

**(Lack of)knowledge of Brazilian psychologists about laws that protect children from suffering physical violence**

***(Des)conhecimento de psicólogas/os brasileiras/os sobre leis que protegem crianças de sofrerem violência física***

***(Des)Conocimiento de psicólogas/os brasileñas/os sobre leyes que protegen niños para que no sufran violencia física***

***(Mé)connaissance des psychologues brésiliennes sur des lois qui protègent les enfants contre la violence physique***

 10.5020/23590777.rs.v24i1.e14117

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### Abstract

National and international studies have demonstrated the ineffectiveness and harmfulness of physical punishment for child development. Despite progress in prohibiting this violence at a global level, resistance to the total elimination of this deep-rooted custom persists. In this sense, psychologists are important protagonists in the search for the extinction of this practice, working with parents and/or in other educational contexts. Therefore, this study aimed to investigate the knowledge of a group of Brazilian psychologists about child protection laws through a qualitative study. 13 psychologists, between 25 and 42 years old, answered a sociodemographic questionnaire and an online interview. After carrying out qualitative content analysis, four categories and two subcategories were identified, with results that indicated that participants predominantly know the Child and Adolescent Statute (ECA), although such knowledge is not detailed. The majority demonstrated ignorance of the Menino Bernardo Law. Furthermore, most participants had experience with cases of physical punishment in their professional practices and had the perception that child protective education must be based on affection and clear limits. It is concluded that there is a worrying predominance of lack of depth in knowledge about legislation aimed at protecting children on the part of psychologists. Therefore, national initiatives are wanted to transmit information about legislation and its implementation to psychologists.

**Keywords:** psychologists, laws, Child and Adolescent Statute, punishment, violence against children

### **Resumo**

*A ineficácia e a nocividade da punição física para o desenvolvimento da criança têm sido evidenciadas por estudos nacionais e internacionais. Apesar dos progressos da proibição dessa violência a nível global, ainda persistem resistências para a eliminação total desse arraigado costume. Nesse sentido, os psicólogos são importantes protagonistas na busca pela extinção dessa prática, atuando junto aos pais e/ou em outros contextos educacionais. Portanto, este estudo teve como objetivo investigar o conhecimento de um grupo de psicólogos brasileiros sobre as leis de proteção à criança por meio de um estudo qualitativo. Participaram 13 psicólogas/os, entre 25 e 42 anos, que responderam um questionário sociodemográfico e uma entrevista on-line. Após realizada a análise de conteúdo qualitativa, chegou-se a quatro categorias e duas subcategorias, com resultados que indicaram que as/os participantes conhecem, predominantemente, o Estatuto da Criança e do Adolescente (ECA), embora tal conhecimento não seja detalhado. A maioria demonstrou desconhecer a Lei Menino Bernardo. Ainda, a maioria das/os participantes teve experiências com casos de punições físicas em suas práticas profissionais e possuía a percepção de que a educação protetora da criança deve ser pautada no afeto e em limites claros. Conclui-se que existe um preocupante predomínio de falta de profundidade no conhecimento acerca das legislações que visam a proteção das crianças por parte das/os psicólogas/os. São necessárias, portanto, iniciativas nacionais visando transmitir informações sobre legislação e sua efetivação para psicólogas/os.*

**Palavras-chave:** psicólogos, leis, Estatuto da Criança e do Adolescente, punição, violência contra a criança

### **Resumen**

*La ineficacia y nocividad del castigo físico para el desarrollo del niño ha sido evidenciada por estudios nacionales e internacionales. A pesar de los avances en la prohibición de esta violencia a nivel mundial, aún existen resistencias a la eliminación total de esta arraigada costumbre. En este sentido, el objetivo del estudio fue de investigar el conocimiento de un grupo de psicólogos brasileños sobre las leyes de protección del niño a través de un estudio cualitativo. Participaron 13 psicólogos, con edades entre 25 y 42 años, quienes respondieron un cuestionario sociodemográfico y una entrevista online. Después de realizar un análisis de contenido cualitativo, se llegó a cuatro categorías y dos subcategorías, y los resultados indicaron que los participantes conocen predominantemente el Estatuto de la Niñez y la Adolescencia (ECA), aunque no se detalla dicho conocimiento. La mayoría mostró desconocimiento de la Ley Menino Bernardo. Aun así, la mayoría de los participantes tuvo experiencias con casos de castigo físico en sus prácticas profesionales y tenía la percepción de que la educación protectora del niño debe estar guiada por el afecto y límites claros. Se concluye que existe un predominio preocupante de falta de profundidad en el conocimiento sobre las leyes que tienen como objetivo la protección de los niños por parte de los psicólogos. Por lo tanto, se necesitan iniciativas nacionales para transmitir información sobre la legislación y su implementación a los psicólogos.*

