

Prohibiting and eliminating corporal punishment of girls – a key element in the global challenge to all violence against women and girls

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org)
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Violence against women and girls is now universally understood to be a violation of their human rights and it is accepted that eliminating this violence is key in achieving gender equality. However, corporal punishment, the most common form of violence against girls, is rarely included in the global challenge to all violence against women and girls.

International human rights law is clear that girls and boys have a right to legal protection from all corporal punishment, including in the home. Prohibition and elimination of corporal punishment and other cruel or degrading forms of punishment is fundamental in preventing violence against women and girls – both for direct prevention of violence against girls and as part of a broader strategy for eliminating other forms of violence.

In light of this, we urge entities within the UN system and others working on violence against women and girls to systematically challenge violent punishment of girls and advocate its immediate prohibition and elimination.

The legality of corporal punishment of girls

Corporal and other cruel and humiliating punishment of girls is a violation of their rights to respect for their physical integrity and human dignity, and its legality violates their right to equal legal protection from assault. Yet as at August 2012 corporal punishment is legally sanctioned in some settings of girls' lives in the majority of states worldwide, and in all settings in 27 states. Judicial sentences of corporal punishment for children are lawful in 41 states; where sentencing is based on Sharia law, women and girls from the age of puberty can be ordered to undergo cruel punishments including flogging. Corporal punishment is lawful in schools in 81 states and in group care settings such as orphanages in 146 states. In 165 states, violent punishment of girls is legally sanctioned in their own homes.

About the Global Initiative

Launched in 2001, the Global Initiative to End All Corporal Punishment of Children aims to act as a catalyst for the prohibition and elimination of corporal punishment of children across the world. Supporters of its aims include UNICEF, UNESCO and many other international and national organisations. The Global Initiative has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee and, since 2011, the Committee on the Rights of Persons with Disabilities.

Progress towards universal prohibition

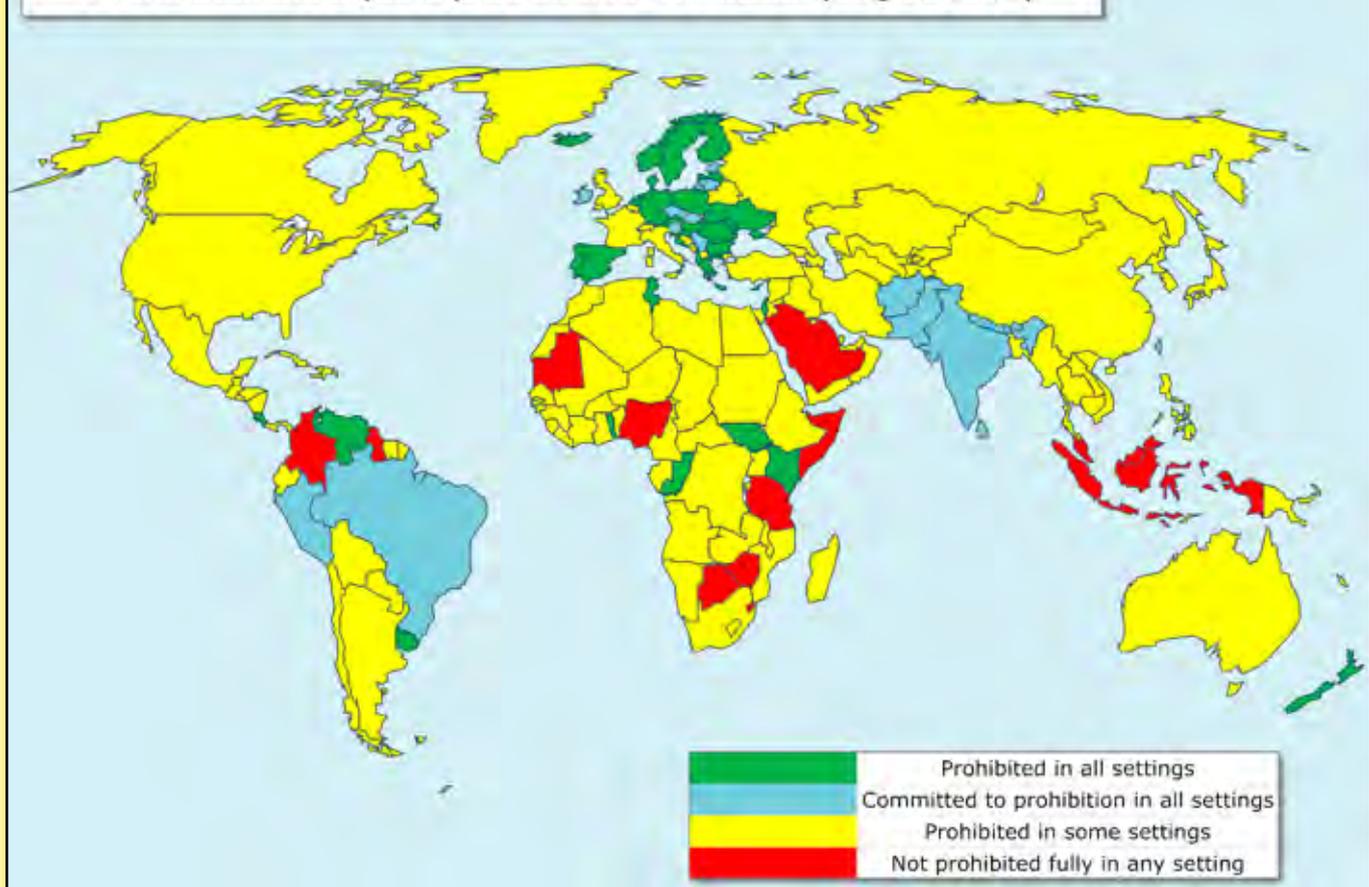
As at August 2012, girls are protected in legislation from all corporal punishment, including in their homes, in 33 states worldwide, and at least another 21 states are committed to enacting prohibition. More than half the states in the world (117) prohibit all school corporal punishment.

