

Towards the universal prohibition of all violent punishment of children



Report of the global workshop on 'Prohibiting all corporal punishment and other humiliating punishment of children: Achieving legal reform'
Bangkok, Thailand, May 2008

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A world which listens to children and learns

A world where all children have hope and opportunity

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Foreword

Corporal punishment is one of the most pervasive forms of violence against children the world over. The fact that it is lawful in schools and justice and care settings in many countries – and in the home in most countries – underpins its continued use and provides a spurious basis for the belief that it is somehow morally “right” and “justifiable”.

But times are changing. Children’s right to equal protection from assault in law, including from all forms of corporal punishment in all settings, is undisputed among the bodies charged with monitoring countries’ compliance with their obligations under international human rights law. The Committee on the Rights of the Child has been at the forefront of this, recommending explicit prohibition of corporal punishment to states parties since the earliest days of the Convention on the Rights of the Child. The issue was put high on the agenda by the UN Study on Violence against Children, which recommended that all states enact prohibition of corporal punishment in all settings – including the family home – by 2009. And now, every year the list of countries achieving full prohibition in law is growing.

In May 2008, Save the Children, in collaboration with the Global Initiative to End All Corporal Punishment of Children and the Churches’ Network for Non-Violence, organised the first Global Workshop on achieving legal reform to prohibit corporal punishment. Child rights advocates from almost 30 countries met to grapple with the issues: understanding the absolute necessity of law reform, identifying precisely what is needed in the countries in which they work, and learning from experiences in countries which have been successful in achieving prohibition.

We hope this report captures in some measure the deep commitment of the participants to making children’s right to equal protection a reality, their determination to develop and follow the national strategies for law reform drafted during the workshop, and the information and experiences exchanged during the dialogues. More importantly, we hope the report is both an inspiration and a resource for those setting out on the task of law reform in countries which have yet to give children the legal recognition of the rights that are theirs.

Peter Newell,
Coordinator
Global Initiative to End All Corporal Punishment of Children

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Executive summary

The widespread legal acceptance of corporal and other cruel and degrading punishment is one of the most potent symbols of the low status given to children. While adults the world over are protected in law from violence and assault, including the most minor forms, children are lawfully assaulted and humiliated every day of their lives in the name of punishment and 'discipline'.

The human right of children to equal legal protection from assault, including by parents in the home, has long been confirmed and promoted by the Committee on the Rights of the Child, in its monitoring of the implementation of the UN Convention on the Rights of the Child. Other treaty monitoring bodies are increasingly urging states to prohibit all corporal punishment of children. The global movement towards reform received impetus from the UN Secretary-General's Study on Violence against Children, which recommended full prohibition of all corporal punishment of children, in all settings, in all states – with a target date of 2009.

In May 2008 – in recognition of the urgency of law reform and the need to maximise efforts across the world to achieve prohibition – the International Save the Children Alliance, in collaboration with the Global Initiative to End All Corporal Punishment of Children and the Churches' Network for Non-Violence, held the first global workshop on achieving legal reform.

Over four intensive days, nearly 60 participants from all regions of the world shared knowledge and skills, focusing on why law reform is necessary, what reforms are required, and how reform will be achieved. The fundamental message is that explicit prohibition is a straightforward issue, but one that is too often over-complicated. The obstacles to reform are not legal ones; rather, resistance stems from the near universal acceptance of corporal punishment in childrearing and the failure to regard children as people and rights holders alongside adults.

Educating ourselves about existing legislation, and about the legal and parliamentary processes for changing it, equips us to more effectively advocate for the law reform necessary to realise children's rights to respect for their human dignity and physical integrity, protection from all forms of violence, and equal protection from assault under the law.

Participants from countries which have successfully pursued law reform to prohibit corporal punishment in the home and/or other settings shared their experiences, including of implementing the law, and reflected on what had been learned that would be useful for countries just embarking on the process. The scope for learning was wide, from the first country to achieve explicit prohibition, nearly 30 years ago (Sweden, in 1979), to the most recent countries to prohibit (New Zealand in 2007, Costa Rica in 2008). But the challenges faced and the lessons learned are remarkably similar.

Building up faith-based support for prohibition was also addressed, to deal with one of the most challenging aspects of law reform, religious opposition.

