

The human rights imperative to prohibit all corporal punishment

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,¹⁴ and that laws against family violence give adequate protection to all women.¹⁵ The Committee has recommended prohibition of corporal punishment of children to some states in its concluding observations on state party reports. For example, in 2012 it recommended prohibition to Guyana:

*“The Committee is ... concerned that corporal punishment is accepted both in school and home settings, even though it constitutes a form of violence against children, including the girl child. The Committee urges the State party ... to explicitly prohibit corporal punishment in all settings...”*¹⁶

A series of **General Assembly** resolutions on eliminating violence against women condemns all acts of violence against women and girls,¹⁷ including those occurring in the private sphere,¹⁸ and urges states to treat all forms of violence against women and girls as a criminal offence, punishable by law.¹⁹ A 2012 study from the Office of the **High Commissioner for Human Rights** on violence against women and girls and disability confirms that children with disabilities are more vulnerable to corporal punishment in all settings and recommends reviewing and/or amending legislation on violence against women to ensure that it expressly prohibits all forms of violence against women and girls with disabilities, in line with international law including the Convention on the Rights of the Child.²⁰

The **Beijing Declaration and Platform for Action** emphasises states' determination to prevent and eliminate all forms of violence against women and girls. The review of the Platform for Action five years later stated that governments should treat all forms of violence against women and girls of all ages as a criminal offence punishable by law.²¹ The report of the UN Secretary General's study on violence against women, which includes girls under 18, recommends that states ensure legislation is in place that adequately addresses all forms of violence against women.²²

The Committee on the Rights of the Child has consistently made it clear that the **Convention on the Rights of the Child** requires prohibition of all corporal punishment in all settings – the home, schools, penal systems and alternative care settings. In its General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment the Committee consolidated and confirmed these obligations, and it systematically recommends prohibition in its concluding observations.²³



The monitoring bodies of other international treaties, including the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, the **International Covenant on Civil and Political Rights** and the **International Covenant on Economic, Social and Cultural Rights**, and of regional human rights instruments increasingly recommend prohibition of corporal punishment. The issue is regularly raised in the Universal Periodic Review of states' overall human rights records.²⁴

Key figures in the fight against violence against women, including two former Special Rapporteurs on Violence against Women, support prohibition of all corporal punishment.

“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, 2006

About the Global Initiative

Launched in 2001, the Global Initiative to End All Corporal Punishment of Children aims to act as a catalyst for the prohibition and elimination of corporal punishment of children across the world. Supporters of its aims include UNICEF, UNESCO and many other international and national organisations. The Global Initiative has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, since 2004 it has similarly briefed the Committee against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee and, since 2011, the Committee on the Rights of Persons with Disabilities.

For an electronic version of this leaflet and further information and advice on any aspect of this briefing see www.endcorporalpunishment.org or email info@endcorporalpunishment.org.

14 Committee on the Elimination of Discrimination against Women (1989), *General Recommendation No. 12: Violence against women*

15 Committee on the Elimination of Discrimination against Women (1992), *General Recommendation No. 19: Violence against women*

16 Committee on the Elimination of Discrimination against Women (2012), *Concluding observations on the seventh/eighth report of Guyana*, paras. 28 and 29 (CEDAW/C/GUY/CO/7-8 Advance Unedited Version)

17 General Assembly (2007), *Intensification of efforts to eliminate all forms of violence against women* (A/RES/61/143)

18 General Assembly (2004), *Elimination of domestic violence against women* (A/RES/58/147)

19 General Assembly (2009), *Intensification of efforts to eliminate all forms of violence against women* (A/RES/63/155)

20 General Assembly (2012), *Thematic study on the issue of violence against women and girls and disability: Report of the Office of the United Nations High Commissioner for Human Rights* (A/HRC/20/5)

21 General Assembly (2000), *Further actions and initiatives to implement the Beijing Declaration and Platform for Action* (A/RES/S-23/3)

22 General Assembly (2006), *In-depth study on all forms of violence against women: Report of the Secretary General* (A/61/122/Add.1)

