

# Prohibiting violent punishment of girls and boys – a key element in ending family violence

*“Violent punishment is the most common form of violence experienced by girls and boys globally, as documented in UNICEF’s recent statistical analysis of violence against children, Hidden in Plain Sight (September 2014). In their recent joint general recommendation/general comment, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child identified corporal punishment as a harmful practice, defining these as practices which ‘constitute a denial of the dignity and/or integrity of the individual and a violation of human rights and fundamental freedoms enshrined in the two Conventions’.*

*“There is now accelerating global progress towards the prohibition and elimination of this harmful practice: by February 2015, 44 states had enacted a complete ban including in the family home and another 45 are clearly committed to achieving that reform. This is fundamental to the prevention of all forms of violence against women and girls and it is hoped that the issue will be addressed explicitly in forthcoming CSW sessions.”*

Kirsten Sandberg  
Chair, UN Committee on the Rights of the Child



Cumulative number of states prohibiting all corporal punishment



# Corporal punishment is always a human rights violation

The human right to respect for human dignity and physical integrity belongs to every human being – women, men, girls, boys, people with disabilities, migrant workers, people in situations of armed conflict, young people, elderly people, people of varying ethnic backgrounds, people with different sexual identities: there are no exceptions. Violent punishment of one person by another person, whether inflicted under the direct authority of the state or within the privacy of the family home, is always a violation of this right. National legal systems that fail to clearly prohibit all corporal punishment of children reflect a state's failure to fulfil its obligations with regard to this form of violence. There are no loopholes in international human rights law allowing any type or degree of corporal punishment of children,

*“Many ... practices have been identified which are all strongly connected to and reinforce socially constructed gender roles and systems of patriarchal power relations and sometimes reflect negative perceptions or discriminatory beliefs towards certain disadvantaged groups of women and children.... These practices include ... corporal punishment....”*

CEDAW/CRC Joint General Recommendation/  
General Comment on harmful practices, 2014

*“A key element of any holistic strategy [to prevent and eliminate harmful practices] is the development, enactment, implementation and monitoring of relevant legislation....”*

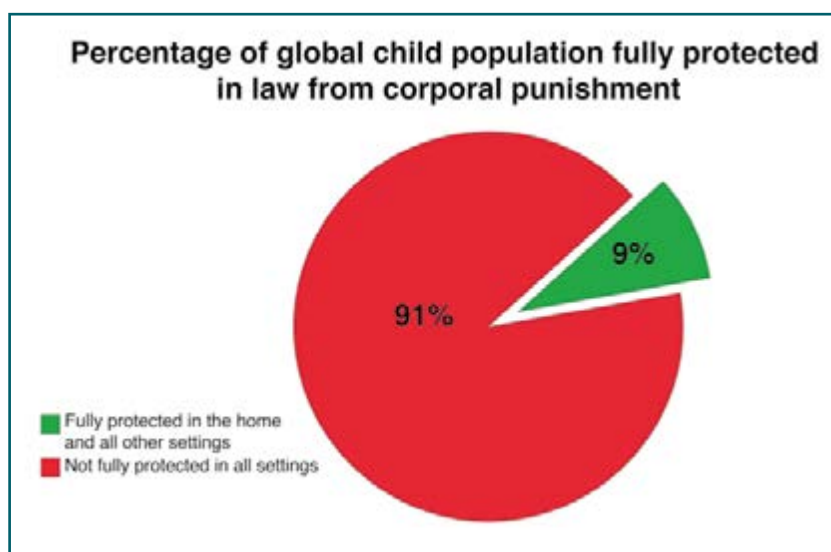
CEDAW/CRC Joint General  
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and there can be no justification for the existence of any national law which explicitly or implicitly permits them to be violently punished in the course of their everyday lives. When a woman is assaulted by her partner in her own home, her human rights are violated; when a girl is physically punished by her parent in her own home, her human rights are violated.

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 (General Recommendation No. 12, 1989), and that laws against family violence give adequate protection to all women (General Recommendation No. 19, 1992). Recognising that the Convention protects the girl child as well as adult women, the Committee has recommended to a number of states that corporal punishment of children be

prohibited in the home and all settings, including, for example, Slovakia (2008), Timor-Leste (2009), Guyana (2012), the UK (2013) and Sierra Leone (2014).

In 2014, in a joint general recommendation/general comment on harmful practices, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child identified corporal punishment as a harmful practice. The Committees recommend that states adopt or amend legislation with a view to eliminating harmful practices, including through prohibiting harmful practices and repealing all legislation which “condones, allows, or leads to” harmful practices.