**Palabras clave:** psicólogas/los, leyes, Estatuto del Niño y del Adolescente, castigo, violencia en el niño.

### **Résumé**

*L'inefficacité et la nocivité des punitions physiques pour le développement de l'enfant ont été mises en évidence par des études nationales et internationales. Malgré les progrès réalisés dans l'interdiction de cette violence à l'échelle mondiale, la résistance à l'élimination totale de cette coutume enracinée persiste toujours. Dans ce sens, les psychologues sont des protagonistes importants dans la recherche de l'extinction de cette pratique, en travaillant avec les parents et/ou dans d'autres contextes éducatifs. Face à cela, cette étude visait à enquêter les connaissances d'un groupe de psychologues brésiliennes sur les lois de protection de l'enfance à travers une étude qualitative. Un total de 13 psychologues a participé, âgées de 25 à 42 ans, qui ont répondu à un questionnaire sociodémographique et à un entretien en ligne. Après l'analyse qualitative du contenu, quatre catégories et deux sous-catégories ont émergé, avec des résultats montrant que les participants connaissaient majoritairement le Statut des Enfants et des Adolescents (ECA), bien que ces connaissances ne soient pas détaillées. La majorité n'était pas au courant de la loi «menino Bernardo». Encore, la plupart des participants ont eu des expériences de cas de punitions physiques dans leurs pratiques professionnelles et avaient la perception que l'éducation protectrice de l'enfant devait être basée sur l'affection et des limites claires. Nous concluons qu'il y a une inquiétante prédominance du manque de profondeur des connaissances à propos de la législation visant à la protection des enfants par les psychologues. Par conséquent, des initiatives nationales sont nécessaires pour transmettre des informations sur la législation et son efficacité aux psychologues.*

**Mots-clés :** psychologues, lois, Statut des enfants et des adolescents, punition, violence chez l'enfant

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International (Durrant & Ensom, 2017; Gershoff & Grogan-Kaylor, 2016; Heilmann et al., 2021) and national (Patiás et al., 2013; Weber, 2012) studies show the ineffectiveness and harm of physical punishment as a disciplinary strategy and as a form of manifestation of violence against children, since this method is not an effective strategy to promote positive

behaviors and does not reduce bad behavior. The practice that uses the infliction of physical pain as a mechanism does not convey messages of social competence to the child (Altschul et al., 2016). Children who are victims of physical punishment are more susceptible to impairments in emotional, cognitive, and physical development. Thus, experiencing this practice is associated with an increase in externalization and internalization problems, more negative relationships with parents, lower self-esteem, greater shyness, greater aggressiveness and development of antisocial behavior, less internalization of morals and greater learning difficulties (Cuartas et al., 2020; Gershoff & Grogan-Kaylor, 2016; Patias et al., 2013).

Given the harmful consequences to their development, laws that protect children are essential. In Brazil, children and adolescents began to have their rights guaranteed after the approval of Law No. 8,069, of July 13, 1990 – the so-called Statute of Children and Adolescents (ECA). In a constant process of changes and updates, aiming to improve the guarantee of rights and protection of children against violence, from this Statute came Bill No. 7,672, of July 16, 2010. Later called the “*Lei da Palmada*” (Spanking Law) and converted into the “*Lei Menino Bernardo*”, Bill No. 13,010 of May 21, 2014.

Psychologists play an important role in childcare and protection networks. In fact, they have an ethical duty to protect human rights, aiming at people’s health and quality of life, as well as contributing to the elimination of all forms of violence (Conselho Federal de Psicologia [CFP], 2005). Therefore, in the practice of these professionals, the legal principles of the ECA must always guide their work with children and adolescents (Brambilla & Avoglia, 2010). It is essential that psychologists are aware of current legislation, as well as their role as protectors of children and adolescents. The ECA, in its article 13, indicates that “cases of suspected or confirmed physical punishment, cruel or degrading treatment and mistreatment against children or adolescents must be reported to the Guardianship Council of the respective location, without prejudice to other legal measures”.

The wording of this article was modified with the approval of the Menino Bernardo Law (Law No. 13,010), with the inclusion of the section referring to cruel or degrading treatment and mistreatment. In addition, the Menino Bernardo Law, in its article 18, indicates sanctions for those responsible for children and adolescents who use physical punishment or cruel or degrading treatment as forms of correction, discipline and education. Therefore, the following may be applied, according to the severity of the case: I. referral to an official or community family protection program; II. referral to psychological or psychiatric treatment; III. referral to courses or guidance programs; IV. obligation to refer the child to specialized treatment; V. warning. Therefore, it is the ethical role of the psychologist to guide those responsible for children about the consequences of any act that uses physical punishment, as well as the impacts generated on the development of children and adolescents (Law No. 13,010).

