

# Laying the foundation for non-violent childhoods: putting prohibition of corporal punishment of children into practice

Implementation guidance

Together to #ENDviolence Solutions Summit Series

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Laying the foundations for non-violent childhoods: putting prohibition of corporal punishment of children into practice, Implementation guidance.

A special report for the **Together to #ENDviolence Solutions Summit Series** 

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end-violence.org

endcorporalpunishment.org



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#### **Background**

Law reform alone will not eliminate corporal punishment. This guidance aims to provide practical information to support the implementation of laws prohibiting corporal punishment in all settings. Educational and preventive measures are necessary to increase awareness of the harm of corporal punishment to children, to inform about children's right to protection and to provide an essential foundation for social norm and behaviour change. The guidance accompanies our report "Prohibiting all corporal punishment of children: laying the foundation for non-violent childhoods," also published in the context of the Together to #ENDviolence Solutions Summit Series.

The Global Partnership to End Violence Against Children was launched in July 2016 by the UN Secretary-General. Today, the End Violence Partnership is the only global entity focused solely on Sustainable Development Goal 16.2: ending all forms of violence against children. The Partnership is made up of over 600 partners, including governments, UN agencies, research institutions, international non-governmental organisations, foundations, civil society organisations, private sector groups, and more. Though different in many ways, one simple belief unites us all: every child deserves to grow up free from violence.

**End Corporal Punishment** is a critical initiative of the Global Partnership to End Violence Against Children. Previously known as The Global Initiative to End All Corporal Punishment of Children, End Corporal Punishment carries out a wide range of activities specifically designed to catalyse progress towards universal prohibition and elimination of corporal punishment of children.

We work to end all corporal punishment worldwide by:

- 1. Conducting and supporting national, regional and international advocacy with evidence-based data and tailored technical resources, guidance and assistance.
- 2. Providing an up-to-date and comprehensive knowledge hub with evidence on the legal status of corporal punishment, its prevalence and effects and tools to secure its elimination.
- **3.** Providing technical assistance to governments and civil society, supporting them to prohibit and eliminate corporal punishment.
- 4. Supporting a global movement of partners and supporters across all continents.







#### This guidance draws on the following set of existing key resources



Non-violent Childhoods: Moving on from corporal punishment in the Baltic Sea Region

A two-year project, led by the Council of the Baltic Sea States in cooperation with the Global Initiative to End All Corporal Punishment of Children and supported by the European Union, aimed to promote effective implementation of legal bans on corporal punishment through collaborative, multi-stakeholder planning and action.

The initiative drew on the experience of states in the Baltic Sea Region where 10 out of 11 states have prohibited all corporal punishment – ranging from those with over 30 years' experience implementing the ban to those that had only recently embarked on this journey.

National consultations were held throughout 2017 in Sweden, Finland, Latvia, Estonia and Poland, and a series of thematic expert consultations were held in 2018 to inform the development of five guidance reports to convey key messages and best practices for bringing national laws into practice. The guidance reports focused on implementing prohibition in domestic settings; positive parenting; awareness-raising campaigns; service providers; and monitoring progress.

The reports are available at: childrenatrisk.cbss.org/non-violent-childhoods/



Positive discipline and alternatives to corporal punishment of children: UNCAT implementation tool on positive discipline

This practical tool was prepared by the Convention Against Torture Initiative in partnership with Child Rights Connect. The publication aims to guide states on the steps they may take to align their policies, laws and educational practices to be in-line with the UN Convention Against Torture and the UN Convention on the Rights of the Child. It covers a wide variety of settings where corporal punishment and other forms of cruel or degrading punishments are used as a way to discipline children. It features a number of good practices to support and guide parents, caregivers and teachers to use a positive approach to discipline children.

The report is available here: cti2024.org/resources-for-states/









## Supporting national strategies to achieve target 16.2 of the Sustainable Development Goals through INSPIRE

INSPIRE is a technical package developed by ten agencies led by the World Health Organization. Aimed at everyone from government to grassroots, it sets out seven strategies which provide a framework for ending violence against children. Under its first strategy – implementation and enforcement of laws – the INSPIRE package highlights the need for laws banning corporal punishment of children by parents, teachers and other caregivers. Examples of society-wide public and professional education and awareness raising programmes aimed at changing social norms and attitudes around violence in childrearing, which should accompany law reform, are also set out in INSPIRE.







