Young children’s right to an end to all violent punishment

Prohibition and elimination of all violent punishment of children is a well-established human rights obligation. Young children are among the most likely to experience corporal punishment and are most vulnerable to its many negative effects.

Yet despite widespread concern about violence against young children in the home and elsewhere, the legal and social acceptance of violent punishment is rarely highlighted in child protection work in the early childhood sector. Similarly, the legality and practice of violent punishment is seldom explicitly addressed in the promotion of early childhood care and education services or in efforts to improve young children’s health and development. Neglect of the issue weakens attempts to combat violence against young children. And the persisting legality and widespread social acceptance of violent punishment of children reduces the potential of all work on early childhood to improve developmental outcomes for children and prevent this most common form of violence in their lives.

The Global Initiative to End All Corporal Punishment of Children urges organisations promoting improved conditions for young children to incorporate advocacy for the prohibition and elimination of corporal punishment into their work on violence against children, early childhood care and education, children’s health and development and other related topics.

Corporal punishment of children: a global overview

Large majorities of children experience violent punishment in their homes and elsewhere in states in all world regions. A major UNICEF report on 33 low- and middle-income states 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

This painful and humiliating treatment remains lawful in some or all settings of children’s lives in a majority of states: 160 states have yet to prohibit corporal punishment in the home and violent punishment of children remains lawful in day care and/or early education in 154 states and in schools in 76 states. Despite widespread concern about violence against children in alternative care, corporal punishment remains lawful in institutional care and foster care in a large majority of states.

There is growing progress towards universal prohibition of corporal punishment. As at July 2014, 38 states have prohibited all corporal punishment including in the home and family and another 45 have publicly committed to doing so. A majority of states (122) have prohibited corporal punishment in schools. But there is a long way to go before all children have the legal protection from assault which adults have long benefitted from.
What is needed to end violent punishment?

1. Prohibition of all corporal punishment, including in the family home

All over the world, the traditional social acceptance of corporal punishment has been enshrined in law. In some states, legal defences, justifications or authorisations explicitly allow parents and others to use force to punish children. In others, the law is silent on corporal punishment, but in practice laws against violence and assault are not interpreted as applying to all violent punishment of children. In both cases, law reform is required to ensure that the law clearly protects children from all violent punishment, however “light”, in the family home and all other settings.

Prohibition of all corporal punishment is required under international human rights law. The Committee on the Rights of the Child’s General Comment No. 8 (2006) on the right of the child to protection from all corporal punishment makes it clear that the Convention on the Rights of the Child requires states to prohibit all corporal punishment, in the family home and all other settings. In its examinations of states’ compliance with the Convention, the Committee consistently recommends prohibition. The issue has been extensively covered by other treaty bodies and in the Universal Periodic Review.

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Reports on every state, which include details of the laws on corporal punishment and recommendations from human rights bodies, are available at www.endcorporalpunishment.org.

2. Implementation of the prohibition of corporal punishment

The primary purpose of prohibiting corporal punishment of children is to prevent violent punishment of children, including by transforming attitudes and practice so that physical punishment is no longer seen as acceptable in childrearing and education. This requires government-led population-level measures to raise awareness of the law and of children’s right to protection.

Key channels and contact points for communicating this information to children, parents, future parents and other adults include: birth registration; pre- and post-natal services; other health services; preschool entry, school entry, the school curriculum and further education, and social and welfare services in contact with children and families. Detailed guidance on implementing the law in the best interests of children should be issued to all those involved and implementation of the prohibition should be integrated into national and local child protection systems. Positive, non-violent discipline should be promoted to parents, other family members and staff working with children and families.

Measures to prevent corporal punishment in care and education settings should include initial and in-service training of teachers, care workers and early childhood practitioners; ensuring that children are able to make complaints and access independent advocates, and ensuring appropriate safeguards in the recruitment and supervision of staff.

The impact of law reform and ongoing social and educational measures should be evaluated through baseline and regular follow-up interview research involving children and parents.

The impact of prohibition

In many states which have prohibited corporal punishment in all settings including the family home, research shows declining rates of perpetration and acceptance of corporal punishment. In Finland, where prohibition was achieved in 1983, a series of six nationally representative surveys carried out between 1981 and 2012 have shown a consistent decline in adult acceptance of corporal punishment: from 47% in 1981 to 17% in 2012. In New Zealand, which achieved full prohibition of corporal punishment in 2007, a 2013 survey found that a large majority of respondents (93%) were aware of the prohibition and that acceptance of physical punishment of children was declining steadily. Forty per cent of respondents thought it was sometimes alright for parents to physically punish children, compared to 58% in 2008, more than 80% in 1993 and more than 90% in 1981.
The devastating impact of violent punishment on young children

Physical punishment kills thousands of mostly very young children each year, injures many more and is the direct cause of many children’s physical impairments. 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. 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. And physical punishment carries an inbuilt risk of escalation: “light smacks” can all too easily escalate to more violent assault which may ultimately be fatal. 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. Where young children are concerned, it is particularly important to stress that no physical punishment can be said to be insignificant – 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.

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. It is linked to increased aggression in children and to impaired cognitive development: associations have been found between corporal punishment and lower IQ scores, smaller vocabularies and poor cognitive abilities. Corporal punishment inflicted on a child by her or his parents has been found to damage the parent-child relationship, including for very young children. Associations have been found between corporal punishment and poor attachment by babies to their mothers.