The Professional Code of Ethics for Psychologists and current legislation indicate the need to work towards non-violence (Laws 8,069 and 13,010; CFP, 2005). In the same direction, the results of studies on the use of physical punishment are categorical regarding its negative effects on children and adolescents, including suggesting an association with harmful outcomes in adult mental health and promoting support from them for the use of such practice (Gershoff & Grogan-Kaylor, 2016; Heilmann et al., 2021; Lee et al., 2014). However, it is still possible to find older publications in favor of the use of mild physical punishment, such as spanking (Baumrind et al., 2002; Larzelere & Khun, 2005). Although there are no studies on the positions of psychologists in Brazil, there is a North American study that included responses from 782 members of the American Psychological Association (APA), through an online questionnaire, which demonstrated a significant improvement in the disapproval of these professionals regarding the use of physical punishment over 18 years. The study shows that 71% of psychologists considered physical punishment harmful to children. However, the aforementioned study also demonstrated that a smaller portion of the class remained unsure about the impacts of spanking on child development (Miller-Perrin & Rush, 2018).

Given that this is not a matter of opinion, since the use of physical punishment is prohibited by law, perhaps the lack of legal knowledge can explain, at least partially, positions favorable to this practice. Furthermore, it is necessary to consider that the use and, consequently, the agreement with physical punishment have transgenerational and cultural elements. That said, in a study carried out with three women from Rio Grande do Sul, it was possible to perceive the negative impacts of the use of punitive educational practices during their childhoods. In their relationship with their daughters/sons, these women also used such practices, indicating that their experiences in the family of origin were expressed in the way they educated their own daughters/sons (Pinto & Colossi, 2017). The cultural nature of the use of punitive educational practices was also evidenced in a study with 16 professionals from different services in the protection network of a municipality in the interior of Rio Grande do Sul. It was found that physical violence is still a practice culturally accepted by the population and by some of these professionals (Trindade & Hohendorff, 2020).

In this context, it is important for psychologists to be knowledgeable about the laws and their duties. However, there is no information in the national literature on the extent to which psychologists are familiar with child protection laws. Thus, the aim of this study was to investigate the extent of knowledge of a group of Brazilian psychologists about child protection laws through a qualitative study.

## Method

### Participants

The selection of professionals for this qualitative study occurred among the 1022 psychologists participating in a previous and associated quantitative study, whose objective was to investigate the positioning of the class in relation to physical punishment, including spanking. In it, data collection was carried out using the Scale of Attitudes Towards Corporal Punishment in Children (EAPCC), constructed and validated by Paiva et al. (2017). The EAPCC has 33 items arranged in the format *Likert* five-point scale, which assesses the types of physical punishment according to their severity (mild and/or moderate and severe) and forms of intervention without the use of physical punishment. Based on the participants' responses to the EAPCC, the sample was divided into three parts using percentiles (P33.33 and P66.66). The group extremely unfavorable to the use of mild and moderate physical punishment was defined by the scores on the scale *Likert scale* of up to 1.0625 (P33.33), while those who were neither favorable nor unfavorable, that is, who did not mark any favorable or unfavorable alternative to the use of mild/moderate physical punishment, were considered within the range of 1.0625 to 1.8125 (P66.66). Participants who were in favor of mild and moderate physical punishment were considered those with scores above 1.8125.

In the previous quantitative study, those interested in participating were asked to provide their contact details. It was found that participants with higher averages in relation to their position in favor of physical punishment did not provide their contact details to express their willingness to participate. However, 305 participants in the quantitative study left their contact details and were selected for the qualitative phase, based on the following criteria: (i) being between 25 and 45 years old (e.g., because this is the age group of those who were born and raised in the period close to the publication of the main global and national agreements guaranteeing children's rights (Law No. 8,069; Convention on the Rights of the Child [CDC], 1989); (ii) participants with and without children; (iii) representation of different regions of the country; and, (iv) manifestation of positions in favor ( $n=6$ ) and against ( $n=7$ ) mild/moderate physical punishment according to the EAPCC (Paiva et al., 2017). Of the first 30 interested parties who provided their contact details in the quantitative study, all agreed to participate in the subsequent qualitative study. Additionally, participants who met the inclusion criteria were contacted via *WhatsApp*, with 13 of them agreeing to participate in this qualitative study.

Thus, 13 psychologists participated in this qualitative, exploratory and descriptive research, 8 women and 5 men, with average ages between 25 and 42 years ( $m = 32.38$ ,  $SD = 5.75$ ), 6 married and 7 single, 8 with children (aged between 2 and 14 years) and 5 without. The professionals lived in the following regions of the country: South ( $n = 4$ ), Southeast ( $n = 4$ ), Northeast ( $n = 3$ ), North ( $n = 1$ ) and Central-West ( $n = 1$ ). Six had a degree, 6 had a specialist degree and one had a master's degree, ranging from 1 to 20 years ( $m = 6.62$ ,  $SD = 5.35$ ) of experience in psychology. The participants worked in more than one professional area, with the most cited being clinical ( $n = 11$ ), organizational ( $n = 6$ ) and school ( $n = 3$ ). Their professional practices were mainly guided by cognitive-behavioral, psychoanalytic and behavior analysis approaches.

### Instruments

Sociodemographic questionnaire: It was developed to characterize the participants of both the quantitative and qualitative study, applied in a online before the EAPCC. This was based on questions related to age, gender, time since graduation, areas of activity, experience of physical punishment by the parents/guardians of the participants themselves and use (or not) of this practice with their daughters/sons.