#### **Together to #ENDviolence**

Violence against children is an epidemic of abuse. Over one billion children experience violence every year, with devastating short and long-term consequences. Despite the scale and impact of violence against children – and the proven evidence-based solutions that exist – we still lack the political commitments and financial investments that are urgently needed to keep children safe at home, online, at school and within communities. Crucially, COVID-19 has increased children's risk of violence in every country and community. As a result of the pandemic, 85 million more girls and boys may be exposed to physical, sexual and emotional violence.

COVID-19 has also placed new pressures on both national budgets and international donors, jeopardising already-limited investments to end violence against children, along with years of progress. **The Together to #ENDviolence campaign** aims to inspire the end violence community and catalyse the political and financial commitments needed to end violence against children for good.

Prohibiting and eliminating corporal punishment is critical in ending all violence and mistreatment of children; it is therefore one of the six policy proposals of the **#ENDviolence campaign**. Corporal punishment is the most common form of violence against children worldwide. Its widespread social acceptance condones a level of violence throughout childhood, entrenches children's low status in society and paves the way for other forms of violence, exploitation and mistreatment. Any corporal punishment violates children's right to respect for their human dignity and physical integrity. Currently, only 13 per cent of the world's children live in 62 countries where corporal punishment is fully prohibited.

<sup>&</sup>lt;sup>3</sup>COVID-19 Aftershocks: A perfect storm- Millions more children at risk of violence under lockdown and into the "new normal", World Vision, 2020, p. 3



<sup>&</sup>lt;sup>1</sup>Hillis S, Mercy J, Amobi A, et al. Global Prevalence of Past-year Violence Against Children: A Systematic Review and Minimum Estimates. Pediatrics. 2016; 137 (3):e20154079

<sup>&</sup>lt;sup>2</sup>INSPIRE: Seven strategies for ending violence against children, World Health Organization 2016



#### **Introduction: Why is implementation important?**

The ultimate goal of prohibiting corporal punishment is to ensure that no child ever experiences it by **eliminating its use completely**. Legal prohibition sends a clear message that hitting and hurting a child, for whatever reason, is wrong, just as hitting and hurting adults is wrong. However, prohibition becomes really effective only when concrete measures are put in place to prevent children from experiencing corporal punishment, however light. Implementing the law is not only about responding to adults who violently punish children – it is primarily about **transforming attitudes and practice** so that physical punishment is no longer seen as acceptable, enabling a shift in social norms towards positive, non-violent childrearing methods.

Under the Sustainable Development Goals (SDGs) adopted in 2015, states have committed to building peaceful, non-violent societies in which human rights are respected. The agenda sets out 17 goals, targets for achieving each goal, and indicators to monitor progress towards each target. Ending corporal punishment is key to ending all violence against children (SDG target 16.2) and reducing violence across the whole of society in the longer term. It is also essential in working towards other SDG targets, including those related to health (SDG 3), education (SDG 4), violence against women and girls (SDG 5 and 16), equality (SDG 5 and 10) and economic stability and growth (SDG 8).

The UN Convention on the Rights of the Child (CRC) requires states to take all appropriate legislative, administrative, social, and educational measures to protect children from all forms of violence while in the care of parents, legal guardians, or any other person who has the care of the child (article 19).

States are therefore obliged to implement prohibition laws under their international and regional human rights obligations. In order for states to progress towards elimination of violent punishment, law reform must be linked to public education and preventive and awareness-raising measures, supported by multi sectoral coordination, as well as monitoring and evaluation.

# The key steps for moving from prohibition to elimination of corporal punishment include the following:



Enact
Adopt a law prohibiting corporal punishment



Plan and Coordinate
Develop a costed
national action plan
and Integrate into child
protection systems



**Communicate**Public education,
awareness raising



**Support**Positive parenting



**Evaluate**Monitor the impact of the interventions

#### **Enacting the law**

Explicit prohibition in legislation benefits children and all those living or working with or for children. It applies to the various settings of children's lives such as family law and education law.

