

Monitoring of the Rights of the Child and Parenting

2012

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Summary in English



Euroopa Liit
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Eesti tuleviku heaks

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Introduction

The way we regard childhood and children has changed and the amount of attention paid to the rights of the child has increased considerably. The traditional view of a child mainly emphasises his or her incompetence, immaturity and dependence on an adult, but the modern understanding of a child sees the child as an independent, active and competent participant in social life (e.g. Jenks, 2005a; Jenks, 2005b; James and James, 2004; Corsaro, 2005). The way the relationships between a child and an adult are understood has also changed – in addition to protecting and teaching the child, the adult's role is now seen to include the child, having a dialogue with the child and supporting the child's activity. Children are seen as a social group, which means that children have their *own* opinions, feelings, experiences and interests that may not coincide with those of adults (Näsman and von Gerber, 2002; Prout and James, 2005). Children are seen as individuals who have rights just like adults do.

The UN Convention on the Rights of the Child (1989) has played a significant role in attributing importance to these rights, as it is the main legislative document that regulates issues related to the rights, stipulating the main rights of the child and giving guidelines on their protection. The Convention is considered a turning point in the treatment of the rights of the child, with the understanding of a more competent and active child having been introduced to laws via this document (Vellerhellen, 1996).

The UN Convention on the Rights of the Child has been ratified by almost every country in the world. Estonia joined it immediately after regaining independence in 1991. In Estonia the rights of the child are regulated by the Republic of Estonia Child Protection Act (1992)¹, which was prepared on the basis of the Convention. This means that Estonia has assumed the obligation to follow the principles of the Convention and guarantee the rights of the child. The institution of the Ombudsman for Children was created in Estonia in 2011 to help the state better perform this duty. The tasks of the Ombudsman for Children are performed by the Chancellor of Justice and include protecting and promoting the rights of the child.

The rights of the child stipulated in the Convention may be divided into three categories according to their content (Lansdown, 1994; referred Taylor et al., 2001):

- **provision rights**, e.g. right to health, education, social security, family, rest, leisure time and cultural activities;
- **protection rights**, e.g. the right to be protected against discrimination, physical and sexual abuse, exploitation and unfair treatment; and
- **participation rights** – civil and political rights, e.g. freedom of speech, thought and conscience; right to express opinions, have access to information, form associations and have peaceful gatherings and other rights.

The Convention's approach to the rights of the child is based on a comprehensive treatment of the child's needs: it contains fundamental rights and freedoms; economic, social and cultural

¹ Available in English at

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X1038K2&keel=en&pg=1&ptyyp=RT&tyyp=X&query=lastekaitse+seadus> (entered into force 01.05.2004 – RT I 2004, 27, 180). The new Child Protection Act is currently being drafted.

rights; and rights associated with provision and participation. The rights of the child form an inseparable part of their welfare and in this sense can be treated as an instrument for achieving the child's welfare (Kennan et al., 2011).

Provision and protection rights of the child may seem self-evident, and so far the emphasis has indeed been on guaranteeing these rights while the participation rights of the child have remained in the background (Lansdown, 2010; Johnny, 2006). However, the participation rights of the child have recently become the centre of attention. It is being emphasised that the voice of children must be heard and considered in society, and that children must be involved in making decisions that concern them at different levels, from families to decision-making processes at the highest level (Lister, 2008). This monitoring also focuses on these rights – the opportunities of children to have a say in decisions and people's attitudes towards the participation of children.

There are many reasons why encouraging children to participate is important to society. Firstly, it helps guarantee the welfare of the child as an individual, because children have more opportunities to express their opinions on matters that concern them. Secondly, listening to children and considering their opinions helps us make better decisions and guarantee a better child protection system, because children themselves can specify what they feel is 'in their best interests' and what they need (Lockyer, 2008; James and James, 2004; Howe and Covell, 2005; Lansdown, 2005). Participation also allows children to learn the roles they are expected to perform as adults, thereby shaping active future citizens (Howe and Covell, 2005). Being an adult needs practice, because competency and activity can be developed via practical experience as a child and they do not just appear on their own when a child becomes an adult (Lister, 2008; James and James, 2008). Considering children and their participation also complies with the main principles of democracy, because it makes it possible to involve children as the group in the weaker position (e.g. Howe and Covell, 2005; Mason et al., 2005; Lockyer, 2003; Dahlberg et al., 1999).