Semi-structured interview guide: developed for this study, it contained open-ended questions, prepared by the authors, regarding knowledge about Brazilian legislation on the protection of children against physical violence (e.g.: What do you know about the ECA?; What do you know about Law No. 13,010, known as the Menino Bernardo Law?) and the professional experience with cases of physical punishment of the interviewees (e.g.: Have you ever dealt with cases of children who were beaten?). The professionals' experiences with cases of physical punishment (e.g., the way they provided guidance to parents) and their descriptions of what constitutes protective education were also investigated.

### Ethical procedures for data collection and analysis

After approval by the Research Ethics Committee, which included both the quantitative and qualitative studies, the invitation was sent via *WhatsApp message* to contacts obtained in the quantitative research. The professionals agreed to participate by signing the Free and Informed Consent Form (FICF). The interviews were conducted via online video call, in March and April 2020, by the main author and lasted an average of one hour and fifteen minutes and were recorded in audio. They were later transcribed in full by the aforementioned author with the help of two psychology undergraduates. In order to guarantee the anonymity and confidentiality of the participants, they were named from 1 to 13, according to

the order of the interviews.

The findings from the interviews were interpreted according to the categorical content analysis, following the three steps proposed by Bardin (2016), with the aid of the *MaxQDA 2020 Analytics Pro Student software*. In the first stage (a) pre-analysis, the interview transcripts were skimmed. In the second stage, (b) exploration of the material, the phrases and excerpts from the interviews were chosen to respond to the objective of the present study, thus forming four categories and two subcategories. Finally, in the last stage (c) data analysis and interpretation, the four categories were analyzed and interpreted based on previous studies on the topic, published in the national and international literature.

## Results and discussion

From the data analysis, four categories and two subcategories emerged, as can be seen in Table 1.

**Table 1**

### *Categories and subcategories*

Category	Subcategory
<b>1. (Lack of) knowledge of laws protecting children and adolescents</b>	1.1 “(...) <i>I don't know much about the ECA</i> ”: predominance of lack of depth in the knowledge of the ECA by psychologists 1.2 “ <i>No, I've never heard of it</i> ”: predominance of lack of knowledge about the Menino Bernardo Law among psychologists
<b>2. “<i>There is no education for people to understand why that cannot be done (...)</i>”: psychologists' positions on the Menino Bernardo Law based on the explanation of what it is</b>	-
<b>3. “<i>During therapy, people who were beaten begin to realize that it was violence</i>”: experiences of psychologists with cases of physical punishment</b>	-
<b>4. “<i>Lots of rules and lots of affection</i>”: possibilities for protective parental educational management</b>	-

### **(Lack of) knowledge of laws protecting children and adolescents**

In this category, participants were more aware of the ECA, albeit superficial, when compared to the Menino Bernardo Law, in which almost complete ignorance predominated. It is believed that this difference is due to the fact that the ECA is an older and more socially disseminated legislation.

In the subcategory “(...) *I don't know much about the ECA*” there was a predominance of lack of depth in the psychologists' knowledge of the ECA. It was possible to notice that among the 13 participants, 8 (1, 2, 3, 4, 7, 8, 10 and 11) had already heard about the ECA, but did not have detailed knowledge of the content of the Law. This conclusion can be exemplified by the following reports: “(...) Although I know the bulk of it, let's say, but I don't know much about the ECA” (8) and “About the ECA, I didn't delve much into this subject” (10).

Among participants 5, 6 and 13, in turn, some knowledge about the ECA was perceived: “The ECA is about taking care of children and adolescents, right? (...) statute! The ECA is important to ethically guide children and adolescents in situations of violence and vulnerability at home” (6); “The ECA is something that ensures children's rights” (13). Only participant 12 demonstrated a more in-depth knowledge about the ECA:

(...) it is a specific legislation for this group (...) there are principles and guidelines, many of which are also based on science, on what we know is beneficial or not for the development of children and parents. It is also based on human rights. (...) it is based on these guidelines that we have a guide to guide our actions, including as psychologists (...). Fundamental in situations where we identify violence against children (...).

Participant 12 was in the final year of her doctorate, dedicated to research with parents and child caregivers, studying topics related to child development, parenting practices, and prevention of abuse, which explains her in-depth knowledge of the legislation. This professional had a differential in her clinical practice, as it was based on research results, the so-called evidence-based practice. This differential tends to be uncommon among psychologists, since it has been proven that

professionals have a certain difficulty in basing their practices on scientific results, due to the realism of common sense, myths, and misconceptions about the practice (Lilienfeld et al., 2013).

It is the ethical duty of psychology professionals to learn about the ECA (CFP, 2005). Thus, given the results regarding the predominance of lack of knowledge of the legislation among psychologists, there is an urgent need to raise awareness among the class and psychology teaching institutions to encourage the search for adequate knowledge about the ECA, since it is a fundamental legislation that guarantees the rights of children and adolescents in our society. In addition, it is worth highlighting that having adequate knowledge about the ECA is essential for psychologists in all areas of psychology, since they work with human beings and, directly or indirectly, have the responsibility to act in favor of guaranteeing the rights of these developing people.

