

***Ending Corporal Punishment
of Children:
Making it happen***

Contents

Introduction

A worldwide phenomenon

Why are children physically punished?

- Euphemisms
- 'Internalisation' or 'cultural programming'
- Education

The consequences of corporal punishment

- Ineffectiveness
- Physical injuries
- Psychological injuries
- Damage to children's education
- Consequences for parents and society

A violation of children's human rights

- The united voice of human rights bodies
- Parents' rights, children's rights and state responsibility

How do we end corporal punishment?

- A definition
- Legal reform and public education
- New attitudes to children

Recommendations for action

Corporal Punishment of Children

Save the Children, September 2001

Introduction

This paper has been produced as a submission to the UN Committee on the Rights of the Child for its General Discussion Day on *Violence against Children in Schools and within the Family*.

The paper addresses the corporal punishment of children within families and schools. It demonstrates that this is a significant violation of children's human rights, and explores the reasons why it is common to almost every culture, despite being extraordinarily damaging to children's development. It analyses the impact of corporal punishment on children, and offers perspectives on how corporal punishment might be eliminated.

Throughout the paper, children's perspectives and experiences of corporal punishment are integrated into the analysis. Children's own insights frequently demolish adult assumptions about the necessity and justifiability of corporal punishment, and point towards the power of positive alternative forms of discipline.

A worldwide phenomenon

"They should not hit their children because their children will remember it when they grow up and they may do the same thing to their own children." Karen Abel from Vanuatu, aged 12¹

Children are physically punished in almost all societies. Two key features define corporal punishment: physical violence against children, and the concept of punishment in response to wrongdoing.

Violence is at the extreme end of a range of punishments that are inflicted on children by parents, teachers and justice systems. Many justice systems have removed beatings as a punishment for breaking the law, but beatings are still administered for breaches of school rules or for "bad behaviour" at home. Yet many behaviour theorists question the validity of *any* punishment as a tool for learning, recommending instead systems of reward for positive behaviour. When parents and teachers equate "discipline" with "punishment" and couple this with violence, the consequences for children can be catastrophic.

No survey will reveal the full extent of corporal punishment: parents and teachers are likely to under-report, and very young children (who suffer corporal punishment the most) cannot be interviewed. The following summaries, compiled by the Global Initiative to End Corporal

Punishment² and Save the Children, indicate the scale of the practice across many diverse cultures.

- **Barbados:** 70 per cent of parents “generally approved” of corporal punishment and, of these, 76 per cent endorsed beating children with belts or straps;³
- **Cameroon:** A survey of four provinces showed that 93 per cent of children were beaten at home by their father, mother or guardian and 98 per cent of pupils were beaten at school by teachers. Teachers caned children on average 1 to 5 times a week; parents did so on average 1 to 3 times a month;⁴
- **Chile:** A 1995 survey found 80 per cent of the parents of state school pupils, and 57 per cent of those in private schools, admitted using corporal punishment;⁵
- **Egypt:** A 1996 survey of children found more than one third were disciplined by beating – often with straps or sticks. A quarter of these children said this had resulted in injuries;⁶
- **Ethiopia:** A study of corporal punishment in schools found that, despite its prohibition, over 90 per cent of pupils reported physical punishment;⁷
- **Europe and Central Asia:** A survey of 15,000 children aged 9 to 17 from different backgrounds in Western and Eastern Europe and Central Asia showed that almost 6 out of 10 children reported that parents scold, insult or beat them when they “do something wrong”;⁸
- **Hong Kong:** A survey of over 1000 households in 1995 found that almost half the children under 16 had been victims of severe corporal punishment in the previous year;⁹
- **India:** A survey of university students found that 91 per cent of males and 86 per cent of females had been physically punished as children;
- **Korea:** A survey by the Child Protection Association found that 97 per cent of children had been physically punished, many severely;
- **Kuwait:** A 1996 survey of parents’ attitudes found 54 per cent agreed or strongly agreed with severe beatings “in cases of gross misbehaviour”, and 9 per cent of parents agreed with burning as a form of punishment;¹⁰
- **Pakistan:** A 1999 survey of punishment in primary schools found that children were physically punished in 78 per cent of schools. In a survey of over 4000 children, all said they had been physically punished at home;¹¹
- **Romania:** A 1992 survey found 84 per cent of parents regarded spanking as a “normal” method of child rearing; 96 per cent did not consider it humiliating;
- **Spain:** 47 per cent of Spanish parents think smacking is necessary to educate a child at any time; 2 per cent think it is frequently necessary; 27 per cent admitted beating their children three times in the previous month. There is no difference between gender or social

classes, but women are more likely to agree with the use of corporal punishment and more highly educated people appear to use it less;

- **St Kitts:** A study of the caretakers of 300 children showed 93 per cent agreeing that parents should beat their children when they misbehave;
- **UK:** Government-commissioned research in the 1990s found that three quarters of a large sample of mothers admitted to smacking their baby before the age of one. In families where both parents were interviewed, over a third of the children (35 per cent) were hit weekly or more often by either or both parents, and a fifth had been hit with an implement;¹²
- **US:** 89 per cent of a large sample of parents had hit their 3-year-old child in the previous year. About a third of 15- to 17-year-olds had been hit.

In short, across the world very large numbers of children are being physically punished by those who are charged with their care.

Research also shows that the most disadvantaged children are those most likely to be hit. A survey of over 2500 child domestic workers in Dhaka, Bangladesh showed that over 60 per cent of their employers said they were prepared to beat their young servants.¹³ "Many times weavers and *mahajons* (employers) will spit and ask the helper to lick that as punishment... There is a lot of beating in this work. Many helpers leave because they cannot bear the beatings," said boy weavers aged 9 to 15.¹⁴

Figures from the US Department of Education (Office for Civil Rights) show that, while black students comprise only 17 per cent of the US public school population, they receive 39 per cent of all school "paddlings".¹⁵ There seems to have been little systematic research on rates of corporal punishment of disabled children. But there is evidence that children with disabilities are, in some contexts, more frequently physically punished, particularly children with learning difficulties in school.

Gender discrimination is also prevalent. For example, in Nepal girls reported that they were beaten more often than boys. "If boys make a mistake often they are not beaten, but girls are beaten even without mistakes," said one young woman.¹⁶ On the other hand, in a number of societies boys are hit more frequently than girls, reflecting cultural assumptions about the behaviour and upbringing of males. For instance, in Cameroon, girls are reportedly beaten with softer objects and less harshly. "The mother often beats the boys very badly, while they beat the girls on their hands or buttocks" ... "At home, dad beats the boys more."¹⁷

Why are children physically punished?

“Adults smack children, but why don’t children smack adults? Because they’re bigger and we’re wee-er (smaller).” Northern Irish girl, aged 7

Although many societies see their methods of child rearing as special to their culture, there are common themes among the justifications for using corporal punishment which are found in many different contexts:

- Children need to learn from corporal punishment to respect their elders, learn right from wrong, obey rules and work hard. Without it they would be undisciplined
- You need it for safety: how else can you stop them from burning themselves or running into traffic?
- How children are brought up is the business of their family, not the state
- I do with my children the same as my parents did with me. They punished me and nothing bad happened
- Parents and teachers are under terrible stresses such as poverty and overcrowding. States should not ban corporal punishment until they have removed these stresses.

Most of these arguments were used until recently to defend wife-beating or domestic violence. Yet families who choose alternative approaches to discipline have demonstrated how children can be brought up safely, adopting a strong system of values, without the need for corporal punishment. This paper considers two aspects of the causes of corporal punishment in greater depth – cultural conditioning and the wider educational picture – because these are important in understanding why corporal punishment continues to carry such wide public support. These themes are therefore especially relevant to strategies for ending corporal punishment.

Euphemisms

“A smack is parents trying to hit you, but instead of calling it a hit they call it a smack.” English girl, aged seven¹⁸

Parents, as this girl points out, frequently use euphemisms to distance themselves from the reality of what they are doing, in an attempt to distinguish “deserved” punishment from abuse. So do teachers. In English, for example, smacking, spanking, cuffing, tapping, clapping,

paddling and “six of the best” are all terms that blur the fact that adults are actually hitting children.

But when we look at children’s descriptions of corporal punishment, “little taps” and “gentle slaps” are not little or gentle when you are the victim.¹⁹ A survey of young children’s views in England asked children about the mildest form of corporal punishment: “What does a smack feel like?” The answers vividly bring home the fact that if you are very small, even a “light” blow by an adult is a shocking event:

“It feels like someone banged you with a hammer.” Girl, aged five

“It hurts and it’s painful inside – it’s like breaking your bones.” Girl, aged seven

“Like someone’s punched you or kicked you or something.” Boy, aged six

“It’s like when you’re in the sky and you’re falling to the ground and you just hurt yourself.” Boy, aged seven²⁰

Here are some children describing what it is like to be beaten:

“My father makes us hold (our) ears with (our) hands between (our) legs for 10 to 15 minutes or so. Then my head aches a lot”

“When my mother is scolding me, if I answer back then she is very angry and runs after me to beat me... When I watch television my mother beats me with a stick and shoes. The stick breaks due to her beating”

“My father gets angry when I don’t sweep the house or fetch water. When my father beats me I am half dead.”²¹

“The worst time I was punished was when some girls wrote bad things in the latrine. I don’t even know who... All the teachers at once were beating us. I think I received about 20 strokes, and it was very painful, for they were beating us not only on the hands, but also on the toes, the legs, the head.” Elizabeth B, Kenya²²

‘Internalisation’ or ‘cultural programming’

Where states have outlawed corporal punishment in the home, they have done so against the majority view of parents. However, there is evidence of people’s greater willingness to change their attitude to corporal punishment in schools. For example, in Spain, corporal punishment in schools was forbidden in 1985. The law now has widespread support, but people continue to justify and defend corporal punishment at home. The reasons that are publicly accepted for banning it in schools seem unacceptable when it comes to introducing a ban within families. The internalising process makes the challenge of changing public attitudes all the greater. When people claim that

corporal punishment is traditional, cultural or backed by religious doctrine, this often masks the roots of its justification in their own personal history – the process through which it was legitimised during their childhood.

For the corporal punishment of children is a deeply personal matter to most people, who were as children usually hit by their parents, and go on to hit their own children. As a child, when the people you love and admire most in the world cause you pain, you have two choices: either to blame them or blame yourself. Most children choose the latter, and embark on a process of justifying the practice of corporal punishment:

"They beat me to love me and to educate me."

"Caning is not violence because you must beat a child when he does something wrong."

"If you don't beat in the classroom, the pupils who are big will end up fighting the teachers." (Children from Cameroon)²³

"While learning to read the Quran, if the hujur (priest) hits you (on the back and palm with a cane) then you can go to heaven." (Girl from Bangladesh)²⁴

The extent of this can be seen in an Egyptian survey of children aged between 10 and 20, which found that more than a third of them had been severely disciplined by beatings with various implements. A quarter of this group suffered physical injuries including broken bones, loss of consciousness and permanent disability. Nonetheless, the majority of children believed their punishment was deserved, and only a third felt it was cruel.²⁵ Another study of 11,600 American adults revealed that three quarters of those who had been punched, kicked or choked by their parents did not consider this to be abusive treatment.²⁶

A study in Spain revealed that children felt bad about corporal punishment and were sure it was useless. But most of them tried to excuse their parents, saying they understood why they had been punished, or that they must have done something very bad to merit such a punishment. *"I don't like that they get angry at me, but they punish me because it's best for me."*²⁷

It follows thus that some children accept and defend the use of corporal punishment. Sometimes this is because they are already starting to discipline their younger siblings, like this Laotian teenager: *"When I tell the children (my siblings) to do something, they always criticise everything. It's not right because they are younger than me. So I hit them."*²⁸ Older children are generally less likely to be hit than younger children, not least because they are approaching the size of their parents and teachers. They are also in the process of acquiring "adult" attitudes, and so they are more likely to approve of corporal punishment. Here a Zimbabwean 13-year-old anticipates being a parent: *"The first time I will talk to my children; the second time I will*

also talk to them; but the third time, if they don't listen, I will beat them up."²⁹

Children grow up within a system of values; depending on their life experiences, they may transform or internalise these values in varying degrees. It is not surprising to find children discussing how children who misbehave should be punished. The suggestions of a group from Ethiopia included "knocking, slapping, pinching and whipping... if the child was found to be vulgar they said it is good to tie and beat him up; if he or she is found stealing, it is proper to burn the fingers".³⁰ The realisation that being nice to wrongdoers is more likely to change their behaviour than being nasty is "counter-intuitive", and often the product of hard-won experience.

Nevertheless, despite the scope for internalising and passing on the practice, we find many children around the world reject the use of corporal punishment. A 1998 survey of 384 13- to 18-year-olds in the Vientiane Municipality of Lao found overwhelming rejection of the use of force to discipline children – 91 per cent against and only 6 per cent in favour.³¹ In another survey, 76 per cent of older Scottish children thought smacking was wrong.³² As one nine-year-old Scottish girl put it simply: "A big person should not hit a small person".

Even those children who support corporal punishment, like those quoted from Ethiopia, will, given time to think about it, start to question its use. The researcher involved commented:

When the teacher, students and parents in Dire Dawa are confronted in small groups with questions about what effect physical punishment has on a child's behaviour and development, you can see a tendency towards changing attitude as to the good of physical punishment. It is in the group discussions you can hear a few voices questioning the efficiency of using violence and if you actually have the right to physically punish a child.³³

Education

Corporal punishment in schools is often associated with wider, fundamental problems in the education system. Teachers are frequently poorly trained, underpaid and undervalued. Education systems in many countries treat children as if they were passive recipients of knowledge, to be lectured and forced to conform, not encouraged to question or think for themselves. And children in many contexts describe their poor school experience in terms of teachers failing to respect children – expressed as teachers using harsh language and, ultimately, physical violence against them.

This comment on education in Nepal reveals the widely held but false assumption that good performance in school requires the use of corporal punishment:

Parent pressure often results in children being subjected to corporal punishment which is meant to be an incentive for children to do better. In addition to any violence by parents to pressurise children to 'perform' they may also be pushed by teachers to perform. The main criteria for teacher supervision/evaluation systems is based on whether the curriculum has been completed and how many of the students score 'good' marks in the final exams... Failure to perform better than others in regular class work, homework and tests, under a system which is obsessed with ranking, invites frequent and systematic physical and emotional violence.³⁴

A group of 10- to 14-year-old girls from Bangladesh said: *"The teacher hits (you) on the hand and says, 'if you pull a way your hand this time then I will cut it off'... I feel very hurt when the teacher beats because of failing in examination"*.³⁵

The use of corporal punishment may also be triggered by other factors – overcrowded classrooms, untrained, overworked and underpaid teachers who vent their inadequacy and frustrations on pupils. For example, Human Rights Watch reported of Kenya:

Even for committed teachers, the ability to retain control over the classroom is diminished in the face of large classes with sometimes more than fifty students... Low salaries further reduce teacher morale, and also lead some teachers to put more energy into supplemental income-producing schemes than into teaching... administering corporal punishment to students who failed to pay for the 'extra help'.³⁶

Moreover, many parents also ask teachers to beat their children, and teachers are frequently parents themselves, who may beat their own children. Four out of five teachers in a survey in Cameroon said they caned their children at home.³⁷ Further, after being beaten for failures or misbehaviour at school, children may be beaten for the same reasons at home:

*"When the teacher complains to my mother then she also beats (me)... If I skip school and my father comes to know about it then he will also beat me, and I am scared of that"*³⁸

Perhaps the most extreme rationale for teachers' use of corporal punishment was given by a Pakistani head-teacher: "It is good for morale of teachers. They feel in command".³⁹ A British teacher expressed the sentiment even more crudely: "Banning corporal punishment would be like sending a boxer into the ring with one hand

“tied behind his back”. The implication behind these statements is that teachers are in conflict with pupils – and in some contexts, the culture of classroom violence has indeed developed to a level where older students are physically abusing teachers. But corporal punishment demonstrably feeds this culture of violence, bringing not discipline but further damaging the relationship between teachers and pupils.

The consequences of corporal punishment

“It hurts, but if you are hit a lot it doesn’t hurt and it’s like a sort of routine type of thing and it doesn’t matter.” Scottish boy, aged ten

“When they beat me I don’t change.” Boy from Cameroon

Ineffectiveness

Even if it was proved that physically punishing children was effective, would that make it any less a violation of their rights? No amount of research would alter the fact that such behaviour is wrong and a breach of human rights.

The balance of research evidence is clear. Corporal punishment has some effectiveness in securing the “immediate compliance” of children (though not necessarily more effectively than other methods). But paradoxically, this easy solution for parents and teachers is not to their long-term advantage. Children may comply with adults’ wishes immediately after being hit, but research suggests that young ones frequently do not remember why they are hit, and children will only refrain from the misbehaviour if they face an imminent threat of being hit. Corporal punishment does not help children *want* to behave, teach them self-discipline or any alternative behaviour.⁴⁰ Like the boys quoted above, children soon become hardened to experience, unless of course it is so extreme it causes serious injury.

Save the Children UK consulted children in Scotland about corporal punishment and recorded over 40 adjectives to describe what corporal punishment felt like. Children said they felt:

*“Hurt, sore, scared, upset, unloved, terrified, worried, lonely, sad, angry, alone, abandoned, afraid, cross, frightened, sick, stunned, threatened, annoyed, bad, physically abused, hateful, emotionally hurt, unhappy, terrible, ashamed, disliked, confused, embarrassed, resentful, neglected, overpowered, humiliated, grumpy, disappointed, painful, miserable, intimidated, uncared-for, unwelcome, heartbroken, bullied, depressed, worried, shocked.”*⁴¹

This list brings home to us the ineffectiveness of corporal punishment. None of these Scottish children used adjectives like “wiser” or even “sorry” to describe how they felt after being hit. Children in other countries also noted the counter-productive consequences of corporal punishment, like this Ugandan school girl:

“Parents nowadays have taken this advantage of giving extra strokes over a very small issue instead of just correcting them in a polite manner, as though the children were not theirs. You know what, children will end up hating their parents or elders.”
Angel Grace Akello, aged 16⁴²

A project in India using theatre to bring out children’s views revealed that the boys “felt that if they were made to understand, and not beaten, they would improve”.⁴³ Over 80 per cent of children polled in Europe and Central Asia strongly promoted talking as always, or often, a good solution to problems. A similar proportion deemed shouting as “never” or “rarely” a good solution, and more than three quarters said hitting is “never” a good solution.⁴⁴ When scolded unfairly, a third of all children said they keep quiet, or “*explain, but they don’t listen*”.