The second topic of the monitoring is parenting and parenting support. It is important for society to create the preconditions parents need to raise their children in a positive atmosphere and to offer them a safe childhood. Many studies indicate that the parenting methods of many people are related to the child's behaviour and mental well-being (Smith et al., 2005; Gershoff, 2002; Parke, 2002; Eisenberg et al., 2001), which has a lasting impact on the behaviour and future lives of young people. The Committee of Ministers of the Council of Europe issued the Recommendation on Policy to Support Positive Parenting in 2006.² These recommendations state that society should support positive parenting and highlight five basic principles that parents who observe positive parenting should follow: recognition; nurturing; empowerment; a non-violent upbringing; structure and guidance. One of the strategic goals stipulated in the Estonian Development Plan for Children and Families 2012-2020 is that Estonia will become a state that supports positive parenting by offering parents the support they need in raising their children and being parents in order to improve children's quality of life and future outlook.

In relation to the subject of parenting, the monitoring of the rights of the child and parenting studies the parenting styles favoured and implemented in Estonian society, the manner in which parents discipline their children, the relationships between children and their parents,

² Committee of Ministers Recommendation Rec(2006)19 of the Committee of Ministers to Member States on policy to support positive parenting: http://www.sm.ee/tegevus/lapsed-japere/vanemluse_toetamis.html

the extent to which parents feel the need for parenting advice and assistance and how many have asked for and received help.

This translation is a summary of the monitoring results. A longer version of the results is given in the four reports in Estonian³ that are available on the website of the Ombudsman for Children www.lasteombudsman.ee.

³ Karu, Marre; Turk, Pirjo; Suvi, Hella; Biin, Helen (2012). **Lapse õiguste ja vanemluse monitooring. Laste ja täiskasvanute küsitluse kokkuvõte.** /Monitoring of Rights of the Child and Parenting. Summary of Survey of Children and Adults/ Tallinn: Praxis Centre for Policy Studies.
http://lasteombudsman.ee/sites/default/files/lapse_oiguste_ja_vanemluse_monitooringu_kokkuvote.pdf

Karu, Marre; Turk, Pirjo; Biin, Helen; Suvi, Hella (2012). **Lapse õiguste ja vanemluse monitooring. Kirjanduse ülevaade ja metoodika aruanne.** /Monitoring of Rights of the Child and Parenting. Overview of Literature and Methodology Report/ Praxis Centre for Policy Studies.
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Monitoring of the Rights of the Child and Parenting

The first monitoring of the rights of the child and parenting was carried out on the initiative of the Ombudsman for Children and the Ministry of Social Affairs of Estonia in 2012. The objective of the monitoring was to map society's awareness of issues related to the rights of the child and to analyse attitudes and problems concerning the issues of raising children and parenting, considering the viewpoints of both children and adults. Data was collected from both children and adults in order to achieve the objective of the monitoring. People were first interviewed within the scope of the Omnibus survey carried out by Turu-Uuringute AS from 1-18 March 2012. The sample consisted of 1,000 people aged 15-74, who answered questions about parenting and the rights of the child. The data was weighted and the results are representative in terms of gender, age and region (Northern Estonia, North-Eastern Estonia, Western Estonia, Central Estonia and Southern Estonia).

The second part, which was the survey of children, was carried out by the Praxis Centre for Policy Studies using interviewers who asked children in the same year of study to fill in questionnaires. 1,000 children from Grades 4 to 12 nationwide took part in the survey. The answers given by one respondent were unusable, which means that 999 children took part in the survey. The data of the children were weighted to correspond to the entire student population using the data of Statistics Estonia for 2010 and considering three aspects: gender, stage of study (stage II: Grades 4 to 6; stage III: Grades 7-9; and stage IV: Grades 10-12) and region (Northern Estonia, North-Eastern Estonia, Western Estonia, Central Estonia and Southern Estonia). The survey was conducted in Estonian and Russian as requested by the respondent or according to the school's language of study.

