



Ending legalised violence against girls:

prohibiting corporal punishment in all settings

Briefing for the 51st session of the UN Commission on the Status of Women
26 February to 9 March 2007, New York

We urge you to ensure that the Outcome Document of the 51st Session of the Commission explicitly recommends prohibition and other necessary measures to eliminate corporal punishment and other cruel or degrading forms of punishment of girls and supports the UNSG's Study goal of achieving this by 2009.

UN Secretary General's Study on Violence against Children

The report of the UN Secretary General's Study on Violence against Children, submitted to the General Assembly in October 2006 (A/61/299), identifies corporal punishment as one of the most prevalent forms of violence faced by girls and boys, and unequivocally calls for all corporal punishment and all other forms of cruel or degrading punishment in all settings, including the family home, to be prohibited in all states, setting a target date of 2009.

IN MOST STATES across the world, hitting and beating girls and boys is socially and legally accepted in the name of "discipline" or "correction". The perpetrators are most commonly those closest to them – parents, teachers and guardians, both men and women.

Girls need protection from violence inflicted by adults in authority in the name of "discipline", just as they need protection from that inflicted in the name of "tradition" or "health" or due to stereotypical views of gender. Corporal punishment breaches all children's fundamental rights to respect for their human dignity and physical integrity. Its legality breaches their right to equal protection under the law. These rights are upheld for everyone – including girls and boys – in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The Convention on the Rights of the Child (CRC) requires states to protect children from "all forms of physical or mental violence" while in the care of parents or others (article 19). It requires discipline in schools to be "administered in a manner consistent with the child's human dignity" (article 28). Children, wherever they are, must never be subjected to "torture or other cruel, inhuman or degrading treatment or punishment" (article 37).

The Committee on the Rights of the Child – the monitoring treaty body for the CRC – consistently interprets the Convention as requiring prohibition of all corporal punishment in the family, in all forms of alternative care, in schools, and in juvenile justice settings, linked to awareness-raising and public education. In 2006, the Committee adopted General Comment No.8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment. Other human rights treaty bodies, including the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and the Committee Against Torture, have also condemned corporal punishment of children, as have regional human rights mechanisms.

CEDAW's condemnation of all violence

The Convention on the Elimination of All Forms of Discrimination against Women does not explicitly include the right to protection from violence. But the Committee on the Elimination of Discrimination against Women, its monitoring body, has recognised that articles 2, 5, 11, 12 and 16 of the Convention require States parties to act to protect women against violence of any kind occurring within the family, at the work place or in any other area of social life (General Recommendation No. 12 on Violence against women, 1989, preamble), and that full implementation of the Convention requires States to eliminate all forms of violence against women (General Recommendation No. 19, 1992, on Violence against women, para. 4).

Advocates of the rights of women and girls have a great deal of experience in combating forms of violence which may be widely culturally, socially and legally accepted. Nearly all states now have legislation in place or in progress prohibiting domestic violence, and many are now working to eliminate female genital mutilation and other harmful traditional practices. It is essential that there should now be strong advocacy to prohibit and eliminate all corporal punishment, another form of violence which adults commonly disguise as “discipline” and seek to justify by way of tradition and/or religion. Girls themselves consistently report it to be damaging to their dignity and self-esteem, to their emotional and physical development and to their relationships at home, school and elsewhere.

“So when my mom hits me, it feels like she doesn't love me.”

Clacherty, G., Donald, D. & Clacherty, A. (2005), *South African Children's Experiences of Corporal Punishment* (Pretoria: Save the Children Sweden)

“I felt bad. I wished he wasn't my dad. I felt like killing myself or running away.”

Clacherty, G., Donald, D. & Clacherty, A. (2005), *Zambian Children's Experiences of Corporal Punishment* (Pretoria: Save the Children Sweden)

“It hurts your feelings and your personality.”

Save the Children Spain (2001), reported in *International Save the Children Alliance (2005), Ending Physical and Humiliating Punishment of Children – Making it Happen: Global Submission to the UN Study on Violence against Children* (Save the Children Sweden)

Defining corporal punishment – Committee on the Rights of the Child

“The Committee defines ‘corporal’ or ‘physical’ punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (‘smacking’, ‘slapping’, ‘spanking’) children, with the hand or with an implement - a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.”

Committee on the Rights of the Child (2006), *General Comment No.8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment*, para. 11

Progress towards prohibition

The pace of legal reform is rapidly gaining momentum. Sweden became the first country to prohibit explicitly all corporal punishment and other humiliating treatment of children in 1979. By 1996, six countries had adopted prohibition – by 2001 this had risen to 12, and by 2006 there were 17. Up to a further 24 countries have legislation in preparation or have committed themselves to legal reform towards full prohibition, including in the home, and 27 have made partial progress in the last three years by introducing or committing to introduce prohibition in settings other than the home.

As at February 2007, corporal punishment is prohibited in all settings, including the home, in 17 states. It is prohibited in all schools in 102 states; in penal systems (both as a sentence and as a disciplinary measure in penal institutions) in 104 states (and in parts of the penal system in a further 55 states); and in all alternative care settings in 28 states (in some alternative care settings in a further 29 states).

Global Initiative to End All Corporal Punishment of Children

For further information, including summaries of research into prevalence and children's views and reports on the laws relating to corporal punishment in every state in the world, see www.endcorporalpunishment.org or email info@endcorporalpunishment.org