Two children from Bangladesh said: “*I tell my mother that if she beats me I will not go to work, but if she tells me affectionately then I will*”.

Physical injuries

As the effectiveness of corporal punishment decreases with use, so its severity must be systematically increased. Parents and teachers, as they become desensitised to what they are doing and frustrated by the diminishing returns, move from light slaps to hard blows, as we find in the prevalence studies and the words of children quoted in this paper. Children may suffer injuries arising from corporal punishment that need medical attention, leave permanent damage and even cause their death.

Evidence from different countries reflects the nature and severity of harm that can be inflicted. A questionnaire sent to 600 primary schools in the North West Frontier Province of Pakistan elicited 62 reports by headteachers of injuries arising from corporal punishment in school, including children being knocked unconscious, bleeding, broken limbs, damaged eyes and stitches.⁴⁵ A parallel investigation in the same province of corporal punishment in the home included personal accounts such as Fida’s, aged nine:

“Once my father slapped my face with full force. I felt some strange noises in my ears. Everything in the room was moving in a circle. Bleeding started from my nose and I fell on the ground...”

Or that of Ishtiaq, aged ten:

“My father hanged me upside down for playing cricket. He beat me with a stick and warned me not to go near cricket in the future...”

In Cameroon, one girl surveyed said: *“They always tie up my hands and my feet before beating me”*.⁴⁶

“I was playing with my friends at a neighbour’s courtyard. My father came and questioned me: ‘Why didn’t you fetch water?’ Then he beat me with his fist on my back and face. My arms became bluish and my nose bled. So my father and mother took me to the Save the Children health centre for treatment.” Prem Maya Paudel from Nepal, aged 9⁴⁷

“My mother requested the teacher to punish me because I had a quarrel with my brother. The teacher hung me upside down and beat me seriously. While inhaling the red pepper I vomited and was sick for one week and had to get medical treatment.” Ethiopian boy, aged 13⁴⁸

In Kenya, school pupils reported being beaten with canes more than a metre long, or more than an inch thick, or with little thorns. They were also whipped with ropes, cut-up car tyres or garden hoses, or slapped, punched or kicked. All these punishments could be inflicted anywhere on their bodies, regardless of their physical vulnerabilities. Teachers were also reported to hit harder or longer if the student cried when hit.⁴⁹

A Kenyan girl said that her teacher was very angry because some girls failed a test, so the teacher gave the girls a choice: three slaps from his hand or ten strokes with a cane. The girl chose the three slaps. He hit her face three times, very hard, leaving her mouth bloody and knocking out two teeth.⁵⁰

Such treatment is unquestionably a form of child abuse. But because child abuse has traditionally been kept in a separate category from corporal punishment, there has been surprisingly little research into the connection between the two. An American review of 66 cases of child abuse concluded that child abuse most often occurs as “extensions of disciplinary actions which at some point and often inadvertently crossed the ambiguous line between sanctioned corporal punishment and unsanctioned child abuse”.⁵¹ While it is over-simplistic to attribute violence to any one factor, it is difficult not to be impressed by the Swedish evidence: in the first decade after Sweden outlawed corporal punishment, the number of children who died as a result of physical abuse fell significantly.⁵² Over a thousand children died from abuse in the United States in one year alone, 1999.⁵³

Psychological injuries

“If I was unable to do my lessons, the teachers would hit me with a cane and pass humiliating remarks like, ‘such a big girl and she still doesn’t know how to do this’” girl from Bangladesh

Research shows many harmful psychological consequences for children who are physically punished, both in the long and short term. Evidence from five recent studies of the effects of corporal punishment on American children shows that it increases the risk of children developing major social and psychological problems such as physical violence and depression.⁵⁴

The strongest, usually unintended, message that corporal punishment sends to the mind of a child is that violence is acceptable behaviour, that it is all right for a stronger person to use force to coerce a weaker one. So it is no surprise that a major consequence of corporal punishment in childhood, increasing proportionately with its severity, is aggression and criminal and anti-social behaviour in childhood, and later in adulthood.⁵⁵

As Elizabeth Wabulya, a 17-year-old Ugandan student, wrote in an essay commemorating the tenth anniversary of the UN Convention on the Rights of the Child: *“Though many of these people (guardians, parents and teachers) punish to reform, they end up punishing to deform”*.⁵⁶

Children’s developing minds are damaged by violent treatment. Corporal punishment also takes its toll of children’s long-term mental health and happiness. Research findings point to a correlation between corporal punishment and depression, to low self-esteem, negative psychological adjustment and poor relationships with parents.⁵⁷ One research study, on the Caribbean island of St Kitts, examined whether the cultural acceptability of corporal punishment reduced its negative effects. It found that children who regarded beatings as an acceptable method of upbringing were psychologically harmed just as much as those who did not.⁵⁸

Children’s comments on how they feel after being physically punished vividly bring home to us the effect on their self-esteem:

“It makes you don’t like the way you are.” Spanish child

“I hate being kicked. I don’t mind pain but feel humiliated.”
Pakistani child

“You feel anger and feel as though you have no self worth.”
Scottish girl, aged ten

“When I think of how my dad beats me, it makes me tremble.”
“14-year-old boy

"I always tremble in front of my teacher." Boy from Cameroon

"I really wish to love my parents but I don't succeed; they beat me too much." Child from Cameroon

Here children express their feelings of sadness and helplessness when being punished by beatings:

*"When master (teacher) hits me with a stick I feel like snatching the stick from his hand and hitting him back..."*⁵⁹

"It is very difficult to please bibi saheb. For slightest mistake she will slap me (on the cheek or back) or hit me with a stick and scold me. I never tell my mother that I get hit by my employers because then she will feel miserable. So I just cry and keep the sadness within me" Tuli, 7 year old domestic worker from Bangladesh

Shame and humiliation, when beaten in front of peers or strangers, and a feeling of injustice when not being listened to are clearly expressed by these children:

"I feel bad when my mother beats me without understanding the situation... I feel bad when my mother beats me based on what others have complained against me without asking me... I feel bad when I get beaten despite doing the work..."

"When I get beaten or verbally abused in front of guests I feel very ashamed... It is still OK if they (employers) are abusing me when no one is around, but why in front of everyone?" Girl domestic workers aged 9-14, Bangladesh

When girls were asked to compare the work they were doing with other kinds of occupations available to girls their age, they explained that they preferred chipping bricks than working as domestic helpers, as they felt that domestic helpers were verbally and physically abused in other people's homes. *"Parents feed us, they can also beat, but getting beaten in other people's home we can't bear."*

"The best thing about (domestic) work is to get money and also gifts during Eid. The worst is to be beaten, verbally abused or accused of stealing, especially in front of outsiders."

Most of the girls interviewed in Bangladesh said one of the worst things about going to school is that *"teachers put us to shame when unable to do a lesson"*. (Many reported being beaten for arriving at school late, often because they had not finished their household chores). *"It's a shame when you get beaten and also fail in the class; all the classmates come to know about it"*⁶⁰

Corporal punishment does not include punishment that solely causes emotional pain, although corporal punishment invariably includes an element of emotional punishment because it humiliates children, invades their personal integrity and underlines their perceived inferiority. We recognise that there are other punishments that are just as damaging as corporal punishment. Although this paper is not about these punishments, any initiative to end corporal punishment should always make clear that it condemns other forms of humiliating or degrading punishment.

Damage to children's education

“Even light corporal punishment does not help children learn. Teachers tell students that beating will make them learn and do well in exams. With me, I just wait with fear in the classroom – so even I cannot communicate. I just have fear when the teacher is teaching. I am worrying that he will beat me. I cannot learn that way.” Kenyan boy, aged 17

School corporal punishment has been abolished in many countries but is seen as an essential tool in a great many others. Surveys and case stories suggest that pupils in developing countries may suffer extraordinarily severe punishments. For example, the Ethiopian students described being forced to smoke red pepper, which causes coughing and vomiting, being made to contort the body into shapes which cause fainting and nosebleeds, and having their heads thrust through the backs of school chairs while being whipped.⁶¹ Pakistani primary school headteachers admitted slapping, beating, kicking, punching, pulling hair and ears, forcing pupils into humiliating and painful contortions, making them stand in the sun and making pupils slap each other continually.⁶²

When a group of children working as weaver helpers in Bangladesh were asked what they felt about school, those children who had never been to school said that one good thing about it was that no one beat you there. When asked about the bad things about school, the children who had been to school said: *“I don't like getting beatings from the teachers”*. The *“bad things with school” reported by 10- to 14-year-old boy porters in Dhaka were: “We are scared of the punishments... If we don't know a lesson sir (teacher) will make us into a murga position (rooster) for half an hour and if we let go of our ears for some time he will hit us with a cane... If our nails are dirty sir will hit us on the nails with a cane or a ruler... If I don't do my homework I am scared of being beaten...”*⁶³

Children frequently cited corporal punishment as a reason for dropping out of school, alongside factors such as poverty and gender discrimination. Here an Ethiopian student describes how his teacher

punished him in front of the other students by putting a pencil between his fingers and squeezing his hand.