The questionnaire covered two main topics in the cases of both children and adults: the rights of the child and parenting. The part about the rights of the child asked directly how much people know about and how aware they were of the rights of the child and the activities of the agencies responsible for this. The respondents were also asked to rate different statements that characterise children in order to determine how children are perceived by people living in Estonia. Special attention was turned to the voting, participation and decision-making rights of children. The children and adults were also asked what they would do if they saw a child in need.

Questions about parenting concerned both attitudes and experience. The children and parents could both say which methods of discipline they had experienced or used and which methods of discipline they felt were most effective. Relationships between children and parents were also covered by the survey, especially mutual communication and participation in decision-making.

The questionnaires filled in by the children and adults were similar and the same questions were used as much as possible. The questionnaire filled in by the younger children (Grades 4 to 7) was a shorter version of the questionnaire presented to the older children. The questionnaire filled in by adults contained a block of questions about parenting practice and these questions were only answered by people with underage children. If the respondent had several children, the interviewer used a certain formula to help the respondent choose one child about whom they answered the questions. The questions answered by the children and adults had a slightly different wording, as testing the questionnaire with cognitive interviews indicated that younger children might not understand all of the questions if the wording used

was the same. The wording of the questions used in the questionnaire filled in by the younger children was therefore simplified.

Summary and Recommendations

AWARENESS OF RIGHTS OF THE CHILD

When Estonia joined the UN Convention on the Rights of the Child, it undertook to make the principles of the Convention widely known, by appropriate and active means, to adults and children alike⁴.

- The results of the Monitoring of the Rights of the Child and Parenting indicate that 23% of adults and 16% of children have not heard about the rights of the child.
- Children and adults both associate the phrase ‘rights of the child’ mostly with education and school. The next most important right for children is the child’s right to express an opinion and make decisions; for adults, the child’s right to a home and place of residence.
- 94% of children and 90% of adults know that the right to express an opinion and to express oneself is a right of the child.
- Awareness of the institutions engaged in guaranteeing the rights of the child is relatively low among adults and slightly higher among children. Respondents most commonly knew about the work of child protection specialists – only 20% of adults and 7% of children knew nothing about this. Respondents know the least about the work of the Ombudsman for Children – as many as 67% of adults and 80% of children knew nothing about the Ombudsman for Children. Awareness of institutions is significantly lower among people whose main language of communication is not Estonian.
- People are not overly interested in the subject of the rights of the child and only 43% of adults would like to receive more information about them. Those who have no prior knowledge of the rights of the child are also the least interested in receiving more information (29% of them would like to receive more information).
- Both adults and children prefer to find information about the rights of the child on the Internet – 34% of children and 32% of adults prefer this source of information. Children also see their parents as important sources of information about the rights of the child – 31% of children would like to obtain this information from them. 30% of children also mention lectures by visiting speakers in schools. Adults also prefer television (24%) and the media (21%) as sources of information in addition to the Internet.

It is necessary to continue informing people about the rights of the child and relevant institutions and to explain the role of the latter. Separate attention should be turned to people whose main language of communication is not Estonian when information is provided.

The interest of people in the rights of the child should be boosted. It is important to explain that everyone must be aware of the rights of the child, as all people – not just parents – come into contact with children.

⁴ Article 42 of the UN Convention on the Rights of the Child.

WHAT ARE CHILDREN LIKE?

- Guaranteeing the rights of the child in society also depends on people's perception of children – it determines how people relate to children and what opportunities, restrictions and obligations are set for them.
- The participation rights of children are easier to guarantee if children are perceived as competent and if people recognise that children have their own opinions and preferences that must be taken into account, and that children are smart and capable of making their own choices. This is the view of children that receives the most support from Estonian children. For example, 96% of children tend to agree or strongly agree that children have their own opinions and preferences that must be taken into account. Most adults in Estonia perceive children as vulnerable – 97% tend to agree or strongly agree that children need protection and that they are delicate and vulnerable (90%). Children do not see themselves as good to the core, unspoilt, delicate and vulnerable.

