, probably due to the fact that standards for how to involve NGOs in schools activities have not been developed yet.

Debate

The attention being paid to violence in schools is limited in the media and among the general public, except when it comes to extreme cases and gang related violence.

Among professionals, however, there is an intense debate:

"Nobody knows how to act. Teachers feel that they can do nothing while pupils insult, use their mobile phones, and so on. Others accuse teachers of taking bribes and abusing children", one of them says. "There is no balance... Before we somehow understood that teachers and parents had to work together. Now that knowledge seems to be lost."

Another interviewee criticises the "commercialised relationship" between students and teachers, implying that if a student needs additional help the teacher requires extra payment in order to provide the assistance.

She also points out that children of socio-economically vulnerable families are often bullied as they can neither afford to buy books nor wear modern clothes:

"In the Soviet era there were parents' committees that sometimes decided to help these children. Now there is nothing."

A lawyer had a case which was initiated when the students of a school were told to contribute economically to the maintenance of the school buildings. Due to poverty of the family one student did not contribute. He was then told by the class teacher that he should clean the floors instead, but felt so humiliated that he committed suicide. The teacher got three years' suspended sentence.

Comments from the CRC Committee

The third periodic report of the Russian Federation was considered by the Committee on the rights of the Child in November 2005.

In the concluding observations the committee recommends "comprehensive and effective coordination of the implementation of the national strategy and the related plans of action at the federal and regional levels, inter alia with a view to preventing unjustifiable disparities".

The Committee is concerned that corporal punishment is practiced in families and in places where it has been formally prohibited, such as schools. The committee urges the Russian Federation to explicitly prohibit all forms of corporal punishment, effectively implement the legislation and conduct awareness-raising and public education campaigns against corporal punishment and promote non-violent forms of discipline.

The committee is also concerned at reports that a large number of children in institutions are subjected to abuse by their educators. Furthermore, the committee reiterates its previous concern about the incidence

of infanticide and urges the State party to undertake a study on the issue and carry out all necessary preventive measures.

Sweden

Introduction

In 1979 corporal punishment was prohibited by Swedish law. Available studies indicate that, by that time, approximately half of the Swedish children were subjected to physical punishment. In 2000 prevalence had decreased to about eight per cent.

Extensive public education campaigns, training of preschool and school staff as well as other relevant groups of professionals and a legal duty to report in case of suspected abuse, are mentioned by experts as the most important explanations behind this change of attitudes and behaviour.

More and more Swedish parents attend parental trainings, mainly organised by municipalities but sometimes also by NGOs.

Concerning bullying, a special law, the Act Prohibiting Discrimination and other Degrading Treatment of Children and School Students, was approved in 2006. The law stipulates that all schools must have an Equal Treatment Plan.

A Child and Pupil Representative for Equal Treatment has been appointed by the Government. The Child and Pupil Representative supervises compliance with the law and can, in case of severe bullying and failure to act from schools and municipalities, claim damages.

Corporal punishment

Attitudes and prevalence

In 2001 the Committee on Child Abuse⁵⁷ submitted a report on corporal punishment and other abuse. The report states that attitudes towards corporal punishment have changed considerably since 1979 when Sweden, as the first country in the world, introduced a ban on corporal punishment. Available data⁵⁸ show that during the 1960s it was commonplace that parents spanked their children. During the 1970s and 1980s corporal punishment decreased and affected about half of the children. In the 1990s only one in five children had the experience of corporal punishment. Furthermore, not only did the absolute number of children subjected to corporal punishment decrease; parents also use corporal punishment much less frequently than before.

In a study⁵⁹, carried out in 1985, a large sample of parents was interviewed about their use of violence in childrearing. According to this study about 50 per cent had used physical punishment at least once in the year prior to the study. When the study was replicated in 2000 this proportion had decreased to less than ten per cent. Only 0.2 per cent reported hitting their children with implements.

The proportion of adults having a positive attitude to the use of corporal punishment was 53 per cent in 1965. In 1994 this figure had decreased to 11 per cent. Children are also more aware of their civil rights than they used to be and their attitudes towards corporal punishment have become considerably more negative.⁶⁰

Some studies of Swedish parenting styles have been carried out in recent years. These studies found that Swedish parents use "behaviour management methods such as distraction, reinforcement and calming the child". Swedish parents do exert control over their children's behaviour, but this control is unlikely to take the form of physical punishment, a summary of the studies concludes.⁶¹

In the 1990s, however, the number of reports about physical assaults against children increased. Researchers concluded that the increase was likely to be the result of an increased tendency to report and that the number of cases seemed to be unchanged - or had actually continued to decrease.⁶²

⁵⁷ The Government of Sweden appointed this parliamentary committee in 1998. The task of the committee was to investigate child abuse and related issues.

