

Prohibiting violent punishment of children: a key element of preventing the deaths of young children

*Submission to the OHCHR for the preparation of technical
guidance in relation to Human Rights Council resolution 24/11*

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Global Initiative to End All Corporal Punishment of Children

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This submission responds to the OHCHR's call for information relevant to the preparation of technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under five. Bringing together research into the prevalence and effects of corporal punishment, progress towards prohibition and coverage of the issue in international human rights law, the submission highlights that violent punishment is a significant contributor to the preventable deaths of young children and that promoting its prohibition in law and elimination in practice is an essential part of a human rights-based approach to the issue. We hope that the technical guidance will promote prohibition and elimination of corporal punishment as a key element of preventing the deaths of children under five.

In encouraging states to take action to address the interlinked root causes of mortality and morbidity of children under five, including violence, Human Rights Council resolution 24/11 is part of the widespread recognition of violence against children as a human rights issue. Ending corporal punishment is an essential element of combating violence against children, and states' obligation to prohibit and eliminate all violent punishment is well-established in international law. The UN Committee on the Rights of the Child has consistently made it clear that the Convention on the Rights of the Child requires states to prohibit all corporal punishment, other relevant treaty bodies increasingly reflect this message and the issue has been extensively covered in the first two cycles of the Universal Periodic Review.

In this context, progress is accelerating: as at January 2014, 34 states have prohibited all corporal punishment including in the home and family and another 49 have publicly committed to doing so. But much remains to be done. Violent punishment remains the most common form of violence against children, and is inflicted on large majorities of young children in their homes and elsewhere in states in all world regions. A major UNICEF report on 33 low- and middle-income countries found that on average 75% of children aged 2-4 had experienced violent punishment in the home in the month prior to the survey.¹ And this breach of children's right to respect for their physical integrity and human dignity is socially and legally accepted in a large majority of states: violent punishment of children remains lawful in the family home in 164 states, in day care settings in 157 states and in some or all alternative care settings in 157 states.²

¹ UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

² Detailed reports on the legality of corporal punishment of children in all states are available at www.endcorporalpunishment.org

This violation of children's rights on a huge scale contributes significantly to the deaths and injuries of young children and to a range of negative developmental outcomes. Most physical "child abuse" is corporal punishment: research has consistently found that the majority of incidents substantiated by authorities as abuse occur in a punitive context. A major Canadian study found that nearly three quarters (74%) of all cases of "substantiated physical abuse" were cases of physical punishment.³ Similarly, a study of substantiated physical abuse cases in the USA concluded that "almost invariably" parents defined their actions as "disciplinary procedures that were required in response to the child's behaviour".⁴ And a UK study found that the intent to discipline or punish was a common precursor in many child homicide cases.⁵ Young children, who are much smaller and physically weaker than the adults who inflict the punishment, are the most likely to be killed and injured by corporal punishment.

Not all physical punishment kills or physically injures children. But all violent punishment violates children's rights and places them at increased risk of further violence. Physical punishment carries an inbuilt risk of escalation: its effectiveness in controlling children's behavior decreases over time, encouraging the punisher to increase the intensity of the punishment.⁶ Research shows how "light smacks" can all too easily escalate to more violent assault which may ultimately be fatal. A Canadian study found that children who were "spanked" by their parents were at seven times greater risk of being severely assaulted (such as being punched or kicked) than children who were not physically punished.⁷ Another study found that mothers who reported that they had spanked their child were 2.7 times more likely to report that they had beaten, burned, kicked, hit with an object or shaken their child,⁸ while yet another found that children who had been "spanked" by their parents in the past month were 2.3 times as likely to suffer an injury requiring medical attention as children who had not been spanked.⁹

The purported distinction between "ordinary" physical punishment and "abuse" is meaningless: no line can or should be drawn between "acceptable" and "unacceptable" violence against children. Legal protection from all violent punishment is all children's right. Where young children are concerned, it is particularly important to stress that no physical punishment can be said to be insignificant – since adults, who are far bigger and stronger than the children they are punishing, are often unable to judge the degree of force they use. When young children are asked about their experiences of physical punishment, they make it clear that punishments which may seem "light" to adults are physically and emotionally painful.¹⁰

Corporal punishment carries a wide range of other risks, to which young children's developmental stage makes them particularly vulnerable. It is associated with poor mental health, including with behaviour disorders, anxiety disorders, depression, hopelessness, low self-esteem, hostility and emotional instability.¹¹ It is linked to increased aggression in children¹² and to impaired cognitive development:

³ Trocmé, N. et al (2010), *Canadian Incidence Study of Reported Child Abuse and Neglect – 2008: Executive Summary & Chapters 1-5*, Public Health Agency of Canada: Ottawa, 2010; see also Jud, A. & Trocmé, N. (2013), *Physical Abuse and Physical Punishment in Canada*, Child Canadian Welfare Research Portal Information Sheet # 122

⁴ Kadushin A & Martin J A (1981), *Child abuse: An interactional event*, New York: Columbia University Press, p.249

⁵ Cavanagh K & Dobash P. (2007), "The murder of children by fathers in the context of child abuse", *Child Abuse & Neglect*, 31: 731–46

⁶ Strauss M. & Douglas E (2008), "Research on spanking by parents: Implications for public policy", *The Family Psychologist: Bulletin of the Division of Family Psychology* (43) 24: 18-20

⁷ Clément, M. E. et al (2000), *La violence familiale dans la vie des enfants du Québec*, Québec: Institut de la Statistique du Québec

⁸ Zolotor, A. J. et al (2008), "Speak softly—and forget the stick: Corporal punishment and child physical abuse", *American Journal of Preventive Medicine*, 35: 364-369

⁹ Crandall, M. et al (2006), "Injury in the first year of life: Risk factors and solutions for high-risk families", *Journal of Surgical Research*, 133, 7-10

¹⁰ Willow, C. & Hyder, T. (1998), *It Hurts You Inside: young children talk about smacking*, Save the Children & National Children's Bureau

¹¹ 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; Fergusson, D.M. and Lynskey, M.T. (1997) "Physical

associations have been found between corporal punishment and lower IQ scores, smaller vocabularies¹³ and poor cognitive abilities.¹⁴ Corporal punishment inflicted on a child by her or his parents has been found to damage the parent-child relationship,¹⁵ including for very young children: associations have been found between corporal punishment and poor attachment by babies to their mothers.¹⁶

The negative effects of corporal punishment on children's health and development were highlighted in 2013, when nine major international organisations of health professionals issued a statement supporting prohibition of all corporal punishment, in the family home and all other settings. The statement calls on all governments to work for the prohibition and elimination of all corporal punishment and all organisations working for health to include the issue in their work, stating that on the basis of the evidence of the harmful effects of corporal punishment, the organisations believe prohibition is a key strategy in reducing all forms of violence against children and other violence in societies and in improving physical and mental health and other developmental outcomes for children and adults.¹⁷

Ending the legality and practice of violent punishment is key in preventing the deaths and injuries of many children and in improving health and developmental outcomes for many more. It is an essential part of a human rights-based approach to the issue. **We therefore hope that the technical guidance will promote prohibition and elimination of corporal punishment as a key element of preventing the deaths of children under five. We would be glad to provide technical assistance with the development of the guidance.**

About the Global Initiative

The Global Initiative to End All Corporal Punishment of Children promotes the prohibition and elimination of all corporal punishment globally. We monitor the legal status of corporal punishment and research on the topic in all states and territories, systematically brief treaty bodies and the Universal Periodic Review on the issue and work with others to promote action for prohibition. Supporters of the aims of the Global Initiative include UNICEF, UNESCO and many major international professional and non-governmental organisations.

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punishment/maltreatment during childhood and adjustment in young adulthood", *Child Abuse and Neglect* 21: 617-30; de Zoysa, P. et al (2008), "Corporal Punishment in the Sri Lankan Context: Psychological Outcomes for Our Children", in Devore, D. M. (2006), *New Developments in Parent-Child Relations*, Nova Science Publishers Inc

¹² Gershoff, E. T. (2002), op cit

¹³ Smith, J.R., & Brooks-Gunn, J. (1997) "Correlates and consequences of harsh discipline for young children", *Archives of Pediatrics & Adolescent Medicine*, 151(8):777-786

¹⁴ Straus, M. A. & Paschall, M. J. (2009) "Corporal Punishment by Mothers and Development of Children's Cognitive Ability: A Longitudinal Study of Two Nationally Representative Age Cohorts", *Journal of Aggression, Maltreatment & Trauma*, 18:459-483

¹⁵ Gershoff, E. T. (2002), op cit

¹⁶ Coyl, D. D. et al (2002) "Stress, Maternal Depression, and Negative Mother-Infant Interactions in Relation to Infant Attachment", *Infant Mental Health Journal* 23(1-2):145-163

¹⁷ The statement is available at

<http://endcorporalpunishment.org/pages/pdfs/Health%20statement%20in%20support%20of%20prohibition.pdf>