The workshop began by situating the case for legal reform firmly in the context of international human rights law, and recognising how this imposes obligations on states to change their national laws. It ended with a return to this international context, but this time looking at how states can influence the international agenda. Practical guidance was given on how to use national legal action to put pressure on governments to reform their laws, making use of the Convention on the Rights of the Child, and other treaties, as legal instruments.

If attempts to use national legal systems fail, regional and international human rights mechanisms can be used to 'force' governments to face their obligations under the treaties they have ratified. And international pressure can be increased when organisations lobby international bodies and events and keep the need to prohibit corporal punishment of children high on the international agenda.

During the workshop, participants drafted national strategies to pursue legal reform in their own countries, bearing in mind the UN Study deadline of 2009. These strategies built on their existing experience and incorporated what was learned during the workshop. The strategies provide a remarkable record of what was achieved during the workshop in terms of understanding, confidence and commitment. They are an exciting indication of progress to be expected in the coming months towards achieving legal reform across the world. Like the report as a whole, they also provide a useful resource for others engaging in the process of law reform.

The report

This report aims to be a useful resource for all those working towards prohibiting and eliminating corporal punishment, rather than simply an account of the workshop sessions. It broadly follows the workshop agenda (see Annex 3). Part 1 sets the scene, providing the historical context of Save the Children's work on the issue of corporal punishment, and outlining the importance and purpose of prohibition. It notes the major milestones that have been reached on the way to universal prohibition, as well as the obstacles and setbacks.

Part 2 examines what law reform means, describing the elements of reform and global progress towards achieving it.

Part 3 looks at how to get laws into and through parliament. It provides concrete examples of this process in three countries which have achieved prohibition (New Zealand, Costa Rica and Romania) and one in which law reform is still under way (Philippines).

Part 4 follows in the same vein, on the issue of child participation in law reform. Each chapter describes the experiences of child participation in the law reform process and reflects what can be learned from these. Examples come from Venezuela, Kenya and South Africa.

Part 5 examines ways of gaining faith-based support for law reform.

Part 6 describes implementation of prohibition in the home and other settings, and the lessons learned, in Sweden, New Zealand, South Africa and Romania.

Part 7 returns to the international context. It begins with practical guidance on how to use national legal action to put pressure on government to reform their laws, making use of the UNCRC and other treaties as legal instruments. It also explores how regional and international mechanisms can be used to 'force' governments to face their obligations under the treaties they have ratified. The final section looks at how states can lobby international bodies and events.

The workshop was intensely interactive, with the emphasis on sharing information, experience and expertise and developing useful materials to support reform. The issues raised in discussion have been incorporated into the chapters in this report and many are addressed in the revised 'Frequently Asked Questions' about prohibiting and eliminating corporal punishment, which were developed during and following the workshop (see Annex 4).

The phrase ‘corporal/physical punishment and other cruel and degrading punishment’ is used throughout the report, reflecting the terminology used by the UN Committee on the Rights of the Child and other treaty bodies.



1. Introduction

1.1 Context and rationale for the workshop

The human rights obligation to prohibit corporal punishment and other cruel or degrading forms of punishment

In societies across the world, corporal punishment of children has long been socially and legally accepted, within the home and family, in alternative care, schools and other educational institutions, justice systems and in the community.

The United Nations Convention on the Rights of the Child (UNCRC), ratified by almost every UN member state, is clear that states must protect children from all forms of violence. The Committee on the Rights of the Child, which monitors implementation of the UNCRC, has consistently recognised corporal punishment as a form of violence and has urged governments to enact legislation to prohibit all corporal punishment of children, including within the family home.

In June 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 (arts. 19; 28, para. 2; and 37, inter alia)’. Its aim is ‘to highlight the obligation of all States parties to move quickly to prohibit and eliminate all corporal punishment and all other cruel or degrading forms of punishment of children and to outline the legislative and other awareness-raising and educational measures that States must take’ (para. 2). It confirms that addressing and eliminating corporal punishment of children is ‘a key strategy for reducing and preventing all forms of violence in societies’ (para. 3).

At the same time, the Committee is clear in not rejecting the positive concept of discipline, which is essential for the healthy development of children. The UNCRC upholds the importance of the family and requires states to respect and support families. Family life is not undermined by prohibiting corporal punishment by parents any more than by prohibiting domestic violence between adults. As the Committee states, there is no conflict between states’ obligations to respect and support families and ‘to ensure that the human dignity and physical integrity of children within the family receive full protection alongside other family members’ (para. 27).