*“It was not the pain that hurt me, but the feeling of humiliation I underwent when my classmates laughed at me. That was the last day for me to be at the gate of that school.”*⁶⁴

As a Zimbabwean girl observed: *“I know some teachers who beat children to make them work harder, but beating is not right. Children will not come to school if they are beaten.”*⁶⁵

Research shows that Kenyan children, left with little remedy against corporal punishment,⁶⁶ in many cases respond to injuries and severe punishment by transferring from abusive schools, or by dropping out of school altogether.⁶⁷

Even less severe forms of corporal punishment damage children’s education. Children learn through exploring, questioning, trying things out; they need the freedom to experiment, to think for themselves, to take risks. Where discipline is maintained through fear, all these preconditions for successful learning are lost.

Teachers justify corporal punishment as being for the good of the pupils, improving discipline and learning. But there is no evidence that the absence of corporal punishment leads to poor scholarship or out-of-control pupils but quite the reverse. Examination of the school records of corporal punishment reveals that it is often the same pupils who are repeatedly beaten for the same offences. A UK Government inquiry into discipline in schools shortly after the UK banned school corporal punishment found that there was no evidence of corporal punishment being an effective deterrent, but rather that:

Standards of behaviour tended to be worse in schools which made more frequent use of corporal punishment when differences in the nature of their catchment areas had been taken into account. The argument that corporal punishment reduced the need for other sanctions is also not supported by the evidence. One study found that schools which used corporal punishment more frequently also tended to exclude pupils more frequently.⁶⁸

Fundamentally, corporal punishment would be inconceivable within any education system that was genuinely based on the rights of the child. An education system that supported teachers to build a relationship of trust with children, enabling children to question, challenge, analyse and learn for themselves and encouraged equal respect for each other, would have no place for corporal punishment, which can only undermine the very basis of this approach to teaching and learning.

Consequences for parents and society

People usually think that the effects of corporal punishment only apply to the children who experience it, but parents and society are affected, too. Many parents use corporal punishment because they have no other resources to solve the conflict, and then they feel bad that they have done it.⁶⁹ Guilt and violence perpetuate the difficult family contexts that led to the conflict in the first place.

Corporal punishment also helps to perpetuate an inter-generational cycle of violence in societies. For instance, of more than 103 teachers in Cameroon who admitted caning their students, 99 affirmed that they had themselves suffered violence as children and pupils.⁷⁰ A nationally representative sample of American parents showed that the more corporate punishments these parents had experienced, the greater the probability, in bringing up their own children, of engaging in physical attacks on children.⁷¹

A violation of children's human rights

“Children are people the same as us, so we have to discipline them by speaking to them, not hitting them.” Laotian boy, aged between 16 and 18⁷²

“I liked very much my rights. The one I like the most is not to get raps with knuckles from my parents when I am a bad or a good boy depending who says so, me or my parents.” Spanish boy, aged 11

The worldwide use of corporal punishment seems to contradict the fact that children are “people the same as us”, humans with human rights. People justify behaviour towards children that they would never justify for themselves as adults, such as beating someone when they behave in an undesirable way. In fact, adults hit children because they can do it and many societies accept and support it, but corporal punishment ends when children grow up, when abuse of power is no more acceptable.

Historically, it seems that children will be the last group to be protected in law from corporal punishment. In previous eras the beating of wives, servants, prisoners, soldiers and slaves was legal and socially acceptable. Now there are few countries where such practices are lawful, even though they may continue unlawfully. Only where children are concerned do we seem blind to their rights as fellow human beings.

The UN Convention on the Rights of the Child 1989 (UNCRC) explicitly protects children from all forms of physical violence (Article 19) and from inhuman and degrading treatment or punishment (Article 37). It requires school discipline to be “consistent with the child’s human dignity and in conformity with the present Convention” (Article 28.2). In view of the

damage that corporal punishment can do to children's attendance and learning experience, it can also breach Article 28, which enshrines children's right to receive primary education (Article 28.1.a) and requires states to take measures to encourage regular attendance at school and reduce drop-out rates (Article 28.1.e). Moreover, as Kenyan children reported, children are sometimes beaten by teachers if they use the language they speak at home, rather than the official language of the education system. In such cases, corporal punishment infringes the rights of children to use their own language and receive respect for their cultural identity.⁷³

The four "general principles" of the UNCRC can be seen to exclude the possibility of corporal punishment. Article 2, the principle of non-discrimination, is relevant to the many circumstances in which specific groups of children suffer corporal punishment while others are protected. Article 3, which states that the best interests of the child shall be a primary consideration in all actions concerning the child, is incompatible with a practice that has been shown to be against the interests of children. Article 6, the right to life and maximum possible survival and development, is breached whenever children are killed, permanently harmed or stunted in their development because of corporal punishment. Article 12, the right of children to be heard and have their opinion given due weight, is plainly disregarded when brute physical force is used to control them, rather than listening, respect, reason, example and guidance.

Other human rights treaties include children within their scope, and some extend children's rights beyond the UNCRC. For example, the International Covenant on Civil and Political Rights guarantees that: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law" (Article 26, reflecting the same principle as Article 7 of the Universal Declaration of Human Rights). Therefore any domestic legislation which protects adults from all forms of assault, but not children, is in breach of this fundamental human right.

The united voice of human rights bodies

The Committee on the Rights of the Child is acknowledged as the leading voice against all corporal punishment of children, including its mildest forms and within the private sphere of the family. The Committee has recognised that corporal punishment is not just a straightforward violation of children's rights under the UNCRC, but also that it is not a "trivial" matter. If adults are entitled to hit children, then children's rights to physical integrity and to equal respect as individuals are consequently breached and exposed to further invasions. Therefore even mild corporal punishment represents a profound invasion of rights and a fundamental discrimination against children.

The Committee is also to be commended for the consistency of its message on this issue to over 110 reporting states. All countries, developed and developing, whatever their dominant religion or political system, have been criticised for allowing any form of corporal punishment. The Committee has made it clear that although the UNCRC actively upholds both parents' rights and religious and cultural freedom, these rights and freedoms must be exercised within a framework of human rights.⁷⁴ In its General Comment on Article 29, the Aims of Education, the Committee affirms that:

The Committee has repeatedly made clear in its concluding observations that the use of corporal punishment does not respect the inherent dignity of the child nor the strict limits on school discipline.⁷⁵

Other human rights treaty bodies – the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture – have also condemned various aspects of the corporal punishment of children, particularly in schools and institutions.⁷⁶ For example, a recent General Comment on the Right to Education by the Committee on Economic, Social and Cultural Rights confirmed that:

Corporal punishment is inconsistent with the fundamental guiding principle of international human rights law enshrined in the Preambles to the Universal Declaration of Human Rights and both Covenants: the dignity of the individual. Other aspects of school discipline may also be inconsistent with human dignity, such as public humiliation.

Nor should any form of discipline breach other rights under the Covenant, such as the right to food. A State party is required to take measures to ensure that discipline which is inconsistent with the Covenant does not occur in any public or private educational institution within its jurisdiction. The Committee welcomes initiatives taken by some States parties which actively encourage schools to introduce 'positive', non-violent approaches to school discipline.⁷⁷

National Supreme or High Courts, for example in India, Israel, Italy, Namibia and South Africa have also found that corporal punishment is a breach of rights, notwithstanding domestic laws upholding its use.⁷⁸ Thus the Italian Supreme Court held:

In any case, whichever meaning is to be reassigned to this term in family and pedagogic relationships, the use of violence for educational purposes can no longer be considered lawful. There are two reasons for this: the first is the overriding importance which the legal system attributes to protecting the dignity of the individual. This includes 'minors' who now hold rights and are no longer simply objects to be protected by their parents or, worse still, objects at the disposal of their parents. The second reason is

that, as an educational aim, the harmonious development of a child's personality, which ensures that he/she embraces the value of peace, tolerance and co-existence, cannot be achieved by using violent means which contradict these goals.⁷⁹

Parents' rights, children's rights and state responsibility

Children are physically, emotionally and economically dependent on parents or caretakers. All societies and all human rights treaties recognise parents' and caretakers' rights and responsibilities to care for and socialise children, and it is these adults who usually claim children's rights for them – for example, to education, health or justice – often with great courage and against the odds. But when it is the parents or caretakers who are violating rights then children may have great difficulty in claiming them. Parents are often outraged at the suggestion that parents should not hit their children, seeing it as an invasion of their rights – and often they receive wide support in this belief. The family is considered to be a “private zone” and children a possession of their parents.

Here Owen Piano, a 10-year-old boy on a commercial farm in Zimbabwe, describes this particular plight of childhood:

“I have stolen meat which was cooked in the pot. I have stolen the meat because I was too hungry... My mother saw me eating it. I was sitting by the kitchen door. When I saw her, I couldn't run away, and she caught me and beat me a lot. After I was beaten my father arrived and my mother told him. He became very angry and beat me. Then I ran away to my aunt's home. But my aunt sent me back home and my father beat me again. Then I ran away to my uncle's home and I told him what had happened. My uncle then took me home. He complained to my parents, and they did not beat me again that day.”