In the subcategory “*No, I’ve never heard of it*”: *predominance of lack of knowledge of the Menino Bernardo Law by the psychologists*, it was found that the Spanking Bill was unknown to participants 1, 6 and 11, as stated: “No, I didn’t get to know about the Spanking Law” (1); “I don’t remember!” (6). Participants 2, 4, 7, 8, 9, 10 and 11 heard about the Spanking Bill, but did not know the details: “I followed the Spanking Bill superficially” (7); “So, I didn’t have any information, but I’ve read about it, on my own (...) but like I told you, today I don’t know what’s in it anymore, but I do know about it” (11).

Participants 3, 5 and 8 recalled having followed arguments in favor of maintaining the use of this form of physical punishment in response to the presentation of the Spanking Bill. In this sense, they mentioned: “(...) I remember most of the discussions, most of them defended spanking from time to time” (3); “(...) there was a lot of criticism, right (...). You can’t slap your child, because the State wants to interfere in the education of children and so on, they want to take away their rights” (5). Participant 9 recalled the Spanking Bill, but revealed a lack of knowledge of its proposal and non-punitive forms of education, since he mentioned the issue of the child being dominant, as shown in the following excerpt:

(...) I don’t see it as something educational for society, perhaps a very intrusive medicine (...) other issues before, right, should precede this Law, the extension of this Law, right... (...) what was happening was misinformation, so since I can no longer correct my son as I learned, and no one taught me another way, my son dominates me and..., and, and now I am his hostage. (9)

Participant 5 mentioned the occurrence of infractions by parents: “(...) I have always thought this Law was very important. Not because, ah, parents are punished, because we know that we won’t go to jail for slapping, there is the whole process before and people don’t have that knowledge, right?” (5). Participant 12 demonstrated knowledge about the Spanking Bill, as per the following excerpt:

This Spanking Bill already represented years and years of scientific research around the world that proved how spanking is part of a spectrum of physical punishment that can be harmful to children and can even be the beginning of an even more violent adult losing control. Of course, the population was used to spanking and understood that the only way to set limits was through spanking. And that is precisely why we need to change the culture, to help people learn about other models of raising children that are scientifically proven to be healthy. (12)

The *Spanking Law* project opened an important social front in the fight to end naturalized social violence as an attempt to educate children within their own families. In this sense, it is very worrying that most of the professionals participating in this study do not know more about this project that originated the Menino Bernardo Law, which aims to fully protect children. As they are key players in the implementation of this Law to protect children from physical punishment, psychologists need to know the history that culminated in legislation that prohibited any and all physical punishment in an attempt to educate.

When asked about the Menino Bernardo Law, it was found that participants 1, 3, 4, 6, 7, 8, 9, 11 and 13 were unaware of it: “I had no knowledge of that” (7); “No, I have heard about it, but I do not know it” (13). Thus, some participants demonstrated that they had already heard about the Menino Bernardo Law and that physical punishment could no longer be used in the education of children but mentioned that they did not know more details about its content. Only participant 12 demonstrated in-depth knowledge about the Menino Bernardo Law, as exemplified in the following statement:

I think that this Menino Bernardo Law was a step forward in guaranteeing the protection and rights of children and adolescents in our country and that it even came to specify the issue of prohibiting all forms of physical punishment and cruel and degrading treatment in education (...). (12)

The inclusion of the Menino Bernardo Law in the ECA also regulates the responsibility of the government in the elaboration and execution of policies for the implementation of permanent educational campaigns, informing the population of the right that children and adolescents have to be educated without the use of physical punishment, cruel and degrading treatment (Law No. 13,010). In this sense, participant 12 demonstrated that she perceived the need for this Law to be better publicized in society. Furthermore, she understood that it has an educational purpose to help parents educate their daughters and sons in a way that benefits their development, a perception noted in the following excerpt:

The point that I think is still very flawed refers to the issue of disseminating the Law to society and helping parents and others to understand what it proposes. The Law provides that there should be different intervention measures when the Law is violated, to help parents to stop violating it in the education of their children. But these are not punitive measures, they are help, for example from professionals, such as us psychologists, who must help these parents to think about what is happening, to understand how much they are harming their children, how much they are not achieving, through the use of physical punishment, the education they are receiving. (We must) help them to learn about other effective parental educational methods that have been widely proven by science. (12)

According to the participants' reports, these professionals are not aware of the Menino Bernardo Law. This law aims to change the culture of punitive practices, mistreatment, coercion, abuse, and neglect in the education of children and adolescents. It is important to mention that there is a culture of physical punishment used by Brazilian families. Given this, this practice will not change immediately, but the State needs protective instruments and action regarding the education of children and adolescents by maintaining their rights to mental and physical integrity (Santos, 2021). To corroborate this, Trindade and Hohendorff (2020) emphasize that educational practices involving physical punishment are still accepted by society and by many psychology professionals. This fact may lead to a lack of knowledge among these professionals, as well as difficulties in implementing the Menino Bernardo Law.

Therefore, the Law provides for the ongoing training and qualification of health, education and social assistance professionals to develop the skills necessary to prevent all forms of violence against children and adolescents (Law No. 13,010). However, according to the results of this research, it seems that this ongoing training for psychology professionals is not taking place as provided for in the Law. It is pertinent to ask why this training is not taking place. Could it be due to a lack of effective positioning and coordination by the *Conselho Federal de Psicologia* or a lack of budget to make such a need viable? Thus, the next category will present the psychologists' positions on the communication of the content of the Menino Bernardo Law.

#### ***“There is no education for people to understand why that cannot be done (...)”*: Psychologists' positions on the Menino Bernardo Law based on the explanation of its content**

This category concerns the opinions of participants who were unfamiliar with the Menino Bernardo Law after the researcher's brief explanation, which was given as a way to benefit them and help them disseminate its content. These explanations were about the Law having been added to the ECA in 2014, prohibiting the use of all forms of physical punishment, cruel and degrading treatment in attempts to educate children. In general, some participants were interested in learning more about this Law, but most of them criticized not receiving more information about its content and effective parental educational alternatives.

Participant 8 showed a desire to learn more about this law: “(...) I didn't know, but that's very valuable information that you just gave me. (...) that's really interesting. I didn't know, I'm going to research more, the Menino Bernardo Law. That's right” (8). However, most of the participants demonstrated that simply knowing that all forms of physical punishment in force in the country are prohibited is not enough to understand it. Thus, they raised questions and highlighted the need for greater knowledge about the content of the law.

In this sense, they stated: “(...) the Law does not provide conditions for us to reflect on how to act in those moments that I mentioned there, you know? How is a parent going to act when they have no time, if that phase requires greater authoritarianism, you know? (...)” (2). Furthermore, “there is a law but there is no education for people to understand why that is not allowed (...). What are the consequences that this could have?” (6), also “as a professional, I do not believe that spanking is beneficial in any way, but I believe that the State also has no way of controlling parental aggression” (7). Finally, they also stated that “the Law, it should exist, okay, but in conjunction with other measures (...). Education did not come, only coercion came, what punishes, what says what cannot be done and does not say what to do” (9). It is clear, unlike participant 8, who demonstrated a desire to research the Menino Bernardo Law, that these participants appear to have a passive position of waiting for someone to offer them more information about the Law, and not of autonomously seeking the necessary knowledge.

In general, these participants demonstrated a need for more information regarding the full content of this legislation and also a need for knowledge about alternatives to the use of physical punishment in the education of children. This is in line with what is provided for in the Menino Bernardo Law, which indicates that educational campaigns should be carried out to support and encourage practices to resolve conflicts without the use of violence in relationships with children and adolescents (Law No. 13,010). In this sense, the result of an international study showed that, along with the prohibitive legal measures in a country, it is also essential to provide parents with precise knowledge that dispels misconceptions about the use of physical punishment and ways of educating children that are beneficial to their development (Jun et al., 2023). Thus, the statements of the participants in this study demonstrate the urgent need for such campaigns to more effectively

reach the general population and the psychology professional class in particular; in fact, participant 2 demonstrated a lack of knowledge about effective educational practices for child development. In view of this, the study by researcher Weber (2012) presents the ineffectiveness of authoritarianism in the education of children and the need they have for clear rules with affection to respect limits.

Even with the news that all forms of physical punishment are banned under the Menino Bernardo Law, some participants still support the use of mild physical punishment. They reported that they need more knowledge about the ineffectiveness of physical punishment as an educational strategy. They also mentioned that they need to broaden their understanding of other effective forms, as well as the harmful effects that spanking can have on a child's emotional development, as shown in the following excerpts:

I understand why this law is being used, because there are people who really don't know when to stop spanking, let's say, and it can be a really traumatic experience for the child. Because it's one thing to spank two or three times and stop there. It's another thing when it's persistent, sometimes it's daily. (3)

The chance of this turning against you is very high, because if I take away from a person the only methodology they learned to educate... they will no longer educate at all, and then who will educate? (9)

These results demonstrate that ignorance of the harm caused by all forms of physical punishment leads to positions that are favorable to it and a false belief that its use would bring some educational benefit. Given these positions of some of the participants in favor of "light" physical punishment, there are other professionals who fail to comply with the code of ethics, such as the example of a child psychologist and therapist who published a controversial book, "*Tapa na Bunda*" (Dias, 2011), defending and recommending the use of spanking as an educational method. The author does not consider spanking to be violence and makes a distinction between spanking and aggression, proposing that spanking can be one of the healthy strategies for imposing effective limits. Furthermore, it states that psychologists, doctors and educators who are condemning the "slap" in the family education of children are mistaken and contributing to the lack of limits for children that is currently prevalent in society (Dias, 2011). It is important to highlight that the Code of Ethics for psychologists provides, in its fundamental principles, that "the psychologist will work to promote the health and quality of life of individuals and communities and will contribute to the elimination of any form of neglect, discrimination, exploitation, violence, cruelty and oppression" (CFP, 2005, p. 7).