Many try to justify the use of corporal punishment by referring to religious teachings and texts. The Committee states clearly that ‘practice of a religion or belief must be consistent with respect for others’ human dignity and physical integrity’ and that ‘freedom to practice one’s religion or belief may be legitimately limited in order to protect the fundamental rights and freedoms of others’ (para 29).

Other human rights treaty monitoring bodies have also recommended prohibition of corporal punishment of children, increasingly referring explicitly to the family home.

In October 2006, Professor Paulo Pinheiro presented the report of the UN Study on Violence against Children to the General Assembly. The Study was commissioned by the UN Secretary General to reveal the extent and nature of the violence being perpetrated against children all over the world. Its main message is that ‘no violence against children is justifiable; all violence against children is preventable’. A deadline of 2009 was set for all

states to prohibit all forms of violence against children, including all corporal punishment.

Rationale for the workshop

Progress towards prohibiting all corporal punishment is accelerating worldwide, particularly in the context of the UN Study and its recommendations. Eighteen European countries have achieved full prohibition, including within the family home. In 2007, New Zealand became the first English-speaking country to prohibit all corporal punishment and the first Latin American countries were added to the list of states achieving law reform. Governments in other countries have made public commitments to enacting prohibiting legislation and reform is under way in many.

However, in very many countries, corporal punishment is still lawful. Cultural, social and religious acceptance and approval mean that parents worldwide regularly use violence against children as a form of 'discipline'. Many countries have prohibited corporal punishment in settings outside the home, but resist extending this to the family home because of a reluctance to 'interfere' in the privacy of family life.

The purpose of prohibition is prevention – to encourage a change of attitudes and practice and to promote positive non-violent methods of childrearing. A clear message that no level of violence is acceptable is very important.

The problem is deep and serious. In their daily lives, children around the world continue to be spanked, slapped, hit, smacked, shaken, kicked, pinched, punched, caned, flogged, belted, beaten and battered in the name of 'discipline', by adults whom they depend upon. This violence may be a deliberate act of punishment or the impulsive reaction of an irritated parent or teacher. Whatever the motivation for the use of corporal punishment, it

breach's children's universal human rights to respect for their human dignity and to physical integrity. Its legality breaches their right to equal legal protection from assault.

Corporal and other cruel or degrading forms of punishment is not a trivial issue. There is no more symbolic sign of the persisting low status of children as less than human – as objects or possessions – than laws which allow adults to hit and humiliate them. Achieving total prohibition of corporal punishment would signify dramatic progress towards asserting children's status as people and rights holders. It would make realisation of their other human rights easier, and reduce violent behaviour and attitudes, not only towards children but throughout societies.

Children have a right to protection from corporal punishment and other cruel or degrading forms of punishment, in *law*, as well as in policy and practice. The International Save the Children Global Workshop in Bangkok was a response to this urgent need to ensure that legal reform to achieve this is being actively pursued, and during the workshop participants drafted national strategies for working towards prohibition in their states (see Annex 5).

Objectives of the workshop

The ultimate goal of the workshop must be to see laws prohibiting all corporal punishment of children being enacted in each of the countries represented by the participants. This was echoed by participants themselves who included among their expectations of the workshop the desire to implement the UN Study's recommendation on prohibiting corporal punishment. Other expectations, expressed in advance of the workshop, were:

- to build knowledge and skills on prohibiting corporal punishment
- to share experiences, successes, challenges and obstacles

- to learn about good practice models of the campaign
- to meet colleagues.