The first step in prohibiting corporal punishment is to review the national legal framework to clearly establish the legal status of corporal punishment in all settings, and what needs to change. Full prohibition requires the removal of any justifications of corporal punishment. In some states, the right of parents to administer corporal punishment is recognised in more than one law. It is important that all relevant laws are amended and all references to this right are repealed. This applies, of course, to all laws authorising or regulating the administration of corporal punishment, for example in education law or legislation relating to care or penal systems.





The only way to ensure clear, uncompromising prohibition of all corporal punishment is to use clear, uncompromising language in legislation. Clear language prohibiting corporal punishment also has an educational purpose, as the first purpose of good law is educational: to prevent and deter crimes, not simply to punish crimes after the event.

Many partners from different sectors often come together in a campaign to prohibit corporal punishment. These may include parliamentarians, government representatives (e.g. ministers) as well as children's coalitions, human rights organisations, religious or traditional leaders and prominent popular personalities. The momentum generated by the campaign to achieve law reform will foster a synergy among all partners at national and local levels - also provide the conditions or enabling environment for legislative change that helps facilitate the development of a nationwide strategy to implement the new legislation.



#### **Examples of law reform**

#### Nepal

Before law reform

Section 7 of the Act relating to Children, 2048(1992): "Any act by the mother, father, family member, guardian or teacher to scold the child or give him/her minor beating for the sake of his or her interests shall not be deemed to violate [this Section]".

#### After law reform

Section 7(5) of the Act relating to Children 2018 (unofficial translation): "Each child has a right to be protected against all types of physical or mental violence and punishment, neglect, inhumane behaviour, gender based or discriminatory abuse, sexual abuse and exploitation committed by his/her father, mother, other family members or guardian, teacher or any other person".

Section 66(2)(d) of the Act relating to Children 2018 (unofficial translation): "Giving physical or mental punishment or disrespectful (or inhumane) behaviour in home, school or any other setting is criminalized as a form of violence against children...".

#### **Costa Rica**

Before law reform

Article 143 of the Family Code 1974: "Paternal authority confers rights and imposes the duty to educate, care for, watch over and, with moderation, correct the son or daughter".

#### After law reform

Article 143 of the Family Code 1974 (amended by Law on the Rights of Children and Adolescents to Discipline Free from Corporal Punishment and Other Forms of Humiliating Treatment 2008): "Parental authority confers the rights and imposes the duties to orient, educate, care, supervise and discipline the children, which in no case authorises the use of corporal punishment or any other form of degrading treatment against the minors....".





#### **Plan and Coordinate**

Every country will develop a National Action Plan based on their needs and political structure. It may fall under Child Health, Child Wellbeing or Human Rights or be focused specifically on the prevention of violence against children. Examples of National Action Plans including the elimination of corporal punishment include:

- The second Master Plan for Child Policy (2020-2024) in the Republic of Korea, which focuses on positive discipline and child rights-based parental education.
- The 2015 Regional Plan of Action on Elimination of Violence Against Children developed by ASEAN
  member states which calls on states to enact legislation to prohibit corporal punishment in all settings
  and promote the implementation of positive discipline.

A national action plan outlines the strategic orientation and activities needed to address a specific child rights issue. Having a documented plan, ratified by a legal body (often parliament), can strengthen commitments to political change. Its implementation requires multi-sectoral collaboration; its impact depends on long-term commitment.

The development of a costed national action plan is central to effective implementation. It could be a distinct plan or integrated into a national plan to eliminate all violence against children or family violence or on child protection. Limited resources should not prevent the implementation of the law. For example, using existing national action plans could ensure that where possible, results are maximized, limited resources are used effectively and duplication and waste of resources are avoided. The costing of the national action plan will take into account national and local capacities and needs; it will adopt a realistic and practical approach, including a resource mobilisation strategy to sustain long-term activities.

The costed national action plan should be child-centred and multi-sectoral and include:

- Methods to support child participation in the development, implementation and evaluation of the plan.
- Coordination mechanisms including all national and local services working with and for children and families, and all government departments and agencies responsible for children, families and public health.
- Monitoring and evaluation processes, built in from the beginning to ensure prohibition is achieving positive change in social norms and behaviours in parenting and education.
- Adequate resources to support long-term campaigning for social norm change and child-centred budgets.