Explaining and giving information about the rights of the child should focus on the content and meaning of these rights, including the development of attitudes that support the contemporary view of a competent child, and these topics should also be included in the parenting support system. Both children and adults should be made to see that children are competent in terms of their lives and preferences.

INVOLVEMENT OF CHILDREN

The Convention on the Rights of the Child says that a child who is capable of forming his or her own views must be guaranteed the right to express those views freely in all matters affecting the child, these views being given due weight in accordance with the age and maturity of the child. For this purpose, the child shall, in particular, be provided with the opportunity to be heard in any judicial and administrative proceedings affecting the child.⁵

- 72% of children and 70% of adults strongly agree that hearing children out is as important as hearing adults out.
- Although many people agree that children must always be heard in matters affecting the children themselves (89% of adults and 97% of children) or the entire family (79% of adults and 86% of children), not all children can actually have a say in these matters. For example, 24% of children are usually or always unable to have a say in the family's holiday plans and 12% have no say in what the family eats at home.
- The majority agree that children should have a say in matters concerning school life (86% of adults and 82% of children), but in reality children cannot have much of a say in these matters. For example, 34% can always or usually have a say in the organisation of school events, 24% in the establishment of the school's rules, 21% in determining the quantity of homework and only 15% in the selection of school meals.
- 65% of adults and 76% of children strongly agree or tend to agree that children should have a say in matters concerning local life. 52% of adults and 76% of children feel that children should be able to have a say in the development of legislation that affects children. According to children 13% of them can always or usually have a say in the development of legislation that affects them.
- Children do not always express their readiness to have a say in decisions. For example, 10% of children say that they do not want to have a say in the establishment of rules at home, 26% in the establishment of rules at school, 22% in selecting school meals and 28% in the development of legislation that affects children.

⁵ Article 12 of the UN Convention on the Rights of the Child.

The opportunities of children to have a say in issues affecting school life, community and society and the readiness of society to include children and explain the positive impact of inclusion should be improved.

Training should be organised for local government and state agencies to teach them how to include children more in decision-making processes. It is important to give practical advice, teach inclusion techniques and help agencies find specific options for inclusion of children.

The community initiatives and activity of children and young people should be supported and measures to promote the activities of youth associations, unions and organisations which are aimed at the participation of children in the decision-making processes should be developed and implemented. Children's and youth organisations should be offered training on how to make the voice of children and young people better heard.

Awareness of the need to hear children out in schools as well as ways of doing this should also be raised. The topic of supporting the rights and inclusion of the child should be added to teacher (including nursery school teacher) training.

READINESS AND RESPONSIBILITY OF CHILDREN

Pursuant to the UN Convention on the Rights of the Child, the child must be provided, in a manner consistent with the evolving capacities of the child, with appropriate direction and guidance⁶.

- Almost all adults feel that children's decision-making rights should increase as the child becomes older (91% agreed strongly or tended to agree).
- In some regards children are even slightly more conservative than adults. For example, adults felt that children could be prepared to look after their younger siblings at the age of 9, while children themselves felt that an 11-year-old would be prepared to look after his or her younger siblings.

CHILD IN NEED

The Republic of Estonia Child Protection Act stipulates that every person is required to notify the child protection specialist of a municipal or city government or the police if the person knows of a child who is in need of assistance⁷.

- The monitoring indicates that only half of the adult population strongly agree that every person is required to notify the police, a social worker or another body providing assistance about a child in need. 36% tend to agree, while 8% disagree strongly or tend to disagree.
- The school environment is not always a friendly one for all children and relations between teachers and children may cause stress and unpleasant feelings in children. Almost half of children (46%) have experienced bullying at school at least once and 7% of children are victims of constant bullying. 4% of children say that other children hit them constantly. As many as 62% of children have felt that teachers treat them

⁶ Article 5 of the UN Convention on the Rights of the Child.

⁷ Subsection 59 (1) of the Republic of Estonia Child Protection Act.

unfairly at school. 13% of children have felt that teachers constantly treat them unfairly at school and one-third (33%) say that this has happened to them a couple of times.