The objectives of the workshop and the development of the campaign included:

- building renewed confidence about the vital importance of law reform – to both children and adults – and the belief that it is achievable and in a short time, by the UN Study target of 2009
- developing a full understanding of the essential foundation that clear law reform provides, the necessary elements of it, and how it should be implemented in the best interests of children
- learning to communicate the issue of legal reform to prohibit corporal punishment as a simple one, however much other adults want to make it complicated
- understanding the obstacles to achieving legal reform, and how to minimise and overcome them, including overcoming religious opposition by maximising faith-based support for law reform
- increasing co-ordination, within Save the Children and with other international, regional and national partners. There must be a global early warning system of opportunities for law reform as they occur in every region
- ensuring that the issue has been raised clearly with governments and in parliaments in every country. Very few governments will address this issue without active lobbying by non-government organisations (NGOs), human rights institutions and others
- increasing expertise in lobbying governments and parliaments
- producing a concise set of basic documents, including the handbook *Prohibiting corporal punishment of children: A guide*

to legal reform and other measures prepared by the Global Initiative to End All Corporal Punishment of Children, a set of answers to frequently asked questions, the General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia) of the Committee on the Rights of the Child, the summary of the UN Study recommendations, and other key recommendations and quotes from prominent leaders. All these must be available for adaptation as necessary for use in all states, and in translation

- building specialist support for pursuing legal advocacy and the use of human rights mechanisms where governments remain unwilling to act and need to be held to their human rights obligations.

1.2 Review of Save the Children's involvement

David Ruiz Coronado

Background

The UN Study on Violence against Children forms the basis for much of Save the Children's work. The report of the Study, presented at the UN General Assembly on 11 October 2006, has been a guiding document for organisations working to prohibit corporal punishment. In the final report, Paulo Sérgio Pinheiro, the independent expert appointed by the UN Secretary General to lead the Study, recommended that states 'prohibit all forms of violence against children, in all settings, including all corporal punishment ... and inhuman or degrading treatment or punishment, as required by international treaties'.

"The Study should mark a turning point – an end to adult justification of violence against children, whether accepted as 'tradition' or disguised as 'discipline'. There can be no compromise in challenging violence against children. Children's uniqueness – their potential and vulnerability, their dependence on adults – makes it imperative that they have more, not less, protection from violence... The core message of the Study is that no violence against children is justifiable; all violence against children is preventable. There should be no more excuses. Member States must act now with urgency to fulfil their human rights obligations and other commitments to ensure protection from all forms of violence."

– Report of the independent expert for the United Nations Study on Violence against Children, 2006, paras. 2 and 91

Save the Children's involvement

In late 2003, members of SC Alliance Regional Focal Points and the Task Group on Violence Against Children (VAC) met to plan SC's involvement in the process of the UN Study. It was emphasised that all SC Alliance work within the framework of the UN Study should:

- be addressed from a children's rights perspective
- be based on the principles of accountability, child participation and non-discrimination
- focus on the participation of girls and boys from all backgrounds
- give specific consideration to gender-based violence.

Based on children's concerns from consultations around the world, SC members' programme experiences and knowledge, and the need to complement other agencies' priorities, three specific themes were emphasised:

- children in conflict with the law
- child sexual abuse of girls and boys
- physical and all other forms of humiliating punishment.

Save the Children's vision

The vision guiding Save the Children's work on corporal punishment is the realisation of the right of every child to a life free from violence, including corporal punishment and other cruel or degrading forms of punishment. Save the Children aims to ensure that all societies recognise all forms of corporal punishment and other cruel or degrading

forms of punishment as violence against children, with the result that social behaviours, attitudes and practices are changed.

Prioritising challenging corporal punishment

In the nine regional consultations held in connection with the UN Study, children across the world repeatedly affirmed that corporal and other cruel or degrading forms of punishment is the most common and widespread form of violence they experience. These views were reflected in the report submitted by Save the Children to the UN in 2005.¹

In keeping with SC Alliance's belief that children's views should be acted upon, ending corporal punishment is a priority issue because:

- it is a violation of children's human rights to physical integrity, human dignity and equal protection under the law. In many cases, it can also threaten their rights to education, development, health and even survival
- it can cause serious physical and psychological harm to the child
- it teaches the child that violence is an acceptable and appropriate strategy for resolving conflict or getting people to do what you want
- the perceived legitimacy of corporal punishment makes protection of children difficult by implying that there are some forms or levels of violence against children that are acceptable
- there are positive ways to teach, correct or discipline children which are better for the child's development and relationships with parents and the community and which do not include corporal punishment and other degrading punishment
- children have suffered unseen and unheard violence at the hands of adults for centuries. Now that the scale and impact of

violence against children is becoming visible, they cannot be kept waiting any longer for the effective protection to which they have an unqualified right. This is an emergency, albeit not a new one.

Global Strategy to end all corporal punishment and other cruel or degrading forms of punishment

Save the Children Sweden (SCS) leads an International Task Force within the International Save the Children Alliance to promote the elimination of corporal punishment and other cruel or degrading punishment. Five inter-linked strategies were agreed upon by SC Alliance members across the world in 2003.

1. Research

This includes researching and documenting the prevalence of corporal punishment of children, the historical and cultural contexts of current childrearing practices, and the current legal situation, all of which feed into the other strategies of law reform, awareness raising, etc.

2. Awareness raising and public education

This involves the promotion of positive non-violent parenting and working with children on non-violent conflict resolution, including through media campaigns. For example, a number of training manuals on positive discipline have been produced.

3. Child participation

Developing methodologies for engaging children in efforts to change adults' attitudes and behaviours, with appropriate protective measures, is crucial. Other elements of the strategy include listening to children's opinions and suggestions about discipline, educating children on non-violent relationships, and demonstrating the links between children's participation and their improved protection

from violence. The participation of children in the regional consultations held for the UN Study provides a good example.

4. Advocacy

Advocacy is aimed at ending the social acceptance of corporal punishment, convincing societies that it violates children's rights and has a negative impact on their development as healthy and happy human beings. National child protection systems are promoted which enable governments to prevent and respond to violence against children, including all corporal punishment and other cruel or degrading punishment. Examples include interventions at the United Nations (Human Rights Council, Committee on the Rights of the Child, General Assembly) and at the regional level (Inter-American Court of Human Rights, Council of Europe, European Parliament), and involvement in the UN Study process and in follow-up to its recommendations.

5. Law reform

Law reform involves identifying gaps in national legislation and proposing amendments to guarantee children's equal right to protection from violence under the law and lobbying parliament and other key decision-makers so that law reform is approved. It is combined with awareness raising on children's right to protection and the promotion of positive forms of discipline. The example of the successful campaign in Romania is described in section 3.5 of this report.

Key achievements

- SC is among the first international NGOs to take up this challenge, hastening the process with a variety of programmes at regional and national levels.
- SC and its partners have documented, consolidated and advocated its programmes to address corporal and other cruel or degrading punishment with

adapted regional training materials in all regions.

- SC members and partners in all regions are undertaking campaigns against corporal punishment in the home, schools, and other settings.
- SC members have developed extensive networks with new strategic partners at national, regional and international levels.
- SC has made it a high priority to engage with the UN Study based on the belief that it can change the lives of boys and girls for the better.
- SC and children's recommendations for a ban of all forms of corporal punishment have been reflected in the UN Study.
- SC has been cited as a key actor in the UN Study process, and is particularly known among other agencies for its work on ending the use of corporal punishment.
- SC and the Global Initiative to End All Corporal Punishment of Children have been recognised globally for leading the movement for a global ban on all forms of corporal and other cruel or degrading punishment.

1. Save the Children (2005), *Ending Physical and Humiliating Punishment of Children – making it happen* (available at www.rb.se/eng/Programme/Exploitationandabuse/Corporalpunishment/1415+Publications.htm)

1.3 *The imperative to prohibit all violent punishment of children: global progress towards universal prohibition*

Peter Newell

Importance of prohibition for children and society

Why is the campaign to prohibit and eliminate corporal punishment so important? Many people are puzzled or scornful that anyone could see ending corporal punishment as a priority, given the extreme forms of violence and extreme breaches of other rights which children in many states are facing. However, what is being challenged is the idea that some arbitrary degree or level of violence against children should, uniquely, be legal and socially approved in societies that have moved to condemn and prohibit other forms of violence. The emphasis is on pursuing children's equal right to respect for their human dignity and physical integrity. This is as fundamental as anything can be to improving children's status and gaining recognition and respect for children as people, and as holders of rights.

Put yourself in the place of a child. How would you feel if it was considered OK to slap or physically harm you if you didn't live up to the haphazard expectations of those who say they love you or those you live or work with, or if you do not obey their unexplained commands, or you pick the wrong thing off the supermarket shelves, or you ask the wrong question?