The UN Secretary General's report to the 57th session of the Commission on the Status of Women in 2013 examined strategies to prevent violence against women and girls. It recommends that states adopt measures and programmes to address corporal punishment.

*“... 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

# Taking action to prohibit and eliminate corporal punishment

There has been remarkable progress globally in the enactment of laws protecting children from all corporal punishment in all settings including the home, and in the number of states asserting their commitment to achieving this fundamental law reform. As at February 2015, 44 states prohibit by law all corporal punishment of children in the family home and all other settings. Governments in at least a further 45 states have made a commitment to full prohibition by way of clearly accepting recommendations made during the Universal Periodic Review of their human rights records and/or in other official contexts.

Opportunities for achieving prohibition of corporal punishment arise whenever laws relating to children are being reviewed, revised or drafted. Prohibition can be included in general laws on child rights or child protection as well as in sectoral laws relating to education, juvenile justice, the care system. But the adoption of legislation aimed at prevention of and protection from domestic violence is especially suitable for prohibiting corporal punishment of children. The family home can only be a place of non-violence if all persons within it are protected from violent assault. Intimate relationships – whether between adults or between adults and children – can only be based on mutual respect and good treatment if all members are valued equally. **Children being hit and hurt by those stronger and more powerful than them reflects the inequality and discrimination in relationships that are the very building blocks of violent societies and the very opposite of what it really means to respect girls and boys as individual people and holders of human rights.**

Too often, opportunities to achieve prohibition by amending or enacting laws addressing family violence are missed. Since the recommendations of the UN Study on Violence Against Children were made in 2006 – including a recommendation to prohibit all corporal punishment of children in all settings as a matter of priority – at least 54 states have enacted legislation on domestic violence but only four included prohibition of all corporal punishment of children. The majority of new domestic violence laws are silent on the issue.

Today, laws against domestic violence are under discussion in at least 34 states. These provide immediate opportunities to extend legal protection from violent punishment to 32% of the world's children. Why should children see these opportunities pass by?

In at least 34 states, law reform in relation to domestic violence is under way, providing key opportunities to prohibit corporal punishment in childrearing:

Afghanistan, Andorra, Armenia, Bahrain, Barbados, Belarus, Bhutan, Bosnia and Herzegovina, Burundi, Chad, China, Dominica, Equatorial Guinea, Georgia, Haiti, Iraq, Jamaica, Jordan, Kyrgyzstan, Lesotho, Liberia, Morocco, Nigeria, Niue, Panama, Papua New Guinea, Russian Federation, Seychelles, Solomon Islands, St Vincent and the Grenadines, State of Palestine, Swaziland, Uzbekistan, Vanuatu.

## Prohibiting corporal punishment in domestic violence / family protection laws

- Prohibition must be clear and explicit – a law which is silent on the issue does not protect girls and boys from all corporal punishment because the long held assumption in law and practice is that some amount of violent punishment of children is acceptable or even necessary in childrearing.
- Legal defences and justifications for corporal punishment must be explicitly repealed – the existence of legal provisions for a “right of correction”, “reasonable chastisement”, a “right to administer reasonable punishment” etc ensure that whatever protection from violence is afforded to family members is weakened for children.

As for protection of women, a range of legislative and other measures can be put in place to respond to breaches of the law, depending on the severity of the assault, its impact on the victim, the history of the perpetrator, the family context, and so on – in every case the best interests of the child being paramount. Prohibition in law of all assault on children – regardless of attempts to justify it as “discipline” – is a necessary foundation for violence prevention, including the promotion of family relationships based on equality, mutual respect and non-violence and “zero-tolerance” of domestic violence.

# Corporal punishment and intimate partner violence: the relationships

There is an ever growing bank of research demonstrating the close links between corporal punishment of children and violence in intimate relationships between adults. The selection of studies below illustrates how corporal punishment of children is a key issue for girls' and women's protection from violence and supports arguments that ending violent punishment of girls and boys is an essential element in ending partner violence.

Research suggests that settings in which corporal punishment is prevalent tend to be settings in which partner violence is prevalent. Analysis of data from more than 200 societies found that those in which corporal punishment was used were more likely to be those in which "wife-beating" was prevalent (Levinson 1989). A study of 32 countries found that the more people who had been "spanked" as a child, the more people approved of a husband/wife slapping one another and had assaulted/injured a partner (Straus et al 2014).