- More than every tenth child (13% of children) said that they have witnessed violence at home at least once, although they were not hurt themselves.
- The readiness of people to notify the authorities of a child in need depends on the situation the child is in. People would be most ready to notify the authorities if the child's parents had moved away and left the child on their own (67% would definitely notify and 19% would probably notify the authorities). 64% of adults would notify the authorities about a child crying in a shopping centre or on the street (25% would probably notify the authorities). People would be least willing to notify the authorities in situations where the facts were unclear and they would have to decide whether the child needs assistance or not. For example, 22% would definitely notify and 31% would probably notify the authorities of a child who was timid and scared of adults. 34% would definitely notify and 37% would probably notify the authorities of a child who was constantly dirty and looked neglected.

It is necessary to prepare guidelines that will help specialists who work with children every day notice when a child needs assistance (special needs, abuse etc.) and explain the appropriate methods of intervention that can be used to resolve situations and provide assistance that proceeds from the needs of the child.

As the majority of children would notify their teachers or parents if a child was in need, they also need guidelines that teach them how to behave and react when they see another child who needs assistance.

Measures should be taken to generally improve the atmosphere in schools. Attention should be paid to the quality of school life, especially to the improvement of relations between children as well as those between children and teachers. The reasons why so many children feel unfairly treated by teachers should be more thoroughly studied. Bullying should also be dealt with. Participation of children in making decisions related to school life must also be supported to improve the atmosphere in schools.

RIGHT OF CHILD TO BOTH PARENTS

The UN Convention on the Rights of the Child stipulates that a child who is separated from one or both parents has the right to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests⁸.

- Almost all children in Grades 4 to 12 live with their mothers (93%). A quarter of the children said that their father did not live with them.
- 20% of children never see their parent living separately; 17% see this parent once a year or less frequently. More than half (54%) would like to see this parent more often.
- 30% of the adult population feel that a parent has the right to prevent a child from communicating with the other parent if they feel that such communication is not good for the child.

⁸ Article 9 (3) of the UN Convention on the Rights of the Child.

The right of the child to both parents should be acknowledged and the role of the parent living separately parent should thereby also be valued. It is necessary for more people to acknowledge that on no conditions does a parent have the right to prevent a child from communicating with their other parent – communication between a child and a parent can only be restricted by a court if it is necessary to protect the child.

The child’s communication with the parent living separately must be improved. The family conciliation service, which guarantees better decisions concerning parents and children, including the continuation of the child’s contact with the parent who leaves the family, should be valued and made more accessible to people.

As the parent who lives elsewhere is usually the father, it is necessary to explain the importance of fathers in the lives of children and to support active fatherhood. Parental education should also be offered to separated parents (including to fathers especially) so that they can perform their parental role when separated from the family.

RELATIONS WITH PARENTS

The UN Convention on the Rights of the Child stipulates that parents or legal guardians are primarily responsible for the upbringing and development of the child⁹.

- 16% of children feel that their mother or stepmother does not have enough time for them (strongly or tend to agree with the statement) while 22% feel that their father or stepfather has no time for them. Mothers and fathers themselves feel their lack of time more often than their children – 30% of mothers and 33% of fathers often feel and 7% of mothers and 6% of fathers constantly feel that they do not have time for their children.
- Less than half of children (45%) do something fun with their mothers at least once a week or more frequently. 35% of children do something fun with their fathers at least once a week or more frequently.
- Children do something fun with their step-parents less frequently than with their biological parents. 25% of children who live with stepfathers do something with their stepfathers at least once a week or more frequently.
- Children discuss different topics with their mothers more than with their fathers. For example, 58% of fathers tell their children about their day at least once a week or more frequently while the proportion of mothers who do this is 81%. 67% of children receive praise from their fathers and 81% from their mothers at least once a week. 77% of girls chat to their mothers every day, but only 48% of boys do the same.
- Mothers perceive their relations with children as more prone to conflict than children themselves. 38% of mothers argue with their children almost every day, but only 11% of children perceive the same.
- The relations of parents with their sons and daughters are different. Both mothers and fathers have more intense relationships with girls and they communicate more on a day-to-day basis. For example, 13% of boys and 21% of girls are praised by their fathers almost every day. One-third of girls (34%) receive praise from their mothers almost every day, but the same applies to only a quarter (24%) of boys.