The idea that breaching a child's human dignity and physical integrity is acceptable, normal, or even, as some still suggest, 'in their best interests', perpetuates their status as objects or property, and makes every other sort of extreme abuse and exploitation, including sexual exploitation and trafficking, more likely and

easier. Working towards ending the legal and social acceptance of hitting and humiliating children is a foundation, not an alternative, to addressing these other issues. The promotion of children's rights generally, and the overall reduction of violence in societies is unlikely to get very far while adults believe they still have a routine right to hit and humiliate children. Hitting children is so common in most societies that it becomes part of the scenery, often not even noticed.

There is no other children's rights issue that is so symbolic of children's low status as less than people. The strength of the resistance to challenging hitting and humiliating children, seen very publicly in the ultimately successful campaign for a full ban in New Zealand in 2007,² demonstrates how much it is a part of the traditional culture of almost every society. This campaign is about cultural change – a real shift in how children are regarded and respected.

Persuading governments, societies, and individual parents and other adults of children's equal right to respect and their right to equal protection under the law, would be a huge breakthrough towards the overall goal of achieving respect for children as rights holders and the recognition and realisation of their rights.

Prohibiting corporal punishment can transform human societies. And by challenging the complete illogicality and madness of societies which persist in giving children, of all people, less protection than adults, in stopping the cycle of punitive violence passed on from one genera-

tion to the next, we can also hope to move our societies altogether on from a punitive and violent approach to problem-solving.

We should not be modest in advocating the potential of this issue for transforming human societies. Some will be familiar with the work of Alice Miller and other psychologists and researchers, who have traced the roots of violent attitudes and actions in adulthood to violence in childrearing, including the childhoods of Hitler, Saddam Hussein, George Bush and many others through the ages.³

“But children are different ...”

When this issue is compared to challenging violence against women or other population groups, the response often still is: “But children are different.” Yes, of course they are different. The babies and small children whom research suggests are the victims of most corporal punishment in the home, are different in that they are very small and very fragile. Children’s vulnerability, their developmental status and their dependence on adults, all make them different. And in comparison with adults, they face huge difficulties in seeking protection for themselves and remedies for breaches of their rights. Millions of children are beaten every day in ways which plainly amount to cruel or degrading treatment, in breach of all international and regional human rights instruments and in breach of most constitutions. Yet how many children have found ways to challenge the laws that allow these extreme breaches of their rights through the use of high-level courts or human rights mechanisms? Maybe 10 globally.

Children *are* different – but all the differences suggest that they should have more, not less, legal protection, including from being hit and hurt.

This inverted reality – giving the least protection to those who need it most – must be exposed, to demonstrate just how hypocritical

adults are in advocating non-violence *except* when it comes to their own parenting, caring and teaching relationships with children. In their defence of corporal punishment, adults are now desperate to make the issue appear hugely complicated and difficult. But it is not complicated; it is at root, very simple: *hitting people is wrong, and children are people too.*

The purpose of law reform

In every country there are criminal laws that protect adults from assault. Children have the right to at least equal legal protection.

The first purpose of legal reform is to require states to recognise and realise children’s rights, by quickly developing a clear and adequate legal framework. The main objective of any good law must be to prevent crime, in this case preventing assaults on, and humiliation of, children. Criminal law also exists to punish those who commit crimes, but that is not its primary aim: from the child victim’s point of view, it is a bit late once they have suffered the assault.

Laws that prohibit all corporal punishment, reflecting children’s right to equal protection, must be taken seriously. However, when parents are the perpetrators, prosecution and other formal interventions in families are very seldom going to be in the child’s best interests. The Committee on the Rights of the Child provides detailed advice on this in its General Comment No. 8, suggesting that prosecution and formal interventions should only occur when necessary to protect a child from significant harm and in the best interests of the child.

Milestones on the journey to universal prohibition

Key situations and developments have contributed positively and negatively towards achieving universal prohibition of all corporal punishment of children.