Children may not be able to get help easily and, by their situation, are generally not in a position to challenge such violations of their rights. While governments are quite reasonably cautious about interfering in the private lives of citizens, this does not allow them to ignore or condone violations of rights that are perpetrated within families or relationships.

Indeed, the Human Rights Committee, referring to states' obligations regarding the right to non-discrimination, declared that the International Covenant on Civil and Political Rights (Articles 2 and 3) mandates states parties to take all steps necessary to put an end to discriminatory actions both in the public and *the private sector* which impair the equal enjoyment of rights.⁸⁰

The Inter American Commission on Human Rights⁸¹ also confirmed that the state responsibility is engaged in case of its *lack of diligence* to prevent, investigate and punish human rights violations by private actors (the so-called “due diligence” test). The state’s responsibility is hence engaged either by its support of and acquiescence to unlawful acts perpetrated by private actors, or by its failure to prevent and punish them.

In particular with regard to corporal punishment, in the case of *A v. the United Kingdom*, the European Court of Human Rights (ECHR) found that the UK had violated Article 3, which prohibits torture and inhuman or degrading treatment or punishment, when it failed to protect a nine-year-old boy beaten with considerable force by his stepfather, using a garden cane. The court found that the European Convention on Human Rights (Article 1, read together with Article 3), requires states to take measures designed to ensure that individuals within their jurisdictions are not subjected to inhuman or degrading treatment or punishment, even when it is administered by private individuals.⁸²

How do we end corporal punishment?

“The children... felt that a simple message saying, ‘stop corporal punishment’ would get them nowhere. The message has to be different. A story should try and show how motivation works – how to deal with really naughty children in class. One of the children felt that if the good children were rewarded for their behaviour the bad ones would improve themselves. The arguments need to be strong because most of the adults think that children should be beaten.”

Indian children planning a drama about school corporal punishment⁸³

A definition

“A smack is parents trying to hit you, but instead of calling it a hit they call it a smack.” English girl, aged seven⁸⁴

Some countries have chosen not to try to define or distinguish corporal punishment from violence and abuse. Sweden, the first country in the world to ban corporal punishment completely in 1979, did not define the concept in its new legislation. It simply introduced a new clause in the Parenthood and Guardianship Code: “The child may not be subjected to corporal punishment or other injurious or humiliating treatment”. No amendment has been found to be necessary in Sweden, and most laws in other countries do not further define the term. The matter seems straightforward enough: corporal punishment of children is any punishment in which physical pain or discomfort is caused to the child.

Nonetheless, the question of defining physical or corporal punishment raises some important points.

Abuse and punishment

The use of words such as a good spanking, whooping and licking are used instead of 'hitting'. They signal that hitting children is an approved disciplinary strategy. Consequently, child maltreatment professionals may have to insist on terms such as 'hitting' and 'physically attacking', which condemn rather than support such behaviour by parents, just as we found it necessary to rid our culture of terms that implicitly justify inequality between races and between men and women.⁸⁵

Some states have legislation prohibiting cruelty and the abuse of children through criminal laws of assault. Where corporal punishment of children is permitted in law it is often through a defence to assault called "reasonable chastisement". In the case of the UK, if the chastisement of a child meets the legal definition of significant harm it becomes an assault and child abuse.

People who defend the use of corporal punishment are usually keen to distinguish between it and child abuse. Parents and teachers who inflict corporal punishment, even extremely violent and injurious punishment, most often have an educational motivation and appear to believe that punishment is in the best interests of the child. This is largely because the societies they live in do not yet perceive corporal punishment in child rearing and schooling as abusive, or even violent.

But light slaps and heavy beatings lie on the same continuum of physical assault. And as the Committee on the Rights of the Child has pointed out, it is not possible for states to draw a line between abuse and corporal punishment with "reasonable" punishment on the one hand, and unacceptable abuse on the other.⁸⁶

Pro-spankers have defined "non-abusive physical punishment" in the following terms: "an occasional, non-impulsive, open-handed smack to buttocks or extremities of children aged between two and seven".⁸⁷ Brief consideration of this distinction between physical abuse and corporal punishment reveals the absurdity of the exercise. For example, many people say that corporal punishment ritualistically imposed is considerably more damaging to the child than the "impulsive" smack; paediatricians will point to physical harm caused by blows to extremities (damage to fingers and hands, or top-heavy toddlers toppling over when struck on the legs). The definition also ignores the fact that a "non-abusive" blow sends the anti-social message to the child that hitting is a good way to learn and resolve conflict.

The attempted definition also brings home the fact that many forms of corporal punishment now inflicted on children are indisputably abusive, since in every country children are hit repeatedly, or impulsively, or with implements or fists, are injured, or are under the age of two and so forth.

Cruel, inhuman treatment and torture?

The violence of corporal punishment often raises the question: is it cruel and inhuman treatment or even torture? The appalling pain suffered by many children, and the severity of their injuries, would in other situations plainly be defined as torture.

According to the European Court of Human Rights, for treatment to be inhuman it must be intended to cause "severe suffering, mental or physical, which in the particular circumstances is unjustifiable".⁸⁸ The prohibition of torture and inhuman treatment has been interpreted by the European Court as "relating not only to acts that cause physical pain but also to acts that cause mental suffering to the victim".⁸⁹

The term "severe" leaves scope for interpretation; for instance, the pain of a child can be, under equal circumstances, higher than the suffering of an adult. The European Court of Human Rights' caselaw consistently maintains that ill treatment must reach a minimum level of severity if it is to fall within the scope of Article 3 (inhuman treatment). But it also shows that assessment of this minimum is relative: it depends on all the circumstances of the case, such as the duration of the treatment, its physical and/or mental effects, and in some cases, the sex and age of the victim.⁹⁰

In *A v. UK*, the Court confirmed that a boy severely beaten by his stepfather had suffered inhuman treatment. In the *Tyrer* case, the court found that the birching of a 15-year-old boy constituted degrading treatment: "His punishment, whereby he was treated as an object in the power of the authorities, constituted an assault on precisely that which it is the main purpose of Article 3 (prohibiting cruel, inhuman and degrading treatment) to protect, i.e. dignity and physical integrity".⁹¹ The court reinforced Article 3 as a non-derogable standard, in the application of which no national adjustment may be made to take account of local sensibilities.⁹²

The Committee against Torture has clearly indicated that corporal punishment is incompatible with the provisions of the Convention against Torture. The committee stated that one of its principal areas of concern was "the continued use of corporal punishment, the application of which the Committee considers to be degrading and inhuman treatment".⁹³ On other occasions, the Committee has criticised the use of judicial and administrative corporal punishment.⁹⁴

The Human Rights Committee has held that corporal punishment is a form of cruel, inhuman, or degrading treatment."⁹⁵

In his 1997 report to the Human Rights Commission, the Special Rapporteur on Torture wrote: "Corporal punishment is inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment enshrined, *inter alia*, in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".⁹⁶

Yet, parents or teachers sometimes impose other forms of punishment, other than physical violence, which can also amount to inhuman or degrading treatment, such as hard physical labour. For instance, Kenyan pupils reported being obliged to dig pits (mainly boys), run for long distances, uproot tree stumps, slash long grass, kneel in front of the classroom for lengthy periods and clean latrines covered with urine and faeces without protective gloves, cleaning materials or running water (mainly girls). Pupil considered digging to be particularly degrading, "*as a kind of slavery*". A Kenyan girl said: "*(Washing the latrines) is not good, I am thinking you can get diseases from it*".⁹⁷

Legal reform and public education

We are now seeing countries deliberately setting out to change their attitudes to children and punishment. It should be noted that none of the ten countries that have outlawed all forms of corporal punishment of children (Austria, Croatia, Cyprus, Denmark, Finland, Germany, Israel, Latvia, Norway and Sweden) did so in response to popular demand. They accepted their obligation to create a society respectful of the rights of all its members, including those without a vote, rather than submit to prevailing public opinion. The law then acts as an educational tool to change that opinion, and cultural attitudes towards children generally, within the country.

Children and governments recognise that getting rid of corporal punishment is not an easy task, and that multiple strategies are needed. When Sweden outlawed all forms of corporal punishment the government did not just pass the necessary reform: "It took vigorous action to publicise the new law. It initiated and funded an information campaign on television and in other mass media. Information was printed on milk cartons and a brochure titled *Can you bring up children successfully without smacking and spanking?* was distributed to all households with children and translated into English, German, French, Spanish and various other languages".⁹⁸ As a result, three years after the ban, 99 per cent of Swedes knew about the law – "a level of

knowledge unmatched in any other study of knowledge about law in industrialised societies”.⁹⁹

Governments should understand that corporal punishment will not disappear of its own accord or through energetic public education campaigns while laws continue to sanction the practice. It is possible to be cynical about the power of legislation to change people’s behaviour, particularly if there are few sanctions or enforcement measures. However, if adults are permitted in law to administer “reasonable” corporal punishment and there is no explicit ban, then any educational measures will be fatally undermined. But equally, governments must recognise, as Sweden did, that law reform is not enough – parenting and teachers’ attitudes will not change just because a parliament tells them to.