Corporal punishment is an unnecessary and ineffective way of teaching children to behave. Violent punishment is linked to behavioural problems and 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. Parents and carers often feel stressed and guilty when they inflict physical punishment, and many do not believe in its efficacy. A UNICEF study in more than 30 states 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.

The overwhelming evidence of the many negative effects of corporal punishment highlights the importance of prohibition not only as a human rights imperative in itself, but also as a key strategy for improving health and developmental outcomes for children and reducing all forms of violence in societies.

Examples of laws prohibiting corporal punishment

“Parents, in the exercise of parental authority, have the right to exercise orientation, care and correction of their children, and to import to them, in keeping with the evolution of their physical and mental faculties, the guidance and orientation which are appropriate for their comprehensive development. It is prohibited for parents and every person charged with the care, upbringing, education, treatment and monitoring [of children and adolescents], whether on a temporary or permanent basis, to use physical punishment or any type of humiliating, degrading, cruel or inhuman treatment as a form of correction or discipline of children or adolescents.”

(Honduras, Family Code as amended 2013, art. 191)

“Corporal punishment shall not be inflicted on a child in an early childhood institution.”

(Jamaica, Act to Provide for the Regulation and Management of Early Childhood Institutions and for other Connected Matters 2005, art. 16(1))

“Persons exercising parental care, care or alternative care over a minor are forbidden to use corporal punishment, inflict psychological suffering and use any other forms of child humiliation.”

(Poland, Law of 6 May 2010 “On the Prevention of Family Violence”, art. 2)
Corporal punishment and intimate partner violence

Corporal punishment is closely related to intimate partner violence and often coexists with it. A 2014 study which used UNICEF data from 25 states found that women who believed that husbands were justified in hitting their wives were more likely to believe that corporal punishment is necessary in bringing up children and more likely to report that their child had been violently punished in the home in the month prior to the survey than women who did not believe that husbands were justified in hitting their wives.

Experience of corporal punishment as a child is associated with an increased risk of involvement in intimate partner violence as an adult as both perpetrator and victim.

International health professionals’ organisations support prohibition

In 2013, major international health organisations issued a statement calling for prohibition and elimination of all corporal punishment:

“In light of the human rights consensus on children’s right to legal protection from all violent punishment, we, as organisations working for the health of children and adults, support prohibition of all corporal punishment and all other cruel or degrading punishment of children, in the family home and all other settings.

“On the basis of the evidence of the harmful effects of corporal punishment on children, adults and societies, we believe that prohibition of corporal punishment, accompanied by measures to implement the prohibition and eliminate the use of corporal punishment in practice, is a key strategy to reduce all forms of violence against children and other violence in societies and to improve the physical and mental health and other developmental outcomes for children and adults.

“We therefore call on:

• all governments to work for the prohibition and elimination of all corporal punishment
• all organisations working for health to include the issue in their work.”

The statement is endorsed by the International Association for Adolescent Health, the International Council of Nurses, the International Council of Psychologists, the International Federation of Medical Students’ Associations, the International Pediatric Association, the International Society for Social Pediatrics and Child Health, the International Society for the Study of Behavioural Development, the International Union of Psychological Science and the World Federation of Public Health Associations.
Progress towards prohibiting all corporal punishment*

*Based on information held by the Global Initiative, June 2014
Support and advocacy for prohibition and elimination of all violent punishment

The Global Initiative to End All Corporal Punishment of Children urges organisations in the early childhood sector to incorporate advocacy for the prohibition and elimination of corporal punishment into their work on violence against children, early childhood care and education, children’s health and development and other related topics, for example by:

- using their perspectives to strengthen existing campaigns for prohibition
- incorporating advocacy for prohibition of corporal punishment into work to end violence against children
- including work for prohibition in efforts to improve young children’s health and development
- ensuring children’s right to legal protection from all corporal punishment is included in the promotion of early childhood care and education services
- raising awareness about children’s right to legal protection from violent punishment among sector professionals

The Global Initiative’s objective – the prohibition and elimination of all corporal punishment of children – is supported by UNICEF, UNESCO and many international organisations including:

- ActionAid International
- Association for Childhood Education International
- Better Care Network
- Child Helpline International
- Defence for Children International
- ECPAT International
- EveryChild
- Global Child Development Group
- Human Rights Watch
- International Council of Nurses
- International Disability Alliance
- International Federation of Social Workers
- International Federation for Parenting Education
- International Foster Care Organisation
- International Pediatric Association
- International Society for the Prevention of Child Abuse and Neglect
- International Step by Step Association
- Plan International
- Right to Education Project
- Save the Children
- SOS Children’s Villages International

Organisations promoting improved conditions for young children are invited to join this list by signing up at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

For a full list of supporting international and national organisations see [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

This briefing is produced by the Global Initiative to End All Corporal Punishment of Children, which promotes the fulfilment of children’s right to legal protection from all corporal punishment.

For further information and advice on any aspect of this briefing, and for technical support on advocacy for law reform, see [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org) or email elinor@endcorporalpunishment.org.
Notes


2 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)


4 Wood, B. (2013), Physical punishment of children in New Zealand – six years after law reform, EPOCH New Zealand


10 Gershoff, E. T. (2002), op cit


13 Gershoff, E. T. (2002), op cit


16 Gershoff, E. T. (2002), op cit


18 UNICEF (2010), op cit