Progress is accelerating – the number of states prohibiting corporal punishment in all settings including the home has tripled since 2000, when girls had full protection in only 11 states, and more than doubled since 2006 (16 states). Since 2007, five African states have achieved full prohibition. Inter-governmental organisations in Europe and South Asia are campaigning for prohibition of all corporal punishment across their regions.



Global Initiative to
End All Corporal Punishment
of Children

Prohibition of corporal punishment worldwide (August 2012)



The reality of corporal punishment of girls

Enormous numbers of girls experience painful and humiliating corporal punishment in states in all regions. For example, a study in five African countries, which revealed a very high prevalence of violence against girls, found that hitting, beating and forced hard work were the most widespread forms of violence against girls and that most of the physical violence experienced by girls was corporal punishment.¹ A UNICEF study in more than 30 low- and middle-income countries across the world found that on average 75% of girls and boys experienced physical punishment and/or psychological aggression in the home and 17% on average experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement).²

As well as violating girls' right to freedom from violence, corporal punishment violates their rights to life, health, development, education and participation. In one African study, half of respondents said that violence against girls resulted in "submission", 32.9% "scars on the body", 9.9% "timidity" and 1.7% "death".³ School corporal punishment can have a particularly severe effect on girls' right to education. Data from the USA show that almost 50,000 girls were "paddled" (hit on the buttocks with a wooden paddle) in school in 2006-7, with African-American girls more than twice as likely as white girls to be paddled.⁴



1 The African Child Policy Forum (2010), *Childhood Scars in Africa: A Retrospective Study on Violence Against Girls in Burkina Faso, Cameroon, Democratic Republic of the Congo, Nigeria and Senegal*, Addis Ababa: The African Child Policy Forum

2 UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

3 Ministère de la Famille et de la Solidarité National (2009), *Les Violences Faites aux Femmes au Bénin*, Observatoire de la Famille, de la Femme et de l'Enfant

4 Human Rights Watch & American Civil Liberties Union (2008), *A Violent Education: Corporal Punishment of Children in US Schools*, NY: Human Rights Watch

Corporal punishment of children: a women's issue

Although corporal punishment is experienced by both girls and boys and therefore is not a form of discrimination against girls in the most obvious sense, it is directly linked to other forms of gender-based violence. It is particularly closely related to domestic violence against women and is used to control and regulate girls' behaviour much as intimate partner violence aims to control women's behaviour. Childhood experience of corporal punishment for girls is often the beginning of a life of violent victimisation by authority figures and family members. The perpetrators of corporal punishment and domestic violence may be the same, and a home in which some degree or kind of violence against children is condoned is one in which other kinds of violence are more likely to be accepted. Experience of corporal punishment as a child may also increase the likelihood of men perpetrating violence against partners and children as an adult.⁵

The similarity of the arguments used to justify corporal punishment and those sometimes used to excuse inaction on domestic violence further betrays the links between them – for example, the suggestion that governments should not “interfere” in the “private” sphere of the home, the perception that “light” force against children or women somehow does not count as violence and the use of religious justifications for both kinds of violence.