New attitudes to children

The Indian children (quoted on page 20) also recognised that, if corporal punishment is to be abandoned, then adults will need to learn different ways of relating to children.

Some people argue that it is wrong to discuss “alternatives to corporal punishment” because this loses the point that corporal punishment is a fundamental breach of human rights – just as it would be wrong to discuss “alternatives to torture”. While this may be theoretically correct, the practical evidence is that most parents, caretakers and teachers are desperately interested in knowing how to discipline children without violence. They do not like hitting but in many cases they see no alternative.

This is why it is fundamental to improve parents’ access to educational tools and resources. It is also important to generate debate from a positive perspective, avoiding blame and guilt. Parents must be aware that corporal punishment is neither their right (it is actually children’s right not to suffer it), nor is it justified by their parental responsibility to educate and thus discipline their children. And that it is a measure which cannot be justified under any circumstance.¹⁰⁰

Two main points are usually made by those producing educational materials.

The first is that giving up corporal punishment does not mean giving up discipline: children need clear limits and guidance on what is right and what is wrong, and abandoning the short-cut of violence is likely to produce better disciplined children. Parents need to see clearly that there is always an alternative, and this can be found if corporal punishment is no longer considered as a possible tool for meting out discipline. People who work or live with children all day, and who do not

use corporal punishment, have clearly understood this point: corporal punishment is not an option.

The second is that, while of course there is a range of alternative punishments available, the real trick is to adopt a different approach that acknowledges children's evolving capacities and affirms children's good behaviour rather than punishes their bad behaviour. A recent pamphlet by the Swedish government commented on research comparing child rearing in Sweden, Canada, Iran and the Cook Islands which showed that: "Mothers in the other countries found their children disobedient more often than the Swedish mothers did and considered their disobedience to be deliberate and serious. It therefore had to be corrected. The disobedient child must be managed. As Swedish mothers were patient and did not feel their children were disobedient very often, they did not see any need for authoritarian methods of upbringing... If children are regarded as troublesome, deliberately bad and disobedient, this augments the risk of parents resorting to corporal punishment as a means of correction".¹⁰¹

A vital component of a new attitude to children is involving children themselves in finding solutions to difficulties. Schools and education systems that respect children as partners and collaborators, rather than passive receptacles or potential trouble-makers, will find that they become more peaceful and productive. Similarly, families where children are not treated as possessions but as individuals with a contribution to make are more likely to be freed from a lot of non-constructive conflict. States are now obliged to ensure that children's views are given due weight (under Article 12 of the UNCRC), and listening to children may lead us to effective ways to end corporal punishment. Already we are finding that children's expressed views about what corporal punishment feels like puts an end to much adult self-deception about the practice.

As the researcher in Ethiopia noted (see page), when one starts to think and talk about corporal punishment then one starts to see how unproductive and wrong it is. Because it is so deeply entrenched in people's social attitudes and psychological make-up, debate, argument and reflection seem essential. This may be particularly important if there is a religious dimension. Some religious texts include ambiguous statements about corporal punishment, or traditions supporting its use, that adherents need to explore and discuss.

So as well as practical education programmes for parents and teachers, states should be encouraging widespread debate on broader aspects of the subject – what we want from our children, how they best develop, where violence comes from and how we can move towards more friendly societies.

Below are a few examples of effective initiatives taken:

The Gulbenkian Foundation has drawn up some key principles for such an approach in *Children and Violence*, Report of the Commission on Children and Violence, convened by the Gulbenkian Foundation, November 1995

These are key extracts from the report:

Principle One

Expectations of, and demands made on children, should realistically reflect their maturity and development.

Everyone recognises that almost all small children *want* to behave well (because adult approval is important to them) and that when they do not, it is usually because they have not understood what is wanted of them, or the behaviour demands developments they have not yet achieved.

Principle Two

All discipline should be positive and children should be taught pro-social values and behaviours including in particular non-violent conflict resolution.

Negative discipline takes violence in the relationships between adults and children for granted by focusing on "bad behaviour"; expecting it; watching out for, and punishing it. In contrast positive discipline leaves violence on the sidelines by focusing on "good behaviour"; expecting it, making sure it is modelled, understood and achievable, and rewarding it.

The more a child is felt to be good about herself, the more she will want to be good. The more she is humiliated, made to feel stupid or tiresome, wicked or helpless, the less point she will see in trying to please. When children's behaviour is unacceptable, adults criticise the behaviour but not the child: "your noise is giving me a headache", not "you make me ill".

Being smacked, spanked or locked up sets an example to the punished child of violence successfully used by a larger person to impose his or her will on somebody smaller, as well as arousing feelings of anger and humiliation that are liable to be released in aggression.

Adults recognise that punishments do not evoke remorse but a fight or flight reaction to being hurt. A smacked child may long to hit back or to run away, he or she is unlikely to do better next time.

Children who are hurt and humiliated by adults (against whom they dare not retaliate) may seek to restore their self-esteem and feel powerful and big by bullying smaller children, and perhaps by other forms of disruptive, violent and delinquent activities.

Punishing children is ineffective because it is impossible to make children feel like being good if they are told they are bad, to help them control anger by aggressive behaviour, to teach them to be gentle by being rough or to reform "attention seekers" by ignoring them.

Rewards do not have to be consumer items. Anything that makes a child feel good serves as much for self-esteem as the sweets and treats that stand for them.

It is up to adults to balance cakes and toys with hugs, praise, gold stars or whatever constitutes the "feel-good factor" in their particular group.

If most of adults' attention is devoted to children who are being disruptive, anti-social or violent, leaving better behaved children ignored, anti-social behaviour and violence is likely to escalate because many children will choose angry attention over none at all.

Discipline should always be positive and punishment should never be retributive.

Principle Three

Non-violence should be clearly and consistently preferred and promoted.

Principle Four

Adults should take responsibility not only for protecting children from violence done to them, but also for preventing violence done by them.

Educate, do not punish: The Spanish campaign aimed at ending corporal punishment

The campaign aims to create debate and increase knowledge of positive alternatives to corporal punishment. It has three key themes:

- Awareness-raising among parents and the public about the negative consequences of corporal punishment;
- Promoting positive and non-violent educational approaches;
- Encouraging children to know and defend their rights.

The two key activities are training and awareness-raising. Over 10,000 adults and 5,000 children have attended training courses all over the country. Training manuals are available both for professionals who work with parents and for those working with children. A comic has been produced to raise children's understanding of their rights.

Even where the issue is seen as controversial, we want to give a positive perspective. The purpose of the campaign is to change parents' thoughts about their children's upbringing: instead of punishing, to encourage; instead of correcting, to reinforce; instead of pointing out behaviour which is wrong, to emphasise the good behaviour.

The campaign was launched by Save the Children Spain, in association with Unicef, and the two most relevant Spanish parents' associations (CONCAPA and CEAPA). There are now 70 organisations and public institutions involved in the campaign, including the Ministry of Social Welfare.

E-mail contact: Pepa Horno Goicoechea or Ana Santos Nañez:
Castigo@savethechildren.es

Protecting Children – Supporting Parents

In England, Northern Ireland, Wales and Scotland, Save the Children UK is working in partnership with hundreds of NGOs under the campaign banner 'Children are Unbeatable'. The aim of the campaign is to strengthen UK child protection law by removing the legal defence of "reasonable chastisement" in child assault cases, giving children the same protection from assault as adults. The campaign also calls for the government to lead on a national public education and awareness campaign - to "move parents on from smacking".

Save the Children has gathered children's views on "smacking" from across the UK, and these have been published and submitted to government departments, as a contribution to the public consultation undertaken following the European Court case *A v. UK*.

The children's views are compelling. Their messages include:

- It's like very hard hitting and it hurts you
- A smack is when people hit you and it stings and I cry
- It's parents trying to hit you, but instead of calling it a hit they call it a smack
- It feels like someone banged you with a hammer
- I don't really want to do it (when I grow up) so the child doesn't do it to other people
- It makes you feel sick... because it breaks your heart.

Children themselves, through the Article 12 Group, organised a children's petition delivered to the Prime Minister following a children's rally in Parliament Square, London.

Save the Children has been running workshops and programmes on non-violent behaviour management for professionals, parents and carers for many years, helping them to gain an understanding of children's rights to their physical integrity, yet being able to manage their children's behaviour with non-violent strategies, in a no-blame culture. Workshops have been held in family centres, parent and toddler groups, childminder training courses and with student nursery nurses, health visitors, etc.

Save the Children UK has also published:

We can work it out: parenting with confidence, a training pack for those working with parent groups, which includes a free parent booklet that can also be distributed separately to parents. The parent booklet can be fully accessed by parents on SC UK's website at www.savethechildren.org.uk/onlinepubs/workitout/

Let's work together: managing children's behaviour is a training pack for those who work with other people's children, e.g., childminders, nursery workers.

Save the Children Sweden was active in the campaign in Sweden during the 1970s, which led to the first anti-smacking law in the world, and has continued to support initiatives to end corporal punishment in other countries.