Parenting support services should also be offered to step-parents in order to promote closer relationships between them and help them be more supportive as parents.

⁹ Article 18 (1) of the UN Convention on the Rights of the Child.

The gender aspect should be introduced into parental education to acknowledge the fact that the attention, communication and support parents give their child should not depend on the child's gender. Parents should be taught to be less stereotypical when raising children to avoid gender stereotypes being further propagated.

DISCIPLINE METHODS AND CORPORAL PUNISHMENT

Pursuant to the Republic of Estonia Child Protection Act it is prohibited to humiliate, frighten or punish a child in any way which abuses the child, causes bodily harm or otherwise endangers his or her mental or physical health¹⁰.

- Both children and parents name explaining, directing and encouraging, reprimanding and prohibiting as the discipline methods most often used. Parents also add depriving children of privileges and children also mention being reminded of rules.
- Corporal punishment is not permitted according to the principles of the rights of the child and positive parenting, but 5% of children get slapped or their hair pulled frequently or sometimes whilst 3% get belted or lashed. Parents tend to be in favour of punishment – a quarter (25%) do not consider corporal punishment an act of violence and more than one-third (38%) feel that imposing corporal punishment on children is understandable in certain situations. People with a low level of education and people whose main language of communication is not Estonian are more accepting of corporal punishment.

Practice of corporal punishment should be restricted even further. This requires telling people even more that corporal punishment is prohibited and that it does not have a good impact on the child. Teaching effective discipline methods and encouraging parents to use them should be one of the objectives of parenting support.

Corporal punishment of children should be more expressly prohibited by law.

PARENTS' NEED FOR ASSISTANCE AND PARENTING SUPPORT

For the purpose of guaranteeing and promoting the rights of the child, states must render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities¹¹.

- The adult population of Estonia predominantly feels that each parent should know the right way to rear children (87%) and that each parent should be able to cope with child-rearing problems themselves (71%). This attitude may prevent parents from seeking help and advice about child-rearing if they need it.
- More than half of mothers and fathers have at least sometimes found themselves in a situation where they needed help, but they did not know where to find it.
- 38% of parents say that they have little or no knowledge of how to reduce stress. Parents also lack knowledge about the emotional and social development of the child (31%) and resolution of conflicts (27%).
- Parents usually obtain their knowledge of child-rearing from books about parenting, family and friends, GPs or paediatricians or teachers.

¹⁰ Subsection 31 (1) of the Republic of Estonia Child Protection Act.

¹¹ Article 18 (2) of the UN Convention on the Rights of the Child.

Services that support parenting and the model of positive parenting should be more actively promoted and parenting support services should be made more accessible and systematic.

Parental education and general information should be used to shape general attitudes to parenting by reducing stigmatisation (e.g. seeking assistance in child-rearing when necessary is natural and not a sign of failure; reducing the stigmatisation of seeking assistance).

It is also necessary to study why Internet portals that give professional advice are less frequently used than ordinary Internet forums, where the information and advice given many not be correct or of good quality.

SATISFACTION WITH LIFE

For the full and harmonious development of the child's personality, he or she should grow up in a family environment in an atmosphere of happiness, love and understanding¹².

- The majority of children and parents are satisfied with their lives. 44% of parents are often satisfied with their lives. 44% of children felt generally satisfied with their lives every day for the last month.
- The majority of children are satisfied with their friends (52% feel this every day), but less often satisfied with themselves – only a third (33%) of children are satisfied with themselves every day. However, many children often feel lonely (9% feel like this almost every day, 14% at least a couple of times a week and 16% at least once a week).
- Parents also suffer from stress. 22% of parents often suffer from stress and 27% say that they have rarely been pleased about their children in the last year.

¹² Preamble to the UN Convention on the Rights of the Child.

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