Large scale studies in the US and in Latin America and the Caribbean have found a correlation between intimate partner violence and corporal punishment, with greater subjection of children to corporal punishment in households where violence is perpetrated between adults (Taylor et al 2012, Bott et al 2012, Straus et al 2014). Being physically punished as a child was associated with inflicting violence on a partner or child as an adult in all five studies on the topic included in Gershoff's landmark meta-analysis of studies on the effects of corporal punishment (Gershoff 2002). Other studies have found strong correlations between men experiencing harsh corporal punishment as a child and perpetrating "dating violence" as an adult (Simons et al 2008, see also Woods & Jewkes 1998).

Research published in 2014 using data from around 86,000 mothers and caregivers of 2-14 year olds in 25 low- and middle-income countries drawn from UNICEF's Multiple Indicator Cluster Surveys in 2005-2010, found that women who believed husbands were justified in hitting their wives were more likely to believe corporal punishment is necessary in childrearing and more likely to report that their child had been violently "disciplined" in the home in the month prior to the survey than women who did not believe husbands were justified in hitting their wives (Lansford et al 2014).

A major study in Brazil, Chile, Croatia, India, Mexico and Rwanda found that men who had experienced violence, including corporal punishment, during childhood, were more likely to perpetrate intimate partner violence, hold inequitable gender attitudes, be involved in fights outside the home or robberies, pay for sex and experience low self-esteem and depression, and were less likely to participate in domestic duties, communicate openly with their partners, attend pre-natal visits with a pregnant partner and/or take paternity leave (Contreras et al 2012).

*"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 [on the Rights of the Child]. 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

*Full references and further details on the above studies and more are available from the Global Initiative: email [elinor@endcorporalpunishment.org](mailto:elinor@endcorporalpunishment.org).*