“Raising children with affection” has been the main message of a Save the Children Sweden supported campaign against corporal punishment in **Central America**. The campaign started 1996 in Nicaragua, El Salvador and Guatemala, and was expanded to include Honduras, Costa Rica, Panama and Mexico in the following years. The main objectives were to:

- raise awareness among the adult population about the use of corporal punishment
- present alternative methods of raising children based on non-violence
- endorse a culture of respect for children’s rights by promoting positive values, based on respect and equality
- promote development of public policy against corporal punishment
- unite and strengthen national and regional networks working on children’s rights.

A technical, sub-regional committee has coordinated the campaign with NGO national committees in each country. Over a hundred NGOs in the region have participated in the campaign.

E-mail contact at SCS’s office in El Salvador: Ana Lorena Orellana, Ana.Lorena@scs.org.sv

Save the Children Sweden’s programme in **Ethiopia** has supported a campaign against the use of corporal punishment in schools, in partnership with the Ethiopian Psychologists Association, the Educational Researchers Association, Teachers’ Union and Child Rights’ clubs.

The overall objective of the campaign is that the government gets to recognise the extent of corporal punishment and its effects on children, and take appropriate actions, in particular training on educational alternatives to corporal punishment.

Through participatory action research, including students, and a nation-wide survey, the prevalence of the problem was documented and made visible. Main activities have been: dissemination of information material among schools, seminars for teachers, educational administrators and curriculum developers and strengthening child rights clubs within schools.

Achievements so far have been that two provinces have taken a strong stand against corporal punishment, a strict follow up by supervisors of the implementation of the ban of corporal punishment within the education system, alternatives to corporal punishment are now included in teachers’ training curricula and the Ministry of Education has issued new directives to Heads of Education Bureaux in the regions to implement the MoE’s ruling prohibiting corporal punishment.

E-mail contact: SCS’s office in Ethiopia, Tibebe Bogale, tibebe.bogale@swedsave-et.org

Recommendations for action

Save the Children again congratulates the Committee on the Rights of the Child for the energy with which it has pursued the global phenomenon of corporal punishment, consistently bringing home to ratifying states the fact that it is a fundamental violation of children's human rights and suggesting practical measures for its elimination.

The following are Save the Children's proposals for action by **states** for the rapid elimination of all forms of corporal punishment.

All states should adopt a time-bound Plan of Action to:

- Research the existence and extent of corporal punishment of children in the home, in schools and in all forms of daycare establishments;
- Identify the causes underlying the use of corporal punishment;
- Review existing legislation to ensure the effective prohibition of corporal punishment and other inhuman and degrading treatment in the home, in schools and in all forms of daycare establishments;
- Review complaints procedures and remedies for children who suffer violent treatment or punishment in the home, in schools and in all forms of daycare establishments;
- Investigate complaints and exercise disciplinary procedures, dismissal or prosecution of teachers who inflict corporal punishment;
- Ensure that legal reforms are implemented throughout the education system, with the help of clear policies prohibiting corporal punishment and clear guidance on handling classroom situations;
- Ensure teachers and school leaders receive in-service training on children's rights, specifically the right to physical integrity and human dignity, and on alternative methods to corporal punishment;
- Include children's rights within the school curriculum, in particular the right to physical integrity and protection from all forms of violence;
- Identify key stakeholders within the community and stimulate the collaboration of children, parents, the media, teachers and community and religious leaders in generating wider awareness-raising debates;
- Ensure the development of parenting education courses, information and materials on child-rearing practices and positive, non-violent forms of discipline.¹⁰²

Recommendations for the **United Nations:**

- The UN Special Rapporteur on Torture should include corporal punishment of children in schools, daycare establishments and homes within its scope when monitoring cruel, inhuman or degrading treatment
- The UN Special Rapporteur on the Right to Education should investigate the use of corporal punishment in schools and its impact on children and on the right to education.

Key Save the Children contacts on corporal punishment

Save the Children Spain: Pepa Horno Goicoechea –
castigo@savethechildren.es

Save the Children Sweden: Annika Malmberg –
annika.malmberg@rb.se

Save the Children UK: Daniela Baro – d.baro@scfuk.org.uk

September 2001

- ¹ Vanuatu Initial Report to the Committee on the Rights of the Child, CRC/C/28/Add.8, paragraph 49
- ² For details see www.endcorporalpunishment.org
- ³ Monica A Payne, 'Use and abuse of corporal punishment – a Caribbean view', in *Child Abuse and Neglect*, Vol 1, pp. 389-401, 1989
- ⁴ *Enquete sur les violences educatives faites aux enfants dans les familles et a l'ecole primaire au Cameroun*, Unicef/EMIDA, Yaounde, Cameroun, December 2000
- ⁵ Nelson A Vargas et al, 'Parental attitude and practice regarding physical punishment of school children in Santiago, Chile, in *Child Abuse and Neglect*, Vol 19, pp. 1077-1082, 1995
- ⁶ Youssef et al, 'Children experiencing violence I: Parental use of corporal punishment; Children experiencing violence II: Prevalence and determinants of corporal punishment in schools', in *Child Abuse and Neglect*, Vol 22, No 10, pp. 959-985, 1998
- ⁷ *Spare the rod and spoil the child: a survey on attitudes towards physical punishment among Ethiopian students, parents and teachers*, Radda Barnen, 1998
- ⁸ *Young voices, main findings: opinion survey of children and young people in Europe and Central Asia*, Unicef, May 2001

-
- ⁹ Catherine So-kum Tang, 'The rate of physical child abuse in Chinese families: a community survey in Hong Kong', in *Child Abuse and Neglect*, Vol 22, No 5, pp. 381-391, 1998
- ¹⁰ Qasem et al, 'Attitudes of Kuwaiti parents towards physical punishment of children', in *Child Abuse and Neglect*, Vol 22, No 12, pp. 1189-1202, 1998
- ¹¹ *Corporal punishment in primary schools of North West Frontier Province, Pakistan and Children's perception of physical abuse at home in North West Frontier Province, Pakistan*, NGOs Coalition on Child Rights/Unicef Pakistan, 1999
- ¹² Gavin Nobes and Marjorie A Smith, *A community study of physical violence to children in the home and associated variables*, Thomas Coram Research Unit, 1995
- ¹³ *Quantative Study on Child Domestic Workers in Dhaka Metropolitan City* by Dr. Munirul and Sadia Rahman, Shoishab Bangladesh, Dhaka, 1999
- ¹⁴ Ruby Noble, 'Research on the perception of children on their working lives, 1996-1997', conducted in Bangladesh for Save the Children Sweden
- ¹⁵ See EPOCH USA website, www.stophitting.com
- ¹⁶ Irada Gautam, 'The difficulties girls face in families, in Ramghat and Ghusra Villages of Surkhet District, mid-western Nepal', SC UK and SC Office for South and Central Asia Region, Kathmandu, May 1999
- ¹⁷ See Unicef/EMIDA survey, note 4
- ¹⁸ Carolyn Willow and Tina Hyder *It hurts you inside*, SC UK and National Children's Bureau, December 1998
- ¹⁹ And we should consider what happens next when a slapped child says: "That didn't hurt!"
- ²⁰ *It hurts you inside*, see note 18
- ²¹ Noble's research in Bangladesh, see note 14
- ²² *Spare the child: Corporal punishment in Kenyan schools*, Human Rights Watch, 1999
- ²³ Unicef/EMIDA survey, see note 4
- ²⁴ Noble's research in Bangladesh, see note 14
- ²⁵ See Youssef et al, 'Children experiencing violence I', note 6
- ²⁶ Knutson and Selner, 'Punitive childhood experiences reported by young adults over a 10 year period', in *Child Abuse and Neglect*, Vol 18, pp. 155-166, 1994
- ²⁷ *What do boys and girls think about their families?*, Spanish Ministry of Labour and Social Affairs, 1995
- ²⁸ See *Listening to the voice of young people* by Lao Youth Union, Women's Union and Education Department, Vientiane Municipality and SC UK, 1998
- ²⁹ See *We learn with hope – issues in education on commercial farms in Zimbabwe*, SC UK/Harare, 2000
- ³⁰ See *Spare the rod*, note 7
- ³¹ See *Listening to the voice*, note 28