Successful implementation also requires establishing a national, government-led coordinating mechanism to develop, coordinate and build the national and local infrastructure needed to implement the plan. This mechanism may include government departments responsible for education, health, justice, and social welfare; the private sector; and civil society organisations, such as professional associations, faith-based organisations, academic institutions, foundations, and other NGOs.<sup>5</sup> The same types of coordination will be needed at local level. The national action plan will therefore describe programmes and interventions to be implemented at national as well as community levels. It may not be possible to implement the planned activities simultaneously in all communities and districts, so a phased approach can be used to achieve nationwide coverage over time.<sup>6</sup>

Existing community-based child protection mechanisms can be used to roll out interventions on non-violent childhoods since they will reach a wider group of service users at grassroots level. They also take into account communities' needs and challenges, and often with limited financial resources. However, adequate mechanisms of coordination and ethically appropriate evaluation<sup>7</sup> must be put in place.

<sup>&</sup>lt;sup>4</sup>INSPIRE Seven strategies for ending violence against children, p. 89 <sup>5</sup>INSPIRE Seven strategies for ending violence against children, p. 75 <sup>6</sup>INSPIRE Seven strategies for ending violence against children, p. 76 <sup>6</sup>INSPIRE Seven strategies for ending violence against children, p. 76





### Key attributes of a strong National Plan of Action to End Violence Against Children include the following:

- An overview of the context of violence against children and existing programmes and resources in the country.
- Identified priorities, based on the description of issues and available resources.
- A roadmap or plan that provides a timetable of the planned actions/goals and their respective timeframes.
- The plan should include a budget breakdown detailing how much is needed for each action and where the resources will come from.
- Available research on the prevalence of violence against children in the country.

Article 4 of the UN Convention on the Rights of the Child requires governments to allocate the maximum extent of available resources to protect children's rights.



#### **Communication and awareness-raising**

Challenging traditional acceptance of corporal punishment and other cruel or degrading forms of discipline requires sustained action over time. Awareness-raising and communication are key measures used to support the adoption and implementation of national laws to prohibit corporal punishment of children.

Society-wide high-profile campaigns will be needed to raise awareness of the law, promote the purpose of prohibition and support changes in attitudes and behaviours around violence in child rearing. This requires identifying target audiences, developing key messages – in particular, to address specific obstacles – and identifying the most effective opportunities for communication.

The promotion of non-violent forms of parenting and education should be built into all the points of contact between the government and parents and children, in health, welfare and educational services, including early childhood institutions, day-care centres and schools. It should also be integrated into the initial and inservice training of teachers and all those working with children in care and justice systems.





#### Educational measures to support the new legislation:

- Wide, ongoing dissemination and explanation of the law and its implications
- Detailed guidance, for all involved, on how the law should be implemented in the best interests of children
- Translation of the law, guidance and information materials into local languages
- Development of a child-friendly version of the law
- Training and capacity-building of all professionals working directly and indirectly with children

#### Possible points for communicating messages:

- Birth registration
- Pre- and post-natal services
- All other health service and health practitioner contacts with parents, future parents and children
- Pre-school entry, school entry, school curriculum and informal educational settings
- Social and welfare services in contact with children (including children in all non-family settings) and with families
- Initial and in-service training of all those working with and for families and children, including teachers, care workers, etc
- Elements of civil society in contact with children and families, including religious/ faith groups
- Radio, mass media, internet, social networking, etc

#### Support positive parenting

'Parenting' refers to the consistent care provided by any biological parent, guardian or any other caregiver providing consistent care to a child. Caregivers include mothers and fathers, siblings, grandparents, and other relatives, including non-biological caregivers such as stepparents or foster parents.

Parenting support programmes have a long history and a rigorous evidence base<sup>8</sup>. In the past 10 years, more than 100 randomized trials have shown that programmes to support parents can have the following outcomes<sup>9</sup>:

- Supporting early child development (ECD) outcomes;
- Increasing attendance at routine health visits and improving nutrition outcomes;
- Enhancing mothers' and children's mental health;
- Interrupting the cycle of violence, including perpetration of future violence; and
- Promoting positive social norms about social structures in protecting and nurturing children;

A parenting programme can be a structured intervention directed at parents and other key caregivers of the child and is designed to improve parent-child interaction and the overall quality of nurturing care that a child receives. Positive parenting focuses on creating safe home environments and building a foundation of support and care for children through responsive caregiving, affection, quality time, praise, learning opportunities and healthy methods of dealing with difficult behaviour. Nurturing care involves helping children develop healthy social and emotional behaviours, teaching life skills, and promoting well-being through modelling healthy ways to solve problems and communicate feelings.