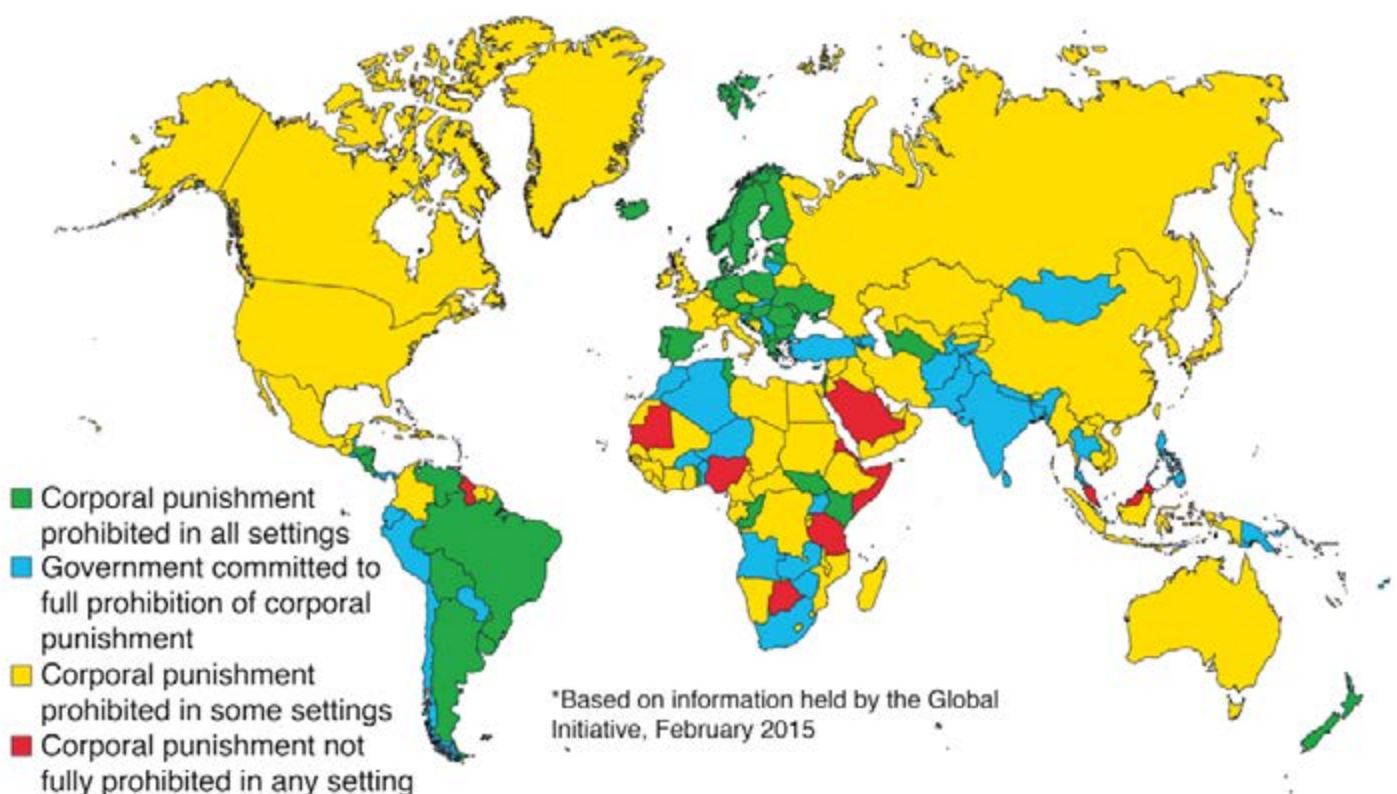


## Corporal punishment, the Beijing Declaration and Platform for Action and the Beijing +20 review

The Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women in 1995 is a landmark in the recognition of women's (including girls') human rights and in the commitment of governments around the world to ensure their realisation. The Platform for Action sets out 12 critical areas for action: directly relevant to the issue of corporal punishment of children are (D) "Violence against women", (I) "Human rights of women" and (L) "The girl-child", which call respectively for, inter alia, measures to prevent and eliminate violence against women, the full implementation of all human rights instruments and the eradication of violence against girls. The Platform states that governments must "take appropriate legislative, administrative, social and educational measures to protect the girl child, in the household and in society, from all forms of physical or mental violence" and "enact and enforce legislation protecting girls from all forms of violence" (para. 283).

In reviewing progress 20 years on, states have undertaken comprehensive national level reviews of progress and challenges. In the guidelines for national reporting on progress, the Commission asks "what have been the main constitutional, legislative and/or legal developments in the promotion of gender equality and the empowerment of women?" and "what laws and/or regulations remain in place (or have been introduced) that could have adverse effects on promoting gender equality and the empowerment of women in the country?"

Prohibition of corporal punishment is a key element in addressing violence against women and promoting gender equality, yet remarkably only a tiny minority of states included the issue in their national reports. **It is hugely symbolic of the low status of the girl child – as of all children – that national legislative frameworks which at best fail to challenge violent punishment of children and at worst expressly authorise it are barely mentioned in this major global review. We hope this 59th session of the Commission on the Status of Women and the 20 year review of the Beijing Platform for Action will mark a turning point in acknowledging the protection of girls and boys from violent punishment, both in law and in practice, as a critical element in addressing violence against women and in building governments' commitment to prohibition and elimination of all corporal punishment.**



# Corporal punishment of children – a women’s rights issue

Across the world, girls and boys grow up being hit and hurt in the guise of “discipline”. Often this experience is gendered – girls may suffer different types of punishment than boys and may be punished for different reasons, typically reinforcing stereotypic ideas of what it means to be a woman. Corporal punishment is used to control and regulate girls’ behaviour, including their social and sexual behaviour, and to encourage deference, submission and timidity. Physical punishment violates girls’ human rights to respect for human dignity and physical integrity, to equality under the law and to freedom from violence and impacts negatively on many other rights, including to life, health, development, education and participation. For too many girls, childhood experience of corporal punishment is the beginning of a life of violent victimisation by authority figures and family members. Corporal punishment is a form of gender-based violence.

Girls today are in the same position as adult women were decades ago. Despite national and international laws and policies against assault and violence, this population group slips through the net: violence is perpetrated on them within their homes and in the context of their closest relationships with impunity, and laws which condone violent punishment too often go unchallenged. As this briefing shows, progress is being made, with now almost a quarter of UN member states adopting legislation to outlaw all violent punishment of children, including in their homes. But there is a long way to go: **it is time for adult women and all those who stand up for their rights to embrace the issue and fight for the legal protection that is girls’ fundamental human right.**



*“In almost all countries, parents and other caregivers are the most commonly cited perpetrators of physical violence against adolescent girls.”*

UNICEF, *Hidden in Plain Sight: A statistical analysis of violence against children*, 2014

*“Acts or threats of violence, whether occurring within the home or in the community, or perpetrated or condoned by the State, instil fear and insecurity in women’s lives and are obstacles to the achievement of equality and for development and peace.... Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. In many cases, violence against women and girls occurs in the family or within the home, where violence is often tolerated....”*

Beijing Declaration and Platform for Action, 1995

The Global Initiative to End All Corporal Punishment of Children promotes universal prohibition and elimination of corporal punishment. [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)



Global Initiative to  
End All Corporal Punishment  
of Children

Save the Children opposes all corporal punishment and other humiliating punishment of children and works for its universal prohibition and elimination. [resourcecentre.savethechildren.se](http://resourcecentre.savethechildren.se)



**Save the Children**