“... the Study [on Violence against Children] recognises that virtually all forms of violence are linked to entrenched gender roles and inequalities, and that the violation of the rights of children is closely linked to the status of women.”

Paulo Sérgio Pinheiro, Independent Expert who led the UN Study on Violence against Children

Violent punishment of girls: ignored in UN reports and resolutions

The silence around corporal punishment of girls in reports and resolutions on violence against women and girls reflects its acceptance as “normal” in wider society.

Repeated reports of the Secretary General and resolutions by the General Assembly on the elimination of “all violence” against women and girls have failed to address violent punishment of girls, as did the report of the Secretary General for the 51st session of the Commission on the Status of Women on the elimination of all forms of discrimination and violence against the girl child.⁶

Most reports by current and past Special Rapporteurs on violence against women and girls have not mentioned the issue. The Secretary General's 2006 study on violence against women does not mention violent punishment; neither does UNICEF's study on promoting the rights of girls to be free from violence, undertaken as the Secretary General's 2006 study on violence against children.⁷

Documents which focus on domestic violence against women commonly fail to note that violence against children in the home is also widespread and often coexists with domestic violence. Sometimes, perversely, the harm done to children by witnessing violence in the home is acknowledged while the violence inflicted directly on them in the guise of “discipline” is ignored.



The suggestion is sometimes made that prohibition of corporal punishment makes the lives of women, as the primary caregivers of children, more difficult, or that prohibition of corporal punishment should wait until social and economic conditions for women in low-income countries improve. However, girls and boys have a right to protection now. Just as efforts to prevent domestic violence cannot wait until conditions improve, children must not wait for violence against them to be prohibited and eliminated.

In addition, corporal punishment is an unnecessary and ineffective way of teaching children to behave. Research has shown that although it may increase children's compliance with adult instructions in the short-term, in the long-term children repeat the behaviour.⁸ Women often feel stressed and guilty when they inflict physical punishment, and many do not believe in its efficacy.⁹ The above-mentioned UNICEF study in more than 30 countries found that although large numbers of adults inflicted physical punishment on children, non-violent discipline was also widely used, and fewer than one in four mothers and caregivers believed that physical punishment was necessary in childrearing.¹⁰

5 See for example Contreras, M. et al (2012), *Bridges to Adulthood: Understanding the Lifelong Influence of Men's Childhood Experiences of Violence, Analyzing Data from the International Men and Gender Equality Survey*, Washington DC: International Center for Research on Women & Rio de Janeiro: Instituto Promundo

6 Economic and Social Council (2006), *The elimination of all forms of discrimination and violence against the girl child: Report of the Secretary-General* (E/CN.6/2007/2)

7 Ward, J. [n.d.], *From Invisible to Indivisible: Promoting and Protecting the Right of the Girl Child to be Free from Violence*, UNICEF

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

9 See for example Halpenny, A. M., Nixon, E. & Watson, D. (2010), *Parenting Styles and Discipline: Parents' Perspectives on Parenting Styles and Disciplining Children*, Dublin: The Stationery Office/Office of the Minister for Children and Youth Affairs; Save the Children Sweden & Instituto de Encuestas y Sondeos de Opinión (2005), *Sistematización de las Encuestas Sobre la Percepción del Castigo Físico en Seis Países de América Latina*, presentation: Managua, 16 May 2005

10 See note 2

The human rights imperative to prohibit all corporal punishment

The Committee on the Elimination of Discrimination against Women has made it clear that the **Convention on the Elimination of All Forms of Discrimination against Women** requires that women are protected against violence of any kind in the family and elsewhere,¹¹ and that laws against family violence give adequate protection to all women.¹² The Committee has recommended prohibition of corporal punishment of children to some states in its concluding observations on state party reports. For example, in 2012 it recommended prohibition to Guyana:

*“The Committee is ... concerned that corporal punishment is accepted both in school and home settings, even though it constitutes a form of violence against children, including the girl child. The Committee urges the State party ... to explicitly prohibit corporal punishment in all settings....”*¹³