<sup>&</sup>lt;sup>9</sup>Parenting for Lifelong Health: A pragmatic cluster randomised controlled trial of a non-commercialised parenting programme for adolescents and their families in South Africa. BMJ Global Health 2018; 3(e000539)



<sup>&</sup>lt;sup>8</sup>Linkenbach, J, Perkins, HW & DeJong, W. (2003). Parent's Perceptions of Parenting Norms: Using the Social Norms Approach to Reinforce Effective Parenting. Chapter 15 in HW Perkins (Ed). The Social Norms Approach to Preventing School and College Age Substance Abuse: A Handbook for Educators, Counselors, Clinicians, San Francisco, Jossey-Bass



Programmes may target individual families or selected target groups in the general population. They normally consist of a structured series of sessions using a range of learning activities, and are often manualized. They can be delivered by professional or para-professional staff. Programmes may be group-based or individual parent/family-based, they may include the children or not; they may be delivered in the home or in a centre or delivered online. They may be combined with other components (e.g. teacher or child focused interventions).

With prohibition of corporal punishment of children in all settings and especially in the home, one of the primary goals is to change the norms, attitudes and behaviour of parents and to teach positive parenting to facilitate the shift from punitive to positive parenting.

#### **Evaluate**

Evidence shows that the enactment and implementation of laws banning all corporal punishment can contribute to significant reductions in its use. Monitoring and evaluation play a key role in assessing the success and challenges of the implementation of the prohibiting law, and are also crucial in understanding whether the implementation strategy to impact on the knowledge, attitudes and behaviours of the targeted audiences (e.g. teachers, parents and other caregivers) has actually generated positive change for the children. Monitoring and evaluation should involve everyone in the initiative to move from prohibition to elimination, including the ethical participation of children who are often better placed than adults to share information about their own experiences.

Monitoring should be an ongoing process of collecting and analysing information. Ideally, baseline data should be gathered before the implementation of the law to help in monitoring the change in attitudes, knowledge and behaviour. The implementation of programmes and interventions to promote non-violent childhoods should include mechanisms to facilitate monitoring through ongoing data collection and analysis. Monitoring should follow the progress of planned activities, identify problems, provide feedback to stakeholders, and solve problems before they cause delays. Results of analysis should be passed to those in a position to take action.

SDG indicator 16.2.1 requires states to collect data on the proportion of children aged 1–17 years who experienced any physical punishment and/or psychological aggression by caregivers in the past month. This data is generally collected using MICS<sup>11</sup>, VACS<sup>12</sup> and administrative data.

#### Tracking progress on the implementation of the ban on corporal punishment is essential because:

- Policymakers need solid and trustworthy data for prevention and interventions.
- Lessons can be learned about how future strategies, activities and partners should be identified to maximise impact.
- Children and adolescents will be asked about their experiences of violence, but also be informed about professional support.
- Good planning and coordination of evaluation efforts can lead to more efficient use of resources.
- There is little data on non-violent childhoods interventions in low- and middle-income countries.

<sup>&</sup>lt;sup>12</sup>Violence against Children Surveys



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<sup>&</sup>lt;sup>10</sup>INSPIRE Seven strategies for ending violence against children, p. 90

<sup>&</sup>lt;sup>11</sup>Multiple Indicator Cluster Surveys



#### The positive impact of prohibition of corporal punishment on children's lives: messages from research

In **New Zealand**, where prohibition was achieved in 2007, the rate of approval of corporal punishment dropped from more than 90% in 1981 to 40% in 2013. Prohibition was achieved in **Poland** in 2010; approval of corporal punishment fell by 18% from 2008 to 2013. **Romania** achieved full prohibition in 2004; the number of children hit by their parents with a hand without leaving a mark fell by 22% between 2001 and 2012.