⁵⁸ Janson, S., undated

⁵⁹ Durrant, J., Janson, S., 2005

⁶⁰ Janson, S., undated

⁶¹ Ibid

⁶² Durrant, J., Janson, S., 2005

Other worrying tendencies regarding parental attitudes are, though, revealed in a very recent study Stiftelsen Allmänna Barnhuset and the University of Karlstad.⁶³ According to this study every fourth parent has, on some occasion, pushed, grabbed or shaken his or her child. The information is, however, difficult to evaluate as some measures, such as grabbing the child, may have been taken in order to protect the child from danger. The prevalence of more severe forms of physical punishments is unchanged.

Laws and implementation

The Swedish Parental Code contains an explicit prohibition of corporal punishment:

“Children are entitled, to care security and a good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment.”

When the proposal was submitted to parliament in 1979 it was supported by 98 per cent of parliamentary members. The ban added no criminal penalties for physical attack or beating beyond those already in place in the Penal Code. The reason was that the law was “aiming at educating the Swedish public, not at prosecuting parents”.⁶⁴

In 2006 an amendment to the Social Services Act entered into force, which establishes that children who witness violence or other abuse of or against a closely related adult are the victim of crime and shall be entitled to crime victim compensation from the state.⁶⁵

The Social Services Act stipulates that health staff, teachers and other public officials working with children have a duty to report suspected cases of abuse.

Government institutions and measures

In Sweden the Ministry of Health and Social Affairs in which a Convention on the Rights of the Child Coordination Office has been set up, is responsible for coordinating issues relating to children’s rights. The Coordination Office has established a child rights network and contact persons have been appointed at all ministries, such as the Ministry of Education and the Ministry of Justice. The role of the network and the contact persons is to ensure that within all policy areas attention is paid to the Convention on the Rights of the Child.

The Children’s Ombudsman’s main duty is to promote the rights and interests of children and young people. The ombudsman’s office monitors the implementation of the Convention on the Rights of the Child, submits bills for legislative changes to the Swedish Government and promotes the application of the CRC in the work of government agencies, municipalities and county councils. A key duty of the Children’s Ombudsman is to participate in public debate, promote public interest and influence the attitudes of decision-makers and the public. The Ombudsman maintains regular contact with children and young people and submits an annual report to the Government. However, the Ombudsman does not supervise other authorities and may not interfere in individual cases.

The ban on corporal punishment in 1979 was accompanied by a universal public education and awareness-raising campaign, which was one of the largest in the Swedish history. There were also targeted education efforts for social workers, health care staff and other professionals.

Measures at regional and local level

The Swedish administrative structure at regional and local level consists in 20 county councils, which mainly are responsible for health care, and 290 municipalities.

In the municipalities the social welfare committees have the responsibility to take action if a child is victim of violence, abuse or neglect in the family. Social workers investigate suspected cases and suggest measures. Medical, psychological and other support can be offered to the child and the parents. In serious cases the social welfare committee can decide to place the child with a foster family or in an institution.

In recent years, parents’ trainings have mushroomed in Sweden. The proportions of families with their first child 2-10 years old participating in some form of training has increased from two per cent in 2004 to 7 per cent in 2006. The responsibility for organising parenting support rests primarily with the municipalities. The National Institute for Public Health supports them through dissemination of

⁶³ Våld mot Barn 2006-2007, Stiftelsen Allmänna Barnhuset och Karlstads Universitet, 2007

⁶⁴ Ibid

⁶⁵ Government Offices of Sweden, undated

methodological knowledge and production of films and written material that can be used during the trainings.

In a survey, conducted by the Children's Ombudsman in 2005, municipalities and county councils were asked about their work with the implementation of the Convention on the Rights of the Child. On a general level the results of the survey show that there is a great need for skills development among municipalities and county councils and that sufficient resources have not been allocated to this skills development.⁶⁶

Examples of NGO activities

NGOs, such as Save the Children Sweden and BRIS (Children's Rights in Society), develop studies and carry out advocacy and awareness-raising activities, capacity building of parents and professionals as well as practical support for children who have been subjected to violence.

For example, in 2006 Save the Children Sweden carried out a campaign for better coordinated support, in the form of so called child houses, for children who have been victims of violence and abuse.

