

There can be no more potent symbol of the low status of children than the continuing legality of corporal punishment. Prohibiting corporal punishment is a huge step towards the recognition of children as human beings and rights-holders. Sexual and other exploitation of children depends on viewing them as objects, as possessions that adults can do what they want with. Prohibiting corporal punishment – putting children on an equal footing with adults when it comes to attacks on their physical integrity – finally removes the legal basis for this view.

Summary

Prohibiting and eliminating corporal punishment is important in the fight against sexual exploitation.

Giving children equal protection from assault under the law will end the legal reinforcement of the idea that children deserve less protection from violence than adults – a situation which underpins the commodification of children who are sexually exploited.

Prohibiting corporal punishment will ensure that the legal frameworks put in place to address sexual exploitation extend to contributing factors.

Replacing corporal punishment in families with positive parenting and non-violent relationships between adults and children will strengthen and protect families, reducing children's vulnerability to sexual exploitation.

The Global Initiative

The Global Initiative was launched in Geneva in 2001 and aims to promote and support prohibition of all corporal punishment and other cruel and degrading punishment of children, in the context of implementation of the Convention on the Rights of the Child. Its aims are supported by UNICEF, UNESCO, human rights institutions, and international and national NGOs. Further information at www.endcorporalpunishment.org email info@endcorporalpunishment.org

Globally, by July 2008, 24 states had banned all corporal punishment and another 26 were well on the way; for details see www.endcorporalpunishment.org

Ending lawful assault of children – a foundation for eliminating sexual exploitation and abuse



Global Initiative to
End All Corporal Punishment
of Children

Briefing in preparation for the World Congress III against Sexual Exploitation of Children, 25–28 November 2008, Rio de Janeiro, Brazil

The widespread legality and social approval of corporal punishment markedly increases children's vulnerability to exploitation. The fact that corporal punishment of children is lawful, when laws in all states criminalise even the most minor assaults on adults, reflects and reinforces the low status of children as less than human, as objects and possessions – the very status that allows them to become economic commodities in the sex trade.

Prohibiting corporal punishment of children gives them equal protection under the criminal law from assault, wherever they are and whoever the perpetrator is. This provides fundamental protection from all forms of assault, and asserts children's right to full respect for their physical integrity and human dignity. Prohibition is an essential element of the strategy to eliminate sexual abuse and exploitation of children.

We urge you to support the inclusion in the Outcome Document of the World Congress III on Sexual Exploitation of Children of an explicit recommendation for full prohibition of all violence against children – including all corporal punishment and other cruel and degrading forms of punishment of boys and girls (echoing key recommendation 2 of the UNSG's Study on Violence Against Children).

“The Study should mark a turning point – an end to adult justification of violence against children, whether accepted as ‘tradition’ or disguised as ‘discipline’. There can be no compromise in challenging violence against children. Children's uniqueness – their potential and vulnerability, their dependence on adults – makes it imperative that they have more, not less, protection from violence.”

(Professor Paulo Sérgio Pinheiro, Report to the General Assembly on the UN Study on Violence Against Children)

Violent punishment contributes to sexual exploitation

Corporal punishment – and its legality – contributes to children’s vulnerability to sexual exploitation and abuse in a number of ways:

- The widespread practice of physically hurting children in the name of punishment or “discipline” violates their physical integrity and human dignity, and makes other physical and sexual invasion “easier” and more likely. The legality of violent punishment undermines the rights-based challenge to all violence against children – including sexual abuse and exploitation.
- The lack of zero tolerance of violence against children, in the law and in social attitudes, impedes the prevention of all forms of violence and exploitation.
- Children often experience both corporal punishment and sexual abuse in the family. A home environment where a certain degree or kind of violence against children is condoned is an environment where boundaries are blurred and children are vulnerable.
- Some corporal punishment is sexual (e.g. spanking on bare buttocks), and much child pornography depicts scenes of physical punishment of children.
- Corporal punishment, and the threat of it, may be used to coerce children into sexual relationships within or outside the family and into other forms of sexual exploitation.
- Corporal punishment by parents is often the reason why children run away from home, making them more vulnerable to exploitation on the street.
- Corporal punishment is a common means of control over child labourers (including those in the sex trade) and over girls in conflict areas (who often become slave-wives).
- Experiencing corporal punishment has a negative impact on a child’s emotional and interpersonal development and is associated, in adulthood, with aggression, poor mental health and risky sexual behaviour.

The UNCRC and its Optional Protocol

Implementation of the UN Convention on the Rights of the Child – and other regional and international human rights treaties – requires prohibition of all corporal punishment of children, including in the home. The Committee on the Rights of the Child has long recommended this to States parties, and in June 2006 consolidated its approach in General Comment No. 8 on “The right of the child to protection from corporal punishment”. The Committee affirms that prohibiting and eliminating corporal punishment is “a key strategy for reducing and preventing all forms of violence in societies” (para. 3).

The preamble to the Optional Protocol on the sale of children, child prostitution and child pornography emphasises the importance of “a holistic approach”, including “addressing the contributing factors”. The legality and social approval of violent punishment is a contributing factor.

The emphasis on prevention in the Optional Protocol (article 9) supports the call for prohibition of corporal punishment to be included in strategies to address sexual exploitation. This is also stressed in the report of the UNSG’s Study on Violence Against Children, which recommended prohibition of all violence against children, including corporal punishment, and set a target date of 2009.

“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, para. 3)

“The UN Convention on the Rights of the Child must be used as a guiding tool for all legislation, plans of action, and services related to the fight against commercial and sexual exploitation of children. We believe that, if children’s rights to survival, development, protection and participation are not ensured, we can NEVER eliminate commercial and sexual exploitation of children.”
(Children’s Final Appeal, Second World Congress in Yokohama, 2001)

Clearly, corporal punishment contributes to the conditions which allow sexual abuse and exploitation to flourish in societies. Its prohibition and elimination will contribute to the reduction of sexual exploitation and abuse.