More information and full references are available at endcorporalpunishment.org/wp-content/uploads/research/Summary-of-research-impact-of-prohibition.pdf





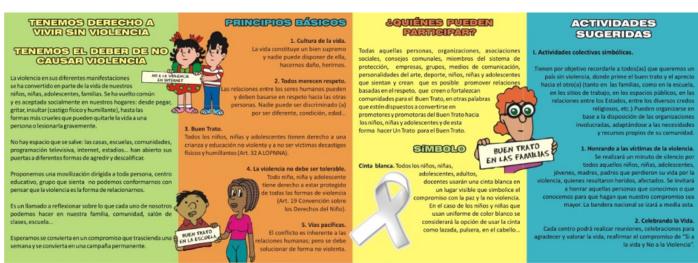


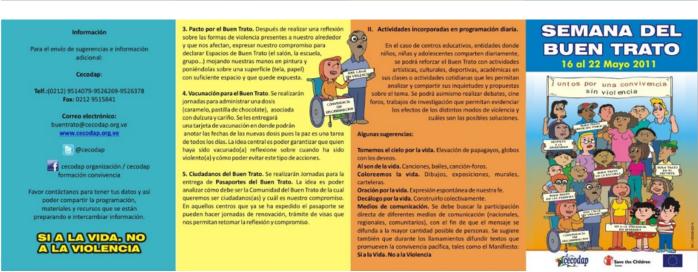
#### **Case studies**

#### Venezuela

Prohibition of corporal punishment in all settings was achieved in 2007 with the amendment of the Organic Law for the Protection of Children and Adolescents 1998. The amended law requires adults to use non-violent methods of education and discipline to raise and educate their children. It also requires the state to put in place protection measures "to abolish all forms of physical and humiliating punishment of children and young people". In 2011, the NGO Cecodap ran the campaign "A Passport for Good Treatment" - which promoted non-violent peer relationships, elimination of corporal punishment and the right to good treatment. The campaign included the following:

- Dissemination of the "Ten Commandments for Good Treatment" booklet.
- Production of training materials and training for adults, children and young people.
- A mass media campaign to raise awareness about strategies for promoting good treatment of children.







#### **Scotland**

Corporal punishment of children is prohibited in Scotland under the Children (Equal Protection from Assault) (Scotland) Act 2019. The Act came into force on 7 November 2020. Scotland is the first part of the UK to take forward legislation which makes all physical punishment of children unlawful.

The Act puts a duty on the Scottish Ministers to take steps to raise public awareness and understanding around the effects of the new legislation. In line with that duty and having consulted with stakeholders, the Scottish Government undertook the following measures:

Publication of information about the Act on:

- The Scottish Government website (which contains information about the government's work)
- mygov.scot (information for citizens about access to public services in Scotland).
- ParentClub [sic] (a Scottish Government website providing advice and support for parents and carers)
- Information about the Act coming into force was posted on various social media platforms (e.g. ParentClub's channels and the Scottish Government's main social media accounts).
- Production and publication of promotional materials about the Act to support stakeholders in their work relating to the Act.
- Inclusion of information about the Act in a National Health Service (NHS) publication for new parents in Scotland called Ready Steady Baby. This publication is made available to all pregnant women in Scotland, and is also published online.
- Preparation and dissemination of a <u>framework document</u> to support delivery bodies and professionals to develop their own sector-specific information about the ban.
- Provision of support for parents and carers through a marketing campaign and digital resources.



The law on all forms of physical punishment of children in Scotland has changed.

On 7 November 2020, all forms of physical punishment of children

became against the law in Scotland.

If you want to know more about this change in the law, please visit our website.

This contains information about why this law has been introduced and what it does.

Our website also includes details about what we've done to prepare for this change in the law and where support is available for those that want it.

This change in the law is about making things better for children in Scotland.

Physical punishment is not in the best interests of children, and it can be harmful. It includes but is not limited to smacking, slapping, skelping and pinching.

We want Scotland to be the best place in the world for children to grow up, and this legal change supports that aim.





We know it can sometimes be difficult to cope with being a parent or carer.

That's why we've put together some advice and tips for keeping calm when things get challenging.

You can find these, and other helpful hints, on our <u>ParentClub</u> website.

And remember, if you're a parent, you're not on your own.

We all find things challenging sometimes, but you do not need to go it alone - support is available.

If you think speaking to someone might help, you can talk to <u>Children 1st</u> <u>Parentline</u>. This is a free service.

More case studies may be found in the UNCAT implementation tool on positive discipline (see page 3).



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