The core of BRIS's support services is the Children's Helpline and the BRIS-mail, which children and young people can use, anonymously and free of charge. In 2006 more than 21,000 calls and mails were received. The most common issues the children and young people wanted to talk about were family conflicts, relationships with friends and boy- or girl-friends and bullying.

Besides the Children's Helpline and the BRIS-mail, there is an adult helpline where BRIS receives calls from adults who need someone to talk to about children.

Many local branches of Save the Children Sweden in different parts of the country offer parents' training in the form of study circles, lectures, etc.

Debate

Cases where women or children are severely injured or even killed due to domestic violence occasionally cause a heated debate in the media and among the general public.

Corporal punishment on the other hand is mostly a non-issue in Sweden. Physical punishments have been prohibited for almost 30 years and the vast majority of adult Swedes agree that corporal punishment is neither in accordance with human rights and human dignity, nor an effective method of child upbringing. However, there are exceptions to this silence:

At political level, a debate was initiated in 2006 when the Children's Ombudsman stated that there were indications showing that corporal punishment had increased in recent years.⁶⁷ The ombudsman called for an information campaign targeting parents as well as children on the prohibition of physical and humiliating punishments. The statement of the ombudsman was, however, questioned by the former deputy Minister of Health and Social Affairs, who noted that no statistical evidence showing that corporal punishment had increased was available.⁶⁸

In 2007, renewed attention was paid to the issue, when a father was acquitted by a district court despite admitting that he, on several occasions, had smacked his daughter. The court considered the crime to be negligible and, therefore, not punishable.

In a comment to the court decision, the Children's Ombudsman emphasised that physical punishment is forbidden and again requested an information campaign like the one that was carried out when the ban was introduced:

"There is a new generation of parents who might need information about the prohibition of corporal punishment and what to do when they can not handle difficult situations."⁶⁹

⁶⁶ Government Offices of Sweden, undated

⁶⁷ Ombudsman for children, 2006

⁶⁸ Interpellation 2005/06:185, 2006

⁶⁹ TT, undated

Bullying

Attitudes and prevalence

In a study⁷⁰ published by the National Agency for Education in 2006, Swedish students were asked “Do you feel bullied by other pupils?” Of the students in grades 7-9, who answered through telephone interviews and could only answer yes or no to the question, five per cent said “yes” and 95 per cent “no”. In a survey with more answering alternatives students in grades 4-6 were asked the same question. Between two and four per cent answered that they felt bullied at least once a week, four per cent in all grades said at least once a month and between 12 and 15 per cent felt bullied, but the bullying occurred more seldom than once a month. Between 72 and 75 per cent never felt bullied.

Cyberbullying has recently emerged as a form of bullying and harassment. In a survey⁷¹ among 360 adolescents (12-20 years old) four categories of cyberbullying (text messages, email, phone calls and video clips) were examined. There was a significant incidence of cyberbullying among the 12-15 year old adolescents, less among college students. Of the younger students 15 per cent answered that that they, on some occasion during the last couple of months, had been victims of any kind of bullying at school. About nine per cent had been cyberbullied. Among the older students, 2.7 per cent had been subjected to bullying and none to cyberbullying.

According to another recent study⁷² more than half of the young people have, on some occasion, been victims of bullying on the Internet. About 25 per cent have been sexually harassed.

Laws and implementation

The Swedish School Law especially mentions the term bullying and states that all school staff shall make efforts to stop degrading treatment.

In 2006 a special law, the Act Prohibiting Discrimination and other Degrading Treatment of Children and School Students, was approved. This law stipulates even more clearly than the School Law that school staff have the responsibility to counteract bullying and other degrading treatment.

Furthermore, the law stipulates that all schools must have an Equal Treatment Plan. This plan substitutes the action plans or anti-bullying plans that schools were requested to develop before 2006. The aim of the Equal Treatment Plans is to enhance equal rights of all children and students and prevent or stop harassment or other degrading treatment. The plans should clearly establish responsibilities, routines, how to document cases of bullying or other harassment and planned actions to stop the degrading treatment. In addition, the plans should contain information about follow-up and evaluation of measures taken.

Government institutions and measures

In 2005 the Government appointed a Child and Pupil Representative for Equal Treatment (BEO) with its own office within the National Agency for Education.

The BEO supervises compliance with the Act Prohibiting Discrimination and other Degrading Treatment of Children and School Students. All pre-school children and students are entitled to support from the BEO if they have been subjected to degrading treatment or discrimination. First, the student should, however, apply for help from the class teacher or the headmaster of the school. If the bullying or other harassment does not stop the BEO can intervene and if there is still no improvement of the situation the BEO might claim damages on behalf of the student. In recent years several municipalities have been obliged to pay such damages.

