

PROHIBITION AND ELIMINATION OF CORPORAL/PHYSICAL AND HUMILIATING PUNISHMENT OF CHILDREN



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SAVE THE CHILDREN'S DEFINITION OF CORPORAL/PHYSICAL AND HUMILIATING PUNISHMENT¹

There are two categories of punishment that can occur separately or together:

- *Corporal or physical punishment and the threat of it involves hitting (“smacking”, “slapping”, “spanking”) children, with the hand or with an implement - a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion.*
- *Humiliating or other cruel or degrading punishment of children takes various forms, including psychological punishment. This includes punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.*

Corporal/physical punishment and all other cruel or degrading punishment of children refers to different forms of behaviours – physical and emotional – by adults which can cause damage to the development of the child and violates the rights of the child, specifically their right to protection according to Article 19 of the Convention on the Rights of the Child and its General Comment No.8.

INTRODUCTION/BACKGROUND

Punitive violence by parents and other adults is the most common form of violence against children. Over 40 States still authorise the whipping or flogging of children in their penal systems and 80 states still authorise the beating and humiliation of children in their schools. Only 40 states have a law prohibiting corporal punishment in all forms of alternative care. By the end of November 2013, 34 states had achieved prohibition in all settings including in the home – many of them through advocacy directly or indirectly pursued by Save the Children. **This means that a large majority of children in the world are living in countries with no law prohibiting corporal punishment in the setting of the home.**²

¹ The definition of Physical and Humiliating Punishment (PHP) used by Save the Children is from the UNCRC General Comment No.8 (2006): The Committee on the Rights of the Child defines “corporal” or “physical” punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (“smacking”, “slapping”, “spanking”) children, with the hand or with an implement - a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children’s mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.

² Global Initiative to End All Corporal Punishment of Children, Prohibit all corporal punishment of children- progress and delay, October 2012 <http://www.endcorporalpunishment.org/pages/frame.html>

In 2011, UNICEF published the results of the largest cross-national attempt to measure the prevalence of corporal punishment. It found, from household surveys in 33 countries, that three in four children aged 2 – 14 were being subjected to some kind of violent discipline. Three in four children experienced psychological aggression while about half experienced physical punishment, with this number reaching over 70 percent in certain countries.³ The true extent of violence against children is, however, difficult to measure because so much of it happens in secret and is never reported.

SAVE THE CHILDREN'S APPROACH TO CORPORAL/PHYSICAL AND HUMILIATING PUNISHMENT

Save the Children works towards eliminating all forms of corporal/physical and humiliating punishment of children in the home, schools and all other settings. We do this through advocating for legal reforms and supporting awareness-raising initiatives leading to social change affecting attitudes and practices. In addition, Save the Children promotes parenting and positive discipline programmes targeting caregivers, teachers and other people working with children. The importance of involving children and young people in our programmes on corporal punishment is crucial to our credibility as a child rights organization.

Actions towards ending all forms of corporal/physical and humiliating punishment of children should tackle both its legality and its practice.

Our Vision

The right of every child to a life free from violence, including all corporal/physical and humiliating punishment will be achieved.

Our Aim

That all societies will recognize all corporal/physical and humiliating punishment of children as violence against children, resulting in changes to legislation, social behaviour, attitudes and practices.

³ UNICEF 2010 *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY, UNICEF

SAVE THE CHILDREN'S MAIN OBJECTIVES LEADING TO ERADICATING ALL CORPORAL/PHYSICAL AND HUMILIATING PUNISHMENT OF CHILDREN ARE:

- **Effective** legislative protection through change in laws and policies
- **Visibility** of corporal/physical and humiliating punishment of children as a child rights' violation, leading to a change in attitudes
- **Change** social acceptance of corporal/physical and humiliating punishment of children and promote positive discipline leading to a change in practices

SAVE THE CHILDREN'S APPROACH TO END ALL CORPORAL/PHYSICAL AND HUMILIATING PUNISHMENT OF CHILDREN

We work to establish or strengthen rights-based national child protection systems that recognize the State's responsibility and human rights obligations to children, and provide governments with coordinated and sustainable ways to protect children. A good system is made up of a set of laws and policies; a central government coordination mechanism with a clear mandate; effective regulation and monitoring at all levels; a committed, competent workforce; and child-friendly, non-discriminatory services, which are accessible to all children. Children and other members of society should be involved in developing and monitoring the system. Within this holistic approach we place emphasis on four pillars: Legal reform, Awareness raising for social change, Parenting/positive discipline, and Child participation

I. Legal reform

Save the Children advocates for legal reform to ensure the effective prohibition of all corporal/physical and humiliating punishment in all settings. It is imperative to assert children's right to respect for their physical integrity and human dignity and to equal protection against violence under the law (as adults have).

Save the Children advocates for laws against punitive violence as such violence constitutes a violation of children's rights. We believe that banning such violence is essential in order to bring an end to all forms of violence against children. It is important to emphasize that the aim of legal reform is not to punish parents, but rather to send a clear message that violence against children is never tolerated. We believe that laws and their effective implementation, coupled with awareness-raising and education on alternative forms of parenting and discipline of children, can prevent violence against children.

The legality of corporal/physical and humiliating punishment of children is a highly symbolic reflection of their low status in society and implies a sense of ownership and control of the victim by the perpetrator. The existence of laws which authorise some level of punitive violence against children seriously undermines child protection systems and services. The only safe and just foundation for child protection is a legal framework in which all violence against children is effectively prohibited. A legal framework which prohibits violence also provides a solid basis for the promotion of positive, non-violent relationships with children. Save the Children and partners promote children's status as individuals and, therefore, as holders of human rights, as stipulated under international human rights law. This rights-based approach concerning children is further reinforced by the near-universal ratification of the UN Convention on the Rights of the Child.

Save the Children believes that the prohibition of corporal/physical and humiliating punishment of children is necessary to ensure that national child protection systems have a clear legal foundation on which to base interventions. Legal reforms to prohibit all forms of corporal punishment and give children equal protection from assault will:

- **Enable children's human rights** to respect for their physical integrity and human dignity, and ensure that children have legal protection against violence that is equal to that enjoyed by adults.
- **Provide a clear and logical basis for child protection**, enabling child protection workers and others working with or for parents and children, to give parents, other caregivers, teachers, etc, a clear message that hitting children is no more lawful or acceptable than hitting adults.
- **Support parents, teachers and others** by providing a clear, legal basis for awareness-raising on children's right to protection and for public education to promote positive, non-violent forms of discipline.
- **Ensure enforcement of the law protecting children** in ways that are in the best interests of the child. In many states, the law currently allows parents, other carers and teachers to justify assaults as "reasonable chastisement" or "lawful correction". This provides a significant loophole in the legislative basis of child protection systems, which allows adults to go on hitting children lawfully. It also creates confusion as to what is acceptable, as the courts decide what is considered "reasonable".

Save the Children and partners support research and provide information related to corporal/physical and humiliating punishment of children to decision-makers. We support initiatives that allow stakeholders to share experiences and learn from each other with the aim of increasing knowledge leading to the prohibition of corporal/physical and humiliating punishment.

2. Awareness raising for social change

Adopting laws against corporal/physical and humiliating punishment of children does not automatically translate into its abolishment in practice, often because of the strength of traditional attitudes and in some cases because of the existence of religious or customary legal systems. In some countries, there is a lack of monitoring mechanisms and effective enforcement of the laws in place which means that violations persist. It is therefore also important to advocate for social change and increase knowledge that could contribute to a change of attitudes and practices.

Save the Children and partners engage in and support campaigns to achieve changes in attitudes and practices through awareness-raising and public and professional education and training. Campaigning for social change involves the below equally important strategies:

- **Building alliances** with other organisations working with children in order to broaden the support base
- **Advocating** and working with government structures at all levels
- **Providing guidance** on alternatives to corporal punishment and promoting positive discipline
- **Awareness-raising** on children's right to protection, the negative consequences of corporal punishment and the need for non-violent upbringing and positive discipline
- **Contributing to research** and producing materials that explain children's right to equal protection and providing evidence-based advocacy on the nature of corporal punishment and its harmful effects
- **Working with the media, NGOs, religious and community leaders, professionals** such as law enforcement agents and teachers, parents' organisations, and children (including peer groups) to promote the case for change

Additionally, Save the Children and its partners engage in and support education and training activities to ensure the understanding of children's right to respect for their physical and personal integrity. All professionals working with children – teachers, care workers, nurses, paediatricians, prisons wardens, police, judges, academics – need to understand children's rights. They also need to understand their role in promoting and protecting those rights, including the right to protection from all forms of violence and within that, protection against corporal punishment.

3. Promotion of parenting education/positive discipline

Because it can be difficult for adults in their capacities as parents and caregivers to see alternative ways of bringing up children and youths, especially in contexts where corporal/physical and humiliating punishment is a social norm, Save the Children promotes positive discipline. Save the Children supports training sessions on how to support children and young people in their development using positive non-violent child rearing methods, such as positive discipline, in various settings, such as the home, school, institutions, etc.

The difference between punishment and positive discipline is mainly that *punishment* is a process which focuses on what a child has done wrong. It is based on the idea that you have to make children suffer to encourage them to understand what they have done and discourage them from doing it again.

Positive discipline assumes that children want to behave well, but need help in understanding how to do so. It works on the principle that children learn more through co-operation and rewards than through conflict and punishment. It also builds on the idea that when children feel good, they tend to behave well and when they feel bad, they are likely to behave badly.

Corporal/physical and humiliating punishment of children is often used by people whom children love, who have responsibility for them and who have authority over them. Corporal/physical and humiliating punishment of children is an abuse of power. Parents or other caregivers can raise their children using positive discipline techniques, *or* abuse the power they have over their children by using corporal/physical and humiliating punishment. Parents and other caregivers often want to use positive discipline or other non-violent child-rearing methods but do not know how to do so. Save the Children aims at building their capacity to choose non-violence through training and awareness-raising.

4. The importance of involving children

The involvement of children within our work on corporal/physical and humiliating punishment of children is essential to guarantee our credibility as a child rights organization. Children have a

contribution to make and a right to be involved in all aspects of activities to end all forms of corporal punishment. The case for children's participation is powerful:

- Children can provide a unique source of information and evidence about the nature and experience of all forms of punishment.
- Children can provide insights into the complexities of their social lives and the dilemmas they face and the choices they make which adults may not see or want to see.
- Children can be highly effective and influential advocates, bringing an immediacy and force to the issue.
- Children who are empowered are more likely to feel confident to speak out and protect themselves from violence.
- The active involvement of children can make their issues more visible, which improves the accountability of the duty bearers towards children's vulnerability, and helps end the silence which has allowed children to be exploited and abused for so long.
- Children may be able to identify effective and positive disciplinary measures.

“Children have motivated their parents and villagers; they have made lots of positive changes... Children's committees for village development can enable children to participate with adults in making the education system function without using any forms of corporal punishment.”

Executive Education Councillor, Local government official, Ladakh, India

Children's participation is a process, not a single event. Ideally, children should be involved throughout a programme to end corporal/physical and humiliating punishment of children. The programme will be strengthened if it is fully informed by children from the outset, and creates space for them as partners in its delivery.

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