23 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), para. 11, available at www2.ohchr.org/english/bodies/crc/index.htm. All concluding observations relating to corporal punishment can be found at www.endcorporalpunishment.org

24 See the Global Initiative website, www.endcorporalpunishment.org, for more information

Ending violent punishment of girls: A key element in the global challenge to all violence against women and girls

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) for the 57th session of the Commission on the Status of Women (priority theme: “Elimination and prevention of all forms of violence against women and girls”) and follow up, February 2013

Violence against women and girls is now universally understood to be a violation of their human rights and it is accepted that eliminating this violence is key in achieving gender equality. However, corporal punishment, the most common form of violence against girls, is rarely included in the global challenge to all violence against women and girls.

International human rights law is clear that girls and boys have a right to legal protection from all corporal punishment, including in the home. Prohibition and elimination of corporal punishment and other cruel or degrading forms of punishment is fundamental in preventing violence against women and girls – both for direct prevention of violence against girls and as part of a broader strategy for eliminating other forms of violence.

In light of this, we urge entities within the UN system and others working on violence against women and girls, including all those attending the 57th session of the Commission on the Status of Women, to reflect in their work the obligation under international law to prohibit and eliminate all corporal punishment of girls.



The legality of corporal punishment of girls

Corporal and other cruel and humiliating punishment of girls is a violation of their rights to respect for their physical integrity and human dignity, and its legality violates their right to equal legal protection from assault. Yet as at February 2013 corporal punishment is legally sanctioned in some settings of girls' lives in the majority of states worldwide, and in all settings in 26 states. Judicial sentences of corporal punishment for children are lawful in 41 states; where sentencing is based on Sharia law, women and girls from the age of puberty can be ordered to undergo cruel punishments including flogging. Corporal punishment is lawful in schools in 81 states and in group care settings such as orphanages in 146 states. In 165 states, violent punishment of girls is legally sanctioned in their own homes.

Progress towards universal prohibition

As at February 2013, girls are protected in legislation from all corporal punishment, including in their homes, in 33 states worldwide, and at least another 18 states are committed to enacting prohibition. More than half the states in the world (117) prohibit all school corporal punishment.

Progress is accelerating – the number of states prohibiting corporal punishment in all settings including the home has tripled since 2000, when girls had full protection in only 11 states, and more than doubled since 2006 (16 states). Since 2007, five African states have achieved full prohibition. Inter-governmental organisations in Europe and South Asia are campaigning for prohibition of all corporal punishment across their regions.

