Pros and cons of the ban on corporal punishment of children

Parenting is learned, and the use of force does not resolve conflicts, say the competent people.
– We must not make our children snitches, who will constantly report their parents, claim Dveri.

The reason for the bitter debates was the First Draft of the Civil Code which provides for a ban on corporal punishment of children. However, the Ministry of Labour, Employment, Veteran and Social Policy reminds that the ban on corporal punishment, and also subjecting to measures that violate the dignity and integrity of the child, can also be found in the draft amendments to the Family Law, on which the Serbian government will decide in June this year.

The Minister of Labour has formed a working group dealing with the amendments to the said Law, and work on draft versions of the text is currently underway. In parallel with the introduction of the provision on the ban of corporal punishment of children, we will organize assistance for parents through preventive supervision over the exercise of parental rights – training and learning about non-violent forms of raising children, which will be organized in centres for social work, specialized counselling offices and counselling offices for marriage and family – says Dragan Vulević, Head of the Department for administrative and supervisory tasks in the field of family protection of the Ministry of Labour for Politika.

People spend years learning the necessary skills for certain professions, and no one learns about parenting, which is the hardest and the most beautiful profession, he says.
Those who raise children by smacking and beating them, usually refer to tradition as justification and also mention the fact that they were brought up in the same way, and "nothing's wrong with us". But traditional doesn't always mean good. Physical punishment of children should be banned by law in order to avoid teaching children from an early age that relationships can be based on violence and that any conflict can be resolved by violence. And the use of force can not resolve any problem – stresses Vulević.

With the said legal provisions, the state sends a clear message that it bans the act of physical violence, and there is no reason to consider that undermining of the parental authority, explains for our newspaper Biljana Lajović, specialist in school psychology and coordinator of the Violence Prevention Unit in the Ministry of Education.

Parenting is learned, and introduction of such legislation creates an atmosphere where everyone is clear about what they can and can not do. In my experience, many parents admitted that they regret having beaten their child, but in certain situation they simply did not know how to act differently – says Biljana Lajović.

She believes that the introduction of such legal provisions does not mean undermining of the parental authority, but that the idea is to help parents perform their parental duties better and more efficiently.

However, Boško Obradović, member of the Seniority of the Dveri Movement and father of four, asks who is it that wants to show the Serbian people and our families in bad light again, "as if we all abuse our own children, as if physical abuse of children is a part of everyday life in Serbia"?

He deems the abuse of various scientific researches as particularly disgraceful, where, as he says, instead of analytical data on the consequences of corporal punishment of children, the data on the consequences of child abuse are pushed (and for who knows which nations), which certainly is not and can not be the same.

The Dveri Movement is absolutely against the state interfering with the sphere of family privacy and you – with the issue of children. We object to a state that wants to make our children irresponsible snitches who will report their parents and grow up without any authority, law and order. You have taken away everything from us, but we will not give you the family – stresses the representative of Dveri.

They are especially against taking children away from parents like it's done in many western counties, because as they believe, there is a possibility for huge manipulation and invasion of privacy, where children would particularly be taken away from families with traditional ways of upbringing.

**Protection from abuse and neglect, Article 19 of the Convention on the Rights of the Child**

Biljana Lajović, again, says that she does not understand why the changes in the law would destroy the traditional Serbian family.

Traditional Serbia is certainly not Serbia that is using violence and aggression in raising children. These regulations are not a mechanism to punish parents but measures to protect children. Parents should learn to raise a child without beating them. The state system in all its regulations prohibits any act of violence against children, and I see no reason why that would be neglected in one part of the system and used in another.

Julijana Simić-Tenšić
Dejana Ivanović
A huge "no" to beating! That's the vote of pedagogue Jelena Holcer, director of the "Parenting School". And here's why: That way the parent tells the child that beating is an acceptable way of solving problems. Hitting a weaker person is not right. If we recognized that physical punishment of animals, a sick, healthy or a person belonging to a national minority is violence, in the same way, hitting a child is violence, not upbringing.

