

Together to #ENDviolence

Global Policy Briefing

Key Messages

**Ban all forms of violence
against children**

Corporal punishment

2030 Policy Objectives

Ban all forms of violence against children: Governments should ensure that children are effectively protected against all forms of violence by **prioritising the enactment and implementation of laws that prohibit corporal punishment¹ in all settings².**

KEY MESSAGES

- Corporal punishment is the most common form of violence against children.
- Children continue to experience a shocking level of corporal and emotional punishment at a very high cost to themselves and society.
- Corporal punishment is a severe violation of children's right to respect for their human dignity, physical integrity, healthy development, education and freedom from torture and other cruel, inhuman or degrading treatment.
- Every state has an immediate human rights obligation to prohibit and eradicate corporal punishment.
- A wealth of research confirms both the long and short term dangers of corporal punishment, and its ineffectiveness in improving children's behaviour.
- In much of the world corporal punishment of children is legally and socially accepted. This perpetuates children's low status and paves the way for other forms of abuse, exploitation and violence.
- The COVID-19 pandemic has placed millions of children everywhere at greater risk of violence at home, making the universal prohibition of corporal punishment a matter of urgency.
- Forty years ago, only one country had prohibited all corporal punishment of children; today 62 states have taken this step. The momentum for change is now - we know what works and have positive examples from all regions and economic, cultural and religious settings across the world.
- We call on all countries to commit to and start the legislative process to prohibit corporal punishment in all settings by 2030.
- The purpose of prohibiting corporal punishment is not to prosecute more parents and carers. It is to set a standard and send a clear message that it is no more acceptable to hit a child than to hit anyone else.
- Explicit law reform must be accompanied by comprehensive awareness-raising of the law and of children's right to protection, together with promotion of positive, non-violent forms of child-rearing and education.

KEY STATISTICS

- 87 per cent of the world's children are not protected from corporal punishment by law.
- Around four in five children between the ages of 2 and 14 are subjected to some kind of violent discipline in the home³.
- Nearly 720 million school-aged children live in countries where corporal punishment at school is not fully prohibited.

¹Corporal punishment comprises of any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light; as well as other non-physical forms of punishment that are also cruel and degrading. (Committee on the Rights of the Child, General Comment 8 (2006) The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment)

²For best impact use this document in conjunction with the Global Policy Briefing: "Enable parents and caregivers to keep children safe"

³UNICEF (2014), Hidden in Plain Sight: A statistical analysis of violence against children, NY: UNICEF

- 137 countries allow corporal punishment in the home.
- 17 Pathfinding Countries and 10 Safe to Learn endorser countries have not yet achieved prohibition.
- 62 states across all regions of the world have enacted this essential protection for children, while at least 27 states are actively reviewing legislation to achieve prohibition.

WHY NOW?

Children cannot be kept waiting for the effective protection to which they have an unqualified right.

Corporal punishment is the most common form of violence against children⁴ and a major violation of children’s most fundamental human rights. Its widespread legal and social acceptance means that a level of violence in childrearing is normalised, entrenching children’s status in society as objects or property and paving the way for other forms of violence and mistreatment. It is associated with a wide range of short- and long-term negative impacts, both for the individual and society as a whole. In addition, COVID-19 has placed millions of children at increased risk of violence, especially at home, highlighting the need for immediate action to end corporal punishment and support parents and caregivers to use non-violent discipline.

All states that committed to Sustainable Development Goals (SDGs) and have ratified the Convention on the Rights of the Child and other international human rights instruments are obliged to prohibit corporal punishment in all settings, including the home. Legislation banning violence or abuse is not sufficient, law that explicitly prohibits corporal punishment⁵ in all settings is also required.

The obligation to achieve universal prohibition and elimination of all corporal punishment of children by 2030 is based on the SDG Target 16.2 and other human rights obligations. The evidence that corporal punishment is harmful to children, adults and societies is overwhelming, and children cannot wait for the legal protection from assault that most adults take for granted.

HOW?

1. Enact prohibition of all corporal punishment of children in all settings of their lives.

Most countries have laws that make it a crime to hit or otherwise assault another person. Many have child protection laws prohibiting cruelty to children, and some have constitutions which guarantee protection from cruel, inhuman or degrading punishments. Some states have incorporated the Convention on the Rights of the Child into their legal system so that it is considered alongside or takes precedence over domestic law.

However, 137 states have not yet prohibited all corporal punishment of children, and in some states the right of parents, teachers and others to use “reasonable” physical punishment is actually written into law. For example, the English Common Law defence exists in 70 countries worldwide. In other states the law is silent, but this “right” has been confirmed in judgments of courts, or is simply accepted throughout society. Systems of “customary,” local, regional or religious law may need to be reviewed as well. Human rights apply equally to all children in the jurisdiction; there can be no possible justification for local or customary laws allowing violent punishment for some children.

⁴UNICEF (2014), Hidden in Plain Sight: A statistical analysis of violence against children, NY: UNICEF

⁵Corporal punishment comprises of any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light; as well as other non-physical forms of punishment that are also cruel and degrading. (Committee on the Rights of the Child, General Comment 8 (2006) The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment)

No state can say it has prohibited all corporal punishment unless all existing legal defences have been removed and the government enacts legislation that explicitly prohibits corporal punishment in all settings. In some states, prohibition may be achieved when high-level courts clearly interpret existing constitutional or legal framework as prohibiting all corporal punishment.

Most of the 62 countries that have removed any defences and gone on to explicitly prohibit all corporal punishment have done so by putting a statement in their family or children's law that such practices are prohibited. The effect of this is to make it completely clear that the criminal law on assault applies equally to parents and others who hit or use other violence as a form of discipline.

Once a state has prohibited all corporal punishment, the protection covers children wherever they are – at home, in day care, in schools and other institutions, in employment and sports, and so on.

2. Accelerate implementation of prohibition, including by making positive parenting support available to all, and by promoting safe schools and communities to support children to report, respond to and recover from violence.

The first purpose of prohibiting all corporal punishment is educational – to change attitudes and practice and support parents to adopt positive forms of discipline. Having a clear legal framework that gives children the same protection as adults is an essential foundation for public and parent education. Guidance is needed for all those working in child protection, including social workers, police, prosecuting authorities and others. This should make clear that when corporal punishment is suspected or reported, the first investigation or contact by social workers should be a positive one, where social workers explain the law and offer support with positive parenting practices. More serious interventions such as separation from parent or carer, or prosecution of the parent should only be considered if the child is believed to be at risk of significant harm. Such interventions should primarily consider the best interests of the child.

The government should also promote public and parent education to accompany law reform. This does not have to be a completely new, separate and expensive process. Basic messages about the law, children's rights to protection, and positive non-violent relationships with children can be built into the materials that future and new parents already receive, such as advice on breast-feeding, health and other topics. In addition, such education should be incorporated into all contact with future and new parents, including pre- and post-natal visits, birth registration, health clinics, doctors' visits, pre-school education, entry to school, and more. The education process has to be sustainable and long-term.

3. Measure progress by incorporating SDG 16.2.1 – the proportion of children experiencing corporal punishment – into regular national statistical programmes.

It is very important to ensure that enforcement of the law is monitored and that everyone concerned, including children, knows about the law. It may be useful to have confirmation of the prohibition of corporal punishment in the sectoral laws applying to schools, other institutions, foster-care and so on.

Support and Resources available

end-violence.org/ending-corporal-punishment

endcorporalpunishment.org/faqs/

endcorporalpunishment.org/resources/resources-on-law-reform/

endcorporalpunishment.org/resources/research/

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secretariat@end-violence.org

end-violence.org

633 Third Avenue, Floor 25, New York, NY 10017

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