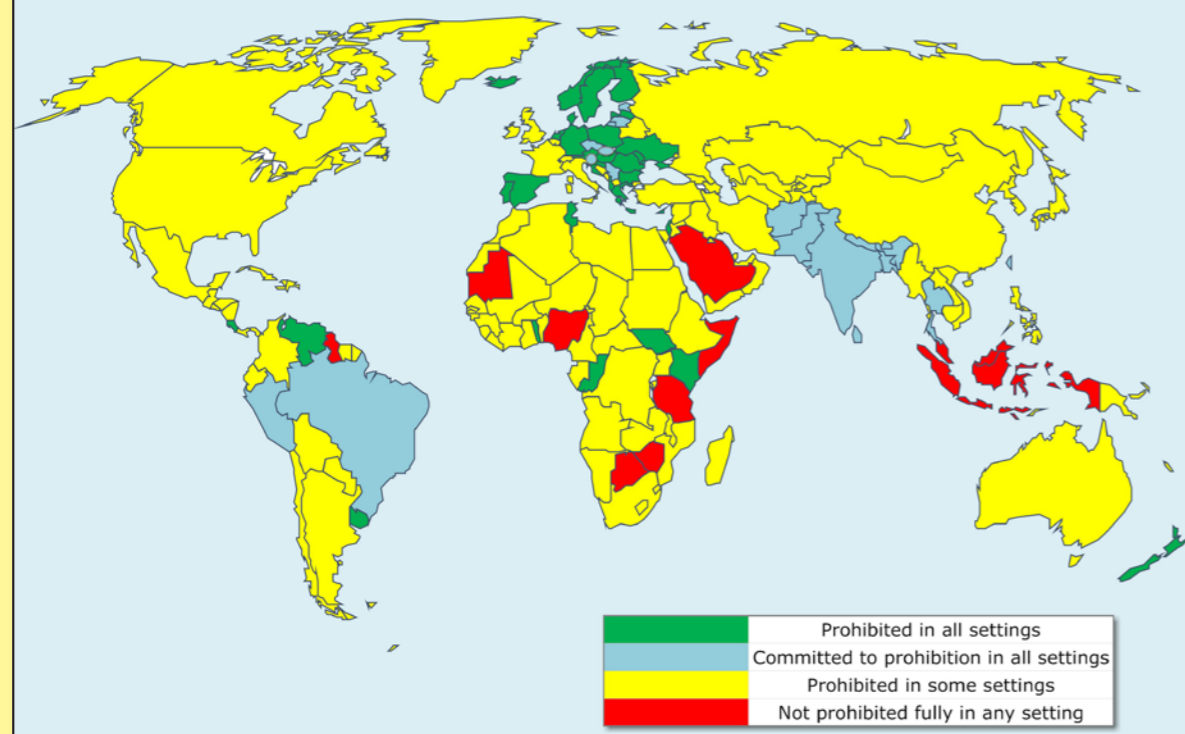


Global Initiative to
End All Corporal Punishment
of Children



DEFENSA DE NIÑAS Y NIÑOS INTERNACIONAL DNI
DEFENSE DES ENFANTS INTERNATIONALE DEI
DEFENCE FOR CHILDREN INTERNATIONAL DC
The worldwide movement for children's rights

Prohibition of corporal punishment worldwide (February 2013)



Corporal punishment of children: a women's rights issue

In many states, a large majority of girls and boys experience violent punishment¹ – including being hit with hands or implements such as belts and sticks; being kicked, shaken and forced to maintain uncomfortable positions; and a wide range of other painful and degrading treatment.² Children's experiences of corporal punishment are gendered: girls may experience different types of punishment from boys and may be punished for different behaviours. Corporal punishment is used to control and regulate girls' behaviour, including their social and sexual behaviour, and to encourage deference; violence against girls has been shown to cause "submission" and "timidity".³ As well as violating girls' right to freedom from violence, corporal punishment violates their rights to life, health, development, education and participation. School corporal punishment can have a particularly severe impact on girls' right to education. 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 of girls is a form of gender-based violence.

Corporal punishment is closely linked to domestic violence against women. The two kinds of violence often coexist,⁴ the perpetrators may be the same and tolerance of corporal punishment increases acceptance of other kinds of violence in family relationships. The similarity of the arguments used to justify corporal punishment and those sometimes used to excuse inaction on domestic violence further betrays the links between them – for example, the suggestion that governments should not "interfere" in the "private" sphere of the home and the perception that "light" force against children or women somehow does not count as violence.

The suggestion is sometimes made that prohibition of corporal punishment makes the lives of women, as the primary caregivers of children, more difficult, or that prohibition of corporal punishment should wait until social and economic conditions for women in low-income countries improve. However, girls and boys have a right to protection now. Just as efforts to prevent domestic violence cannot wait until conditions improve, children must not wait for violence against them to be prohibited and eliminated.

In addition, corporal punishment is an unnecessary and ineffective way of teaching children to behave. 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.⁵ Women often feel stressed and guilty when they inflict physical punishment, and many do not believe in its efficacy.⁶ A UNICEF study in more than 30 countries 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.⁷

"... 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

Faith-based support for ending corporal punishment

Despite the many differences in the beliefs, doctrines and practices of the major world religions they all profess respect for all human beings and teach compassion, equality, justice and non-violence. These universal values are incompatible with corporal punishment of children and there is growing support among religious leaders and communities of faith for its prohibition and elimination.⁸

We find strong consensus across our religious traditions about the inherent dignity of every person, including children. This requires that we reject all forms of violence against children ... We call upon our governments to adopt legislation to prohibit all forms of violence against children, including corporal punishment.

Statement produced at the Eighth World Assembly of Religions for Peace, endorsed by over 800 religious leaders from all the major faith traditions.