Classical psychological research has long demonstrated that physical punishment is a harmless method for human education (Skinner, 2003; Sidman, 2009). Corroborating these studies, Fréchette and Romano (2017) emphasize that physical punishment includes spanking and slapping any part of the body, as well as the use of objects, leaving physical marks on children and adolescents, stating that this method does not produce any educational results. This ineffectiveness, over the last 25 years, has already been attested by a robust set of global scientific publications (Durrant & Ensom, 2017). Furthermore, this ineffectiveness is justified by the fact that physical punishment can cause a range of harm and risks to the development of children and adolescents (Altschul et al., 2016; Cuartas et al, 2021; Gershoff & Grogan-Kaylor, 2016). The disadvantages of such a method will be presented and exemplified in the next category.

### ***"During therapy, people who were beaten begin to realize that it was violence": Psychologists' experiences with cases of physical punishment***

This category presents reports of experiences that the participating psychologists had with cases of physical punishment of their patients to educate children. In general, most of the participants had experience with reports of different types of physical punishment, such as: physical aggression with slippers, sticks, vines, belts, spankings, ear pulling. Also, beatings with hoses and broomsticks, slaps in the face, chains, as well as beatings with marks and blood, ear cutting, domestic violence and sexual violence. Only participants 1 and 4 reported not having professionally accompanied cases of physical punishment yet.

Psychologist participants 5, 6, 8, 10, 11, 12 and 13 reported experiences with cases involving physical punishment in which they perceived the violence and the harmful short- and long-term effects of this practice on the lives of these patients:

They (adults who were beaten in childhood) talk and repeat that slogan "I didn't have any problem with that". But, this way, we know that we are listening and understanding that these emotional aspects are there because of that too, right? (6)  
When we talk to adults with a history of physical punishment (...) it will often relate to negative mental health outcomes. Often depression, anxiety, stress itself, different diagnoses related to stress, substance abuse, risky behaviors and also personality issues. (12)

Some participants reported experiences with services involving physical punishment of children and adolescents, but they did not fully recognize the violence that occurred there, as can be seen in the following excerpts: "(...) a 13-year-old teenager (...) her father even beat her on the legs, leaving her bruised and her mother scratching her. (...) I actually

understand the mother and father because they want to educate her and she is really opposed” (2), furthermore, “I have already attended to her, but this is not a report of aggression that left marks. It was aggression in the sense of something like this: a slap, a pull on the ear, a cane. Things like that that many people take as positive” (4).

It is known that children and adolescents who are educated through punitive educational practices are more likely to develop problems in childhood and adolescence, carrying them into adulthood. As pointed out throughout this study, it is reaffirmed that physical punishment causes severe emotional and physical damage to the development of children and adolescents (Gershoff & Grogan-Kaylor, 2016; Lee et al., 2014; Ma et al., 2022). To corroborate this, a cross-sectional study carried out internationally with adults aged 19 to 97 years old is used to verify the use of spanking with physical and emotional abuse and whether it has associations with health problems in adults. Based on the self-report of participants in a health outpatient clinic in Southern California, the main results showed negative repercussions on the mental health of the participants. They manifested depression, suicide attempts, moderate and severe consumption of alcohol and other psychoactive substances (Afifi et al., 2017). Given these losses caused by physical punishments, the next category will address forms of protective parental repertoire for the education of children.

### **“Lots of rules and lots of affection”: Possibilities of protective parental educational management**

This category included the possibilities of parental educational management that the participants indicated as protective for child development. All participants mentioned perceiving the importance of parental education occurring through affection and consistent limits; also, through the use of dialogue, harmony between parents in transmitting rules, the time parents dedicate to their children and the development of patience and coherence between the parents’ attitudes and the behaviors they demand from the child.

Participants 1, 2, 3, 4, 7, 8, 9, 10, 11 and 13 mentioned: “communication, dialogue, establishing rules (...) dialogue between the family, especially between parents” (1), also:

(...) an education with love and care will bring self-confidence and self-esteem to the child. (...) if I want my child to respect me, I will first respect him. If I want my child not to hit me, I will not hit him. (7)

The psychologists questioned also spoke about parenting practices that are favorable to child development:

I strongly advocate firm discipline, but with kindness, you know? Where the father and mother will be there showing values, internalizing some social rules (...). (...) so positive discipline understands that if the child feels good, he will behave well. (11)

Such mentions by the participants above are in line with the findings of a theoretical review on risky and protective parental educational practices for children’s socio-emotional growth. Parenting strategies considered protective produce positive effects on the development of children. They thus consist of the transmission from parents to their children of positive communication of affection, attention, loving involvement, encouragement of autonomy concomitant with the establishment of clear rules and limits accompanied by active monitoring and supervision (Patias et al., 2013).