A **General Assembly** resolution on the elimination of domestic violence against women defines domestic violence as violence that occurs within the private sphere, generally between individuals who are related through blood or intimacy, strongly condemns all forms of domestic violence against women and girls and calls for the elimination of all forms of gender-based violence in the family, including where condoned by the State.¹⁴ A series of further resolutions reiterate concern about the pervasiveness of violence against women and girls worldwide,¹⁵ strongly condemn all acts of violence against women and girls, whether perpetrated by the State, private persons or non-State actors,¹⁶ and urge states to treat all forms of violence against women and girls as a criminal offence, punishable by law.¹⁷

A 2012 study from the Office of the **High Commissioner for Human Rights** on violence against women and girls and disability confirms that children with disabilities are more vulnerable to corporal punishment in all settings and recommends reviewing and/or amending legislation on violence against women to ensure that it expressly prohibits all forms of violence against women and girls with disabilities, in line with international law including the Convention on the Rights of the Child.¹⁸

“Addressing the widespread acceptance or tolerance of corporal punishment of children and eliminating it, in the family, schools and other settings, is not only an obligation of States parties under the Convention. It is also a key strategy for reducing and preventing all forms of violence in societies.”

Committee on the Rights of the Child,
General Comment No. 8, 2006

The **Beijing Declaration and Platform for Action** emphasises states’ determination to prevent and eliminate all forms of violence against women and girls. The review of the Platform for Action five years later stated that governments should treat all forms of violence against women and girls of all ages as a criminal offence punishable by law.¹⁹ The report of the UN Secretary General’s study on violence against women, which includes girls under 18, recommends that states ensure legislation is in place that adequately addresses all forms of violence against women.²⁰

The Committee on the Rights of the Child has consistently made it clear that the **Convention on the Rights of the Child** requires prohibition of all corporal punishment in all settings – the home, schools, penal systems and alternative care settings. In its General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment the Committee consolidated and confirmed these obligations, and it systematically recommends prohibition in its concluding observations.²¹

The monitoring bodies of other international treaties, including the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, the **International Covenant on Civil and Political Rights** and the **International Covenant on Economic, Social and Cultural Rights**, and of regional human rights instruments increasingly recommend prohibition of corporal punishment. The issue is regularly raised in the Universal Periodic Review of states’ overall human rights records.²²

Key figures in the fight against violence against women, including two former Special Rapporteurs on Violence against Women, support the aims of the Global Initiative to End All Corporal Punishment of Children.



11 Committee on the Elimination of Discrimination against Women (1989), *General Recommendation No. 12: Violence against women*

12 Committee on the Elimination of Discrimination against Women (1992), *General Recommendation No. 19: Violence against women*

13 Committee on the Elimination of Discrimination against Women (2012), *Concluding observations on the seventh/eighth report of Guyana*, paras. 28 and 29 (CEDAW/C/GUY/CO/7-8 Advance Unedited Version)

14 General Assembly (2004), *Elimination of domestic violence against women* (A/RES/58/147)

15 General Assembly (2008), *Intensification of efforts to eliminate all forms of violence against women* (A/RES/62/133)

16 General Assembly (2007), *Intensification of efforts to eliminate all forms of violence against women* (A/RES/61/143)

17 General Assembly (2009), *Intensification of efforts to eliminate all forms of violence against women* (A/RES/63/155)

18 General Assembly (2012), *Thematic study on the issue of violence against women and girls and disability: Report of the Office of the United Nations High Commissioner for Human Rights* (A/HRC/20/5)

19 General Assembly (2000), *Further actions and initiatives to implement the Beijing Declaration and Platform for Action* (A/RES/S-23/3)

20 General Assembly (2006), *In-depth study on all forms of violence against women: Report of the Secretary General* (A/61/122/Add.1)

21 Committee on the Rights of the Child (2006), *General Comment No. 8: the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment* (arts. 19; 28, para. 2; and 37, *inter alia*), para. 11, available at www2.ohchr.org/english/bodies/crc/index.htm. All concluding observations relating to corporal punishment can be found at www.endcorporalpunishment.org

22 See the Global Initiative website, www.endcorporalpunishment.org, for more information

For an electronic version of this leaflet and further information and advice on any aspect of this briefing see www.endcorporalpunishment.org or email info@endcorporalpunishment.org.