A growing number of religious leaders are speaking out against the misuse of religious texts which appear to promote violence against children, emphasising the non-violent teaching which lies at the heart of their faith.

In 2009, UNICEF and Al-Azhar University, Cairo, jointly published a manual designed to underscore how the care, protection and development of children are central to Islam:

Given that it is not permissible to incur harm, no parent (or teacher or employer) has a right to smack a child; this would inevitably inflict psychological as well as physical damage. Both physical and psychological damage have been banned by the Islamic Sharia.⁹

In 2012 Christian leaders from Aruba, Guyana, Jamaica and the Cayman Islands issued a statement of support for legislation to end corporal punishment of children:

Some Christian groups use their religion to justify physical punishment and may argue it is sanctioned in scriptural texts such as Proverbs 13:24: "Those who spare the rod hate their children, but those who love them are diligent to discipline them." But it is not appropriate to take such texts out of their ancient cultural context to justify violence towards children. As Christians, our reading of the Bible is done in the light of Jesus' teaching and example. Jesus treated children with respect and placed them in the middle of the group, as in Mark 9:37: "Whoever welcomes one such child in my name welcomes me."¹⁰

UN Secretary General's report to CSW 57 makes violent punishment of girls visible

The report,¹¹ prepared for the 57th session of the Commission on the Status of Women, examines strategies to prevent violence against women and girls: it notes the prohibition of corporal punishment in some states and recommends adopting measures and programmes to address it.

However, the issue has too often been ignored in such documents. Previous reports of the Secretary General and resolutions by the General Assembly on the elimination of "all violence" against women and girls have repeatedly failed to address the issue, as did the report of the Secretary General for the 51st session of the Commission on the Status of Women on the elimination of all forms of discrimination and violence against the girl child.¹²

Most reports by current and past Special Rapporteurs on violence against women and girls have not mentioned the issue. The Secretary General's 2006 study on violence against women does not mention violent punishment; neither does UNICEF's study on promoting the rights of girls to be free from violence, undertaken as follow-up to the Secretary General's 2006 study on violence against children.¹³

Documents which focus on domestic violence against women commonly fail to note that violence against children in the home is also widespread and often coexists with domestic violence. Sometimes, perversely, the harm done to children by witnessing violence in the home is acknowledged while the violence inflicted directly on them in the guise of "discipline" is ignored.



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

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) (CRC/C/GC/8)

3 Ministère de la Famille et de la Solidarité Nationale (2009), *Les Violences Faites aux Femmes au Bénin*, Observatoire de la Famille, de la Femme et de L'Enfant

4 Taylor, C. A. et al (2012), "Use of Spanking for 3-Year-Old Children and Associated Intimate Partner Aggression or Violence", *Pediatrics* 126(3), 415-424

5 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

6 See for example Halpenny, A. M., Nixon, E. & Watson, D. (2010), *Parenting Styles and Discipline: Parents' Perspectives on Parenting Styles and Disciplining Children*, Dublin: The Stationery Office/Office of the Minister for Children and Youth Affairs; Save the Children Sweden & Instituto de Encuestas y Sondeos de Opinión (2005), *Sistematización de las Encuestas Sobre la Percepción del Castigo Físico en Seis Países de América Latina*, presentation: Managua, 16 May 2005

7 See note 1

8 For more information see www.churchesfornon-violence.org

9 Al-Azhar University & UNICEF (2005), *Children in Islam: Their care, upbringing and protection*, Cairo: Al-Azhar University, p. 56

10 Global Initiative to End All Corporal Punishment of Children & Global Movement for Children in Latin America and the Caribbean (2012), *Prohibiting corporal punishment of children in the Caribbean: Progress report*, p. 20

11 Economic and Social Council (2013), *Prevention of violence against women and girls: Report of the Secretary-General* (E/CN.6/2013/4)

12 Economic and Social Council (2006), *The elimination of all forms of discrimination and violence against the girl child: Report of the Secretary-General* (E/CN.6/2007/2)

13 Ward, J. [n.d.], *From Invisible to Indivisible: Promoting and Protecting the Right of the Girl Child to be Free from Violence*, UNICEF