She also adds that it is understood that children must be educated and raised and that it is necessary to set boundaries of their behaviour. However, psychotherapist Zoran Milivojević warns that it is a dangerous misconception that parents are omnipotent and that you can always change the behaviour of any child, of any age, in any situation, just by talking, explaining and providing love. There are situations where the "non-violent" methods are fruitless, he believes, so the parent has to apply corporal punishment, i.e. slap the child on the buttocks.

– That is why corporal punishment must remain a part of a legitimate and legal pedagogical repertoire. If that right is taken away from parents, they would in certain situations be unable to enforce their parental responsibility, which would lead to increased percentage of unconstrained, impulsive and violent children. Statistics in the countries where such a ban has been introduced confirm that those "never-corporally-punished" children are the most violent.

Even here, the children who learn about their rights will constantly repeat: "I won't!"

You can't do anything to make me!" – warns Milivojević.

The proposed ban threatens parental rights, their freedom and privacy. Thus, the state could in the guise of social work centres go to families at each received tip in order to "protect" children from parents, which opens the door to abuse, from children's blackmailing, false tips, to the interference of relatives, neighbours and institutions with the private and intimate relationship between a parent and child.

– Disabling parents poses a danger to the family, it can have a negative impact on society and the youth. I insist that what we are talking about is irresponsible social engineering done by one group of stakeholders who have no solid arguments that such a thing would bring any benefit – assures Milivojević.

Marija Brakočević
Beating children is an obsolete practice

- Ivana Krstić: Corporal punishment is not effective as a means of disciplining
- Milan Škulić: Amendments to the Civil Code pave the way for abuses

Will Serbia soon become the 38th country in the world that said "yes" to the law banning any corporal punishment of children? Or will it, however, stay in the large group of 161 countries that rejected such proposals and that still allow parent to use slaps in pedagogical purposes? Belgrade Faculty of Law professor Ivana Krstić is among those who wholeheartedly support the introduction of such provision in the Civil Code.

"Corporal punishment is a violation of a child's integrity and rights. Therefore, it is important that there is no compromise in standing up to violence against children and that the state clearly bans corporal punishment, which is a traditional form of punishing and disciplining of children. Corporal punishment is not effective as a means of disciplining, because it teaches children that violence is an acceptable and appropriate strategy for resolving conflicts", says professor Krstić.

She explains that the criticism that parents will be subject to prosecution and criminal procedures because of this proposal is not justified.

"The aim of introducing such a provision is not primarily punishing, unless corporal punishment reaches a level of serious bodily injury and violation of the psychological integrity of the child. The aim of this provision is to send a message to parents, representatives of the psychotherapeutic profession and other relevant stakeholders that physical punishment of children is an obsolete practice, that it violates their integrity and that it can have many harmful consequences", explains professor Krstić.

Her colleague from the Faculty of Law, Dr. Milan Škulić, has a completely different opinion on what the possible change of the Civil Code brings. He is opposed to such changes, because, in his opinion, it paves the way for abuses.

"The existing Criminal Code protects the child adequately, because it punishes any form of bodily injury. The person who punishes the child in a brutal way always commits a crime, from domestic violence to child abuse and neglect. And that is quite enough", says Dr. Škulić adamantly.

Practice shows, he says, that the majority of parents use that kind of disciplining, and so the state's reaction will then be very selective. And with that, we should also bear in mind how the centres for social work lack human and technical resources. Thus, only some parents will have to answer for their actions, they will have problems, and the current practice will still remain, so in the end the law would be just a dead letter, Dr. Škulić is convinced. In addition, the question is posed whether a
parent who loses the right to respond in the traditional way, but without bodily injuries, will resort to something even worse, which is psychological abuse that is less conspicuous, but can be far worse.

Professor Krstić believes that it is also necessary to send a clear message to families and society in general that it is no more acceptable or lawful to hit children than any other person. But she also adds that a longer time is needed for such changes, citing Austria as a good example where ban on corporal punishment was introduced back in 1989, but a significant percentage of the population still does not accept the ban on corporal punishment.

On top of it all, Dr. Škulić warns, one should not neglect the psychological torture that the child would go through due to practically being a witness in the process against their parents, who were reported for slapping their child. "Is it always justified? I am not sure", concludes Dr. Škulić.

Jelena Cerovina