The Swedish National Agency for School Improvement has been directed by the Government to formulate an action programme against bullying. The agency is to compile and take stock of research-based and systematically evaluated methods and measures against bullying and will report on the assignment to the Ministry of Education and Research in no later than in 2010.

The Government decision was taken after a meeting of the Minister of Education and Research with the world leading expert on bullying Dan Olweus, who is carrying out research on bullying in Norway. Professor Olweus criticised the fact that Sweden for many years has been testing a variety of methods and

⁷⁰ National Agency for Education, 2006

⁷¹ Slonje, R, Smith, P. K., undated

⁷² Kairos Future, 2007

approaches against bullying instead of, like in many other countries, making use of established and research-based methods.⁷³

The work of the schools on Internet issues focuses on pupils' learning to be critical of sources, ethics on the Internet and secure Internet use. The Swedish National Agency for School Improvement has set up the web-site "Check the source" and arranges lectures about the Internet for staff of preschools and schools, librarians and parents.

On the web-site of the Media Council parents can find advice regarding Internet-related issues. The Media Council has also produced a brochure; Ten tips to parents about the Internet.

Examples of NGO initiatives

The foundation Friends was founded in 1997 to help schools set up plans of action against bullying. Friends inform about bullying issues; definition of bullying, laws against bullying and what to do in order to prevent bullying and improve the situation in schools that are affected. Friends also trains school staff and students on how to deal with bullying problems.

Save the Children Sweden has set up a special web-site where young people can discuss issues such as violence and bullying. Furthermore, SCS lobbies the Swedish Government regarding measures against bullying. SCS primarily advocates prevention and has recently pointed out that, just like it is mandatory for schools to have doctors and nurses, there should be clearer provisions regarding the availability of psychologists in schools.

Children and young people can turn to the BRIS helpline and BRIS-mail to get advice and support concerning experiences of the Internet.

Debate

Violence and bullying in schools are issues that are frequently discussed in Sweden, both at the political level, in the media and among citizens.

A number of political proposals have been put forward in recent years. Strong disagreements about which measures to take between social-democratic and centre and right-wing parties have caused heated debates. The debate in the media often focuses on serious cases of bullying where schools have failed to take action and the victims – and their parents – have claimed damages.

The most frequently debated issue, however, is violence on the Internet and cyberbullying. The media pay considerable attention to the easy availability of violence and hard-core pornography on the Internet, the fact that many adolescent boys spend a lot of time watching these web-sites and the possible effects on them of this exposure to violence.

Comments from the CRC Committee

The third periodic report of Sweden was considered by the Committee on the Rights of the Child in 2005. Concerning violence the Committee notes that no data are available on child victims of abuse aged 15 to 18 years and recommends improved data collection and separation of child victims from adults.

The Committee is concerned about the degree of violence accessible to children on the Internet and shown on television early in the evenings. The Committee therefore recommends all necessary measures, including legislation, providing parental education and awareness-raising of children to protect children against violence on the Internet, television and computer games.

The Committee welcomes the efforts taken to eradicate bullying and recommends that further work in this regard focus in particular on children with disabilities and children of foreign origin and that children are involved in implementing rules for countering bullying in all schools.

⁷³ Ministry of Education, 2007

Concluding comments and topics for further discussion

Corporal punishment

- This study shows that although prohibition is an important first step, legislation banning corporal punishment is far from enough. Finland has had a law prohibiting physical punishment for almost 25 years and Latvia for nearly 10 years. Still corporal punishment is widely practiced in both countries.
Why is it so? And why is the situation different in Sweden, where the use of corporal punishment has continuously decreased since a ban was introduced in 1979?
Which role does awareness-raising and education of the general public as well as professionals play? Are there other factors that need to be taken into consideration?
Answers to these questions would probably provide important lessons for Estonia and Lithuania as the governments of both these countries are in the process of presenting legislative amendments to the parliaments that will prohibit corporal punishment. Despite incomplete knowledge, it is, however, clear that attitudes do not change automatically through the introduction of a legal ban. Other measures, such as public education, are needed as well.
- Surveys regarding prevalence as well as attitudes to corporal punishment are difficult to compare as different methodologies have been used in them, definitions, for example of mild and severe corporal punishment, are not clear, etc. However, it seems that between 40 and 80 per cent of the children in all the countries covered by this study, except Sweden, experience corporal punishment.
- Few studies that ask children about their experiences and opinions on corporal punishment have been carried out. Some research is made in retrospect, that is adults are asked about the situation when they were children. This affects the reliability of the studies.
Therefore, the need for more research that involves children is evident. It would be an advantage if also these studies used standardised definitions and methods in order to facilitate comparisons between countries.
- Government officials as well as NGO representatives in several of the countries stress the need for parents' training on how to be a good parent, child rearing methods without the use of violence, etc. In recent years, this kind of trainings have been broadly introduced in Sweden and are becoming more and more popular among parents. Despite more negative attitudes in other countries, availability of parents' trainings in combination with extensive promotion of the issue might change attitudes. Equipping parents with new skills in this respect would be likely to make them less inclined to resort to physical violence towards their children and more positive when it comes to banning the use of physical punishments.
- Help lines, in other words toll-free telephone numbers (and sometimes mail addresses) which children and young people can call if they need somebody to talk to about problems, exist in all the countries included in this study. Sometimes the help lines are run by government institutions, sometimes by NGOs. In some of the countries there are several help lines - and even help lines that have been set up by government authorities despite the existence of functioning NGO help lines.
Seemingly, the help lines receive large numbers of calls and play an important role for children. They also serve as a source of knowledge for the responsible authorities as well as NGOs and sometimes, if children are willing to submit contact details, as a basis for interventions.