Given the above, it is clear that rules and limits are important, as participants 5, 11, 12 and 13 also mentioned, emphasizing the importance of preparing their children for the frustrations that are part of life, especially by saying no: “ (...) you have to prepare your child to experience life’s frustrations, you have to learn to say no” (11); “(...) it is important for parents to reconcile responsiveness with demands. (...) And I think the first challenge is for the limits and values to be clear to the parents themselves first” (12). When faced with children’s failure to comply with the rules, participants 5 and 10 mentioned the importance of losing benefits, ensuring their love for the child and how much they believe that the child will be able to change their behavior. This understanding is highlighted in the following excerpts:

(...) children must be taught to reflect on whether their behavior is appropriate or not (...) even if they have not complied, they will continue to be loved, but there will be a consequence for that. (...) a loss of a benefit, of a situation. (5)

Because there are situations that we can already predict. Understanding the child’s reaction, what causes the tantrum, what influences the parents’ behavior. (10)

In view of the above, it is emphasized that parents need to establish clear, coherent, consistent and age-appropriate rules for their child (Weber, 2012). In addition, they must supervise and monitor the rules until they are internalized in the child’s repertoire. Likewise, they need to teach their child that failure to comply with the rules leads to negative consequences for their undesirable behavior and not for them. The child must continue to be and feel loved, wanted and respected by their parents, regardless of their behavior.

These perceptions of the participating psychologists are in line with a recent resolution issued by the APA. This resolution indicates a large body of scientific studies against the use of physical punishment and recommends the use of positive discipline, which has been proven to be effective in the education of children (APA, 2019). In this sense, the APA mentions interventions with positive results that sought to guide the development of positive parenting skills, helping children

develop appropriate behaviors through orderly and predictable modeling, respectful communication, and conflict resolution. This resolution points to studies that confirm the effectiveness of family violence prevention and parenting skills training programs such as *ACT Raising Safe Kids* (ACT-RSK) (APA, 2023) and the *Video Interaction Project* (VIP) (Mendelsohn & Seery, 2023) that produce effective results in reducing the use of physical punishment. Brazilian professionals need to be familiar with these forms of intervention in order to improve their practice by transmitting knowledge about alternative forms of discipline and their positive results for children and parents.

### Final considerations

This study aimed to investigate the knowledge of a group of Brazilian psychologists about child protection laws through a qualitative study. The results indicated that the psychologists studied were predominantly familiar with the ECA, although several did not have an in-depth understanding of the law. Regarding the Menino Bernardo Law and its history of the Spanking Bill, there was a greater lack of knowledge. The brief explanations provided to the participants contributed to the dissemination of the Menino Bernardo Law to those who were completely unfamiliar with it. Thus, their subsequent positions demonstrated that they need more complete information about what this legislation proposes, so that the prohibition of any physical punishment can make more sense.

It was found that several psychologists demonstrated professional experience with cases of physical punishment and perceived its clear harmful effects in the short, medium and long term on their patients. It is worth highlighting the practically unanimous perception of the participating psychologists that protective parental education occurs through affection and consistent limits, as well as patience, positive reinforcement and monitoring of the behavior of their children. Parents need to have well-established limits and values internally in order to be able to clearly transmit them to their children. Thus, none of the participants consider the practice of physical punishment as part of protective educational strategies, even though some professionals are in favor of the use of physical punishment, since it can be inferred that these responded to what is socially expected regarding the education of children, that is, the phenomenon of social desirability may have occurred. In this sense, the selection of participants from a previous quantitative study demonstrated that the participants most in favor of the use of spanking did not demonstrate availability to participate in this qualitative study.

In conclusion, this study emphasizes that the Law indicates that parents who use physical punishment should be referred to services and programs that teach them how to educate their children without using punitive practices. Thus, although the Law provides for the necessary training of professionals who will assist in its implementation, the Law does not indicate which resources will be used to train psychology professionals. Considering that spanking is a culturally accepted and socially widespread practice, it is necessary to train these professionals so that they know how to instruct parents. In addition, there is an urgent need to implement national campaigns aimed at the general population and even psychology students. This is aimed at transmitting broader knowledge about the ECA and the Menino Bernardo Law, the ineffectiveness of physical punishment, its scientifically proven harmful effects, and effective positive educational strategies.

As limitations of this research, the online format may have prevented the psychologists from feeling more comfortable and the interviewer from capturing more elements that would be present in a face-to-face interview. Future research is suggested to investigate how campaigns to publicize child protection laws are being carried out, especially the Menino Bernardo Law, and its effectiveness in changing the culture among the general population. Furthermore, future research is also needed on the implementation of specific educational campaigns with psychology professionals and academics regarding the prohibition and harm caused by physical punishment against children.

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### Como Citar:

Hohendorff, J. V., França, T., Silva, ACP, Costa, C. (2024). Brazilian psychologists' (lack of) knowledge about laws that protect children from suffering physical violence. *Revista Subjetividades*, 24(1), 1–13. <https://doi.org/10.5020/23590777.rs.v24i1.e14117>

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**Received:** 10/19/2022

**Revised:** 05/08/2023

**Accepted:** 06/03/2023

**Published:** 01/15/2024