Positive milestones

Situations and events which have helped to progress children's right to legal protection from corporal punishment include:

- the Committee on the Rights of the Child's consistent advocacy over 15 years that the Convention requires prohibition and elimination of all corporal punishment, culminating in its General Comment No. 8 (2006)
- the report of the UN Study, including the explicit recommendation and deadline for the prohibition of all violence, including all corporal punishment, by the end of 2009
- movement towards more explicit language in the rights of the child resolutions of the UN General Assembly and Human Rights Council. This is an important symbolic target as it aims to achieve open commitment to prohibition from UN member states
- other human rights treaty bodies increasingly recommending prohibition, echoing the Committee on the Rights of the Child (e.g. in May 2008 the Committee Against Torture recommended prohibition, including in the home, to Algeria, Australia, Costa Rica and Zambia). Prohibition has also been recommended in the first sessions of the new Universal Periodic Review process at the Human Rights Council
- children's own experiences of violence becoming much more visible through interview research with them and their parents, largely pioneered by Save the Children. Increasingly children work alongside adults in advocating their rights. All this makes it difficult for adults to deny the problem
- mainstream faith leaders supporting reform and actively advocating for it in all regions

- accelerating progress worldwide – 24 States with full prohibition, and at least another 25 either publicly committed to full prohibition or with legislation before their parliaments; 12 per cent of UN member states have achieved full prohibition, and almost a quarter have either achieved it, are committed to it or have legislation before their parliaments⁴
- the launch in 2008 of a regional campaign by the first inter-governmental body to make a commitment to universal prohibition, with the Council of Europe committing itself to prohibiting corporal punishment in all 47 member states
- New Zealand becoming the first English-speaking nation to achieve full prohibition in June 2007 – a special milestone given England's contribution to institutionalising corporal punishment and the disreputable 'reasonable chastisement' defence in so many states throughout the world
- reform now speeding across Latin America too...

Negative milestones

But progress towards universal prohibition has also been hindered, by:

- missed opportunities, in the form of relevant bills that have passed through parliaments without including explicit prohibition of all corporal punishment, in many cases without the issue being raised at all. Some reforms have gone through with vague, non-explicit language that allow parents and the courts to carry on saying that the law does not prohibit 'loving discipline' or 'little slaps'
- serious continuing resistance to prohibition, and open advocacy of corporal punishment, from some states. The most resistant countries in every region should be identified, and strategies developed to pursue prohibition

- a refusal to accept the universality of the problem, with people the world over claiming that corporal punishment is part of their culture – as if it was not part of the culture in every country until effectively prohibited and eliminated through awareness raising and public and parent education
- continuing invisibility of the extent of corporal punishment in some states, with no interview research with children and parents, allowing governments and adults to remain in denial
- continuing advocacy of compromise reforms, with some governments, including the UK, getting away with the truly shocking exercise of trying to define how hard a child can be hit, with what implements, on what parts of the body, and at what age
- governments and NGOs advocating the promotion of positive discipline *instead of* or *before* embarking on law reform. It is unthinkable that such strategies would gain weight with advocates challenging violence against women. Law reform to give children the same protection as adults under the law on assault is an immediate obligation. It must be linked to awareness raising of the law and children's right to protection, and the promotion of positive, non-violent relationships with children, but these are not alternatives to law reform
- religious groups still posing a very vocal and disproportionately effective obstacle to law reform in many states, reflected for example in the difficulties experienced in the ultimately successful New Zealand campaign.⁵
- Shariah law being used to justify the most extreme violent punishment of children from puberty. This has to be confronted, including by authoritative scholars
- a lack of support for ending corporal punishment from the movement challenging violence against women and girls, reflect-

ed in the 2007 UN session on violence against girls and in the reluctance of the Committee on the Elimination of Discrimination Against Women to take up the issue

- little sign of *legal* challenges to corporal punishment. Millions of children across the world are being hit daily in ways which breach the UN Convention on the Rights of the Child, in many cases amounting to cruel or degrading punishment and in some to torture. Yet there have been less than a dozen legal challenges to the laws allowing corporal punishment, and even fewer to laws authorising it in the home. The UNCRC is a legal instrument and there are international and regional mechanisms available in most States to challenge corporal punishment where governments are slow to accept their obligations.⁶ The Convention is supposed to be part of domestic law, usable in domestic courts, in many states. Many others have constitutions guaranteeing respect for human dignity and physical integrity, freedom from cruel or degrading punishment, and equal protection under the law. So why have there been so few legal challenges?

2. See sections 3.2 and 6.2 of this report

3. Miller, A. (1987), *For Your Own Good: The roots of violence in childrearing*, London: Virago Press Ltd, and see www.alice-miller.com/

4. See Annex 6

5. See sections 3.2 and 6.2 of this report

6. See section 7.1