-
- 32 See *Report of the consultation carried out with children and young people across Scotland on physical punishment*, SC UK, April 2001, and *It hurts you inside*, note 18
- 33 See *Spare the rod*, note 7
- 34 Tamrakar and Misra, 'Social construction of violence in schools, Notes from Kathmandu', quoted in a Unicef Regional Office South Asia discussion document, 1995
- 35 Noble's research in Bangladesh, see note 14
- 36 See Human Rights Watch report on Kenyan schools, at note 22
- 37 Unicef/EMIDA, see note 4
- 38 Noble's research in Bangladesh, see note 14
- 39 See study of corporal punishment in Pakistani schools, note 11
- 40 For the most complete rehearsal of the arguments, readers are advised to obtain the affidavits and transcripts of the Canadian constitutional challenge – see www.jfcy.org/corporal/corporal.html. The Canadian government called leading academics who supported the use of physical punishment as witnesses for its defence of the practice. After extensive exchanges the government conceded that there was no merit in the practice. The Ontario Superior Court, while finding for the government, commented: "There is growing consensus that corporal punishment of children does more harm than good... that even mild forms of corporal punishment do no good and may cause harm". The case is being appealed. A 'meta-analysis' of 892 papers on parental physical punishment is also being prepared by Dr. Elizabeth Gershoff at the University of Texas.
- 41 See Scottish consultation, note 32
- 42 *Children's voices: Essays to commemorate the 10th Anniversary of the UN Convention on the Rights of the Child*, Uganda Child Rights NGO network, SC UK and SC US, 2000
- 43 Shikha Ghildyal, 'Theatre for development in advocacy and education', report on a training workshop in Leh, Ladakh on 7-13 September 2000, SC UK, unpublished
- 44 *Young voices*, see note 8
- 45 *Corporal punishment in primary schools*, see note 11
- 46 Unicef/EMIDA survey, see note 4
- 47 Kira Jensen, 'Gender-based violence', in *Learning from experience: girls' rights*, SC UK, December 1998
- 48 *Spare the rod and spoil the child*, see note 7
- 49 See Human Rights Watch report, note 22
- 50 *Ibid.*
- 51 A Kadushin et al, *Child abuse: an interactional event*, Colombia University Press, 1981
- 52 Joan Durrant, *A generation without smacking: The impact of Sweden's ban on physical punishment*, SC UK, 1999
- 53 'Submission to the Committee on the Rights of the Child, General Discussion on Violence against Children within Family and Schools', Center for Effective Discipline, Ohio, US, 2001

-
- ⁵⁴ Cited in M. A. Straus, 'Corporal punishment and primary prevention of physical abuse', in *Child Abuse and Neglect*, Vol 24, No 9, pp. 1109-1114, 2000
- ⁵⁵ M L Gunnoe and C L Mariner, 'Towards a developmental-contextual model of the effects of parental spanking on children's aggression', in Gunnoe et al, *Archives of Paediatric Adolescent Medicine* 151, pp. 768-775, 1997; M Straus et al, 'Spanking by parents and subsequent anti-social behaviour of children', in *Archives of Paediatric Adolescent Medicine* 151, pp. 761-767, 1997; T Brezina, 'Adolescent maltreatment and delinquency: the question of intervening processes', in *Journal of Research in Crime and Delinquency* 35, pp. 171-99, 1998; and P Leach, 'The physical punishment of children: some input from recent research', NSPCC UK, 1998
- ⁵⁶ *Children's voices*, see note 42
- ⁵⁷ See Murray A Strauss, *Beating the devil out of them: Corporal punishment in American families*, Lexington Press, 1994
- ⁵⁸ M Straus, I McCord, 'Corporal punishment of children and adult depression', in *Coercion and punishment in long-term perspectives*, Cambridge University Press, 1998
- ⁵⁹ Noble's research in Bangladesh, see note 14
- ⁶⁰ Ibid.
- ⁶¹ See *Spare the rod*, note 7
- ⁶² See report on schools in Pakistan, note 11
- ⁶³ Noble, *op.cit*, note 14
- ⁶⁴ See *Spare the rod*, note 7
- ⁶⁵ *We learn with hope – issues in education on commercial farms in Zimbabwe*, SC UK/Harare, 2000
- ⁶⁶ Reportedly, parents in Kenya are unaware of the possibility of filing complaints against abusive teachers, or they may be afraid of reprisals and retaliation, or fear that the child may not get proper attention from teachers and do poorly at school (see Human Rights Watch, *Spare the child*, note 19)
- ⁶⁷ See *Spare the child*, note 19
- ⁶⁸ *Discipline in schools: Report of the Committee of Enquiry chaired by Lord Elton*, UK Department of Education, 1989
- ⁶⁹ *Educa, no pegues (Educate, don't hit)*, Ending corporal punishment Spanish campaign leaflet, SC Spain, Unicef, CEAPA and CONCAPA, 1999
- ⁷⁰ Unicef/EMIDA survey, see note 4
- ⁷¹ Straus and Yodanis, 2000
- ⁷² *Listening to the voice of young people*, see note 28
- ⁷³ See *Spare the child*, note 22
- ⁷⁴ For a comprehensive analysis of the Committee's activities and those of other human rights treaty bodies in this area, see the website of the Global Initiative to End All Corporal Punishment, www.endcorporalpunishment.org
- ⁷⁵ Committee on the Rights of the Child, *The Aims of Education : 17/04/2001. CRC/GC/2001/1, CRC General comment 1*, at paragraph 8

-
- ⁷⁶ Human Rights Committee, General Comment 20, HR1/GEN/1/Rev.4 and General Comment 7, HRI/GEN/1/Rev.4; Committee on Economic, Social and Cultural Rights, General Comment 13, 1999, HRI/GEN/1/Rev.4 p. 73; Committee Against Torture, Annual Report 1993, paragraph 185 A/49/40 (relating to Tanzania)
- ⁷⁷ Committee on Economic, Social and Cultural Rights, E/C.12/1999/10, CESCR General Comment 13, 8 December 1999, paragraph 41
- ⁷⁸ See Global Initiative website, note 74
- ⁷⁹ Cambria, Cass, sez.VI, 18 Marzo 1996 (Supreme Court of Cassation, 6th Penal Section, 18 March 1996), Foro It II 1996, 407, Italy
- ⁸⁰ Human Rights Committee, General Comment 28, Equality of rights between men and women (Article 3): 29/03/2000, CCPR/C/21/Rev.1/Add.10
- ⁸¹ *Velazquez Rodriguez*, 21 July 1989, Ser C No.7, para.172-73. See also Shelton, Dinah, "State Responsibility for Covert and Indirect Forms of Violence" in *Human Rights in the Twenty First Century*, Kluwer Academic Publishers, The Netherlands, pp. 265-276. Judith Karp analyses how the UNCRC introduces in international law an obligation on states to intervene on violence in the family in *Preventing family violence: CRC's perspectives*, working paper, Geneva, 7-9 Oct 1998, p.8 (paragrahs 1 and 2)
- ⁸² *A v. UK*, judgement of 23 September 1998, Reports 1998-VI, No 90. See other related caselaw in U. Kilkelly, *The Child and the European Convention on Human Rights*, Ashgate & Dartmouth Publishing Ltd., Aldershot, 1999, p. 168
- ⁸³ See 'Theatre for development', note 43
- ⁸⁴ *It hurts you inside*, see note 18
- ⁸⁵ M A Strauss, see note 54
- ⁸⁶ See, for example, *Official Report of the Committee's discussion with the UK Government Representatives*, UK SR.205, para. 63, or the Committee's concluding observations in relation to Ethiopia (CRC/C/15/Add.67, para. 13) in which the Committee expresses specific concern about the state's Civil Code's provision allowing "light bodily punishment"
- ⁸⁷ *The Use and Effects of Physical Punishment in the Home: A systematic review* by Dr J S Lyons, R Anderson and Dr D B Larson, presentation to the Section on Bio-Ethics of the American Academy of Pediatrics at its 1993 Annual Meeting
- ⁸⁸ 12 Yearbook, *The Greek Case* 504, 1969, p. 186
- ⁸⁹ Human Rights Committee, General Comment No 20, HRI/GEN/1/Rev.2, 1992
- ⁹⁰ *Northern Ireland v. UK*, Series A, No 25, 41, para.162
- ⁹¹ *The Tyrer Judgement* of 25 April 1978, Series A, No 26, 2 EHRR 1
- ⁹² Kilkelly, see note 82
- ⁹³ Report of the Committee against Torture, UN GAOR, 48th Session, Supp. No 40, para. 173, UN Doc. A/48/40 (1993), para. 185

-
- ⁹⁴ Report of the Committee against Torture, UN GAOR, 52nd Session, Supp. No. 44, para. 250, UN Doc. A/52/44 (1997). "The Committee recommends the prompt abolition of corporal punishment [in Namibia] insofar as it is legally still possible under the Prisons Act of 1959 and the Criminal Procedure Act of 1977"
- ⁹⁵ Human Rights Committee, General Comment No 20, HRI/GEN/1/Rev.2, p.31
- ⁹⁶ Report of the Special Rapporteur, Nigel S Rodley, UN Doc. E/CN.4/1997/7
- ⁹⁷ Human Rights Watch *Spare the Child*, see note 22, pp. 7 and 13
- ⁹⁸ Barbro Hindberg, *Ending corporal punishment : Swedish experience of efforts to prevent all forms of violence against children – and the results*, Swedish Ministry of Health and Social Affairs and Ministry for Foreign Affairs, 2001
- ⁹⁹ See *A generation without smacking*, note 52
- ¹⁰⁰ *Educa, no pegues: Carpeta para la formación de padres (Educate, do not hit: Portfolio for parents' training)* by Pepa Horno, Bárbara Calderón, Rocío Berzal, Luis García, Rufino González; *Educa, no pegues: Actividades de ocio y tiempo libre (Educate, do not hit: Activities for spare time)* by Pepa Horno, Alejandro Benito, Sara Suárez, David de Miguel,
- ¹⁰¹ See *Ending corporal punishment* , note 98
- ¹⁰² See 'Parenting without violence: A practical approach', paper at Popanva Conference, Sheffield Moat House, 18 May 1998