Different ways of reporting calls and varying methods for compiling statistics on activities performed, however, impede a collection of solid information about problems encountered by children, reasons for calling the help lines and perceived other opportunities for assistance available for children in need, based on calls received by the help lines. Methodological development in this respect would greatly enhance the help lines' usefulness as a source of knowledge for government authorities as well as NGOs.

- In most of the countries there is a legal duty for health service staff, teachers and other public officials, sometimes also for the general public, to report cases of suspected maltreatment of children to the responsible social service authorities. Has this duty increased the number of cases reported and are there differences in the numbers of cases reported compared to countries where only a moral duty or no duty at all to report exist?
This issue merits further research, not least because some NGOs have started to explicitly target witnesses of violence against children in their awareness-raising activities.

Bullying

- Information regarding the prevalence of bullying in the six countries and the St. Petersburg region is not always available. If studies exist they are difficult to compare as they use different methodologies and not always differentiate between bullying and other forms of violence. Seemingly, however, the prevalence varies considerably.
The reasons for these differences are not clear, but it is obvious that the education systems in many of the countries concerned have numerous problems to deal with, such as low salaries and lack of motivation among teachers, lack of psychologists and other support staff and limited involvement of parents. More information about how different factors affect the prevalence of bullying is needed.
- In some of the countries it is mandatory for schools to develop programmes against violence, equal treatment plans or other prevention programmes. These plans sometimes lack comprehensiveness, have not been discussed in the schools and are not applied in cases of bullying. In other cases the plans serve as means for preventing violence or tackling incidents of violence.
Sometimes, however, overall analysis of the methods used and their effects are lacking. Obviously, there is room for more sharing of experiences between the Baltic Sea countries regarding these issues.
- Bullying and other types of violence in schools and among (predominantly male) adolescents are issues that cause debate in most of the countries concerned. Action plans against youth violence, prevention programmes, etc. are introduced by the governments.
Apparently, there are many similarities between the countries, but the exchange of knowledge and information, both at government level and between NGOs seems to be rather limited.
- Cyberbullying is an emerging issue in all the countries concerned. The knowledge about the phenomenon is still limited, however. As young people's use of the Internet and mobile phones will continue to increase there are good reasons to incorporate the issue in activities aiming at preventing or counteracting bullying.

The role of NGOs and overall developments in society

- Primarily, NGOs play a role as service providers, directly for example through providing therapy and other kinds of support for children who are victims of violence and indirectly through offering training for teachers, health care staff, social workers, police officers and other professionals. In addition, NGOs compile information and publish material on children's rights, the prevalence of violence, positive parenting, etc. To various degrees NGOs also act as watch-

dogs and, through awareness-raising and lobbying, highlight problems and propose legislation or other measures that need to be taken by governments or government authorities at different levels.

In most of the countries, government authorities use tendering processes to procure social services from NGOs. The consequences of this way of procuring services, for example with regard to accountability, the quality of services and equal access in different parts of the countries are yet inadequately analysed.

- Although the links are not clear it is obvious that both violence against children in the home and bullying are issues that are connected to overall development in the society. Experts, politicians, NGO representatives and others in the Baltic Sea countries highlight factors such as growing income disparities, tensions between different nationalities, poverty and increasing competition and commercialisation. This wider context needs to be included in analyses as well as actions against corporal punishment and bullying.

People interviewed

Estonia

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