Prohibiting and eliminating violent punishment of girls: a key element in guaranteeing the health and safety of women and girls worldwide

Submission to the UN Working Group on discrimination against women in law and in practice for its research on discrimination against women in relation to their right to health and safety

Global Initiative to End All Corporal Punishment of Children

www.endcorporalpunishment.org
info@endcorporalpunishment.org
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Summary

International human rights law is clear that girls and boys have a right to legal protection from all corporal punishment, including in the home. Prohibition and elimination of all corporal punishment and other cruel or degrading forms of punishment is fundamental in guaranteeing the physical and mental health and safety of women and girls – both for ensuring immediate safety from violence for girls and preventing negative health and behavioural outcomes, including perpetrating or being subjected to family violence as an adult, associated with experience of corporal punishment as a child. The Global Initiative to End All Corporal Punishment of Children urges the Working Group to address corporal punishment in the thematic report on women’s right to health and safety and to specifically call for its universal prohibition in all settings of children’s lives, including the home.

Violence against women and girls is now universally understood to be a violation of their human rights, including their right to health and safety, and it is accepted that eliminating this violence is key in achieving gender equality. However, corporal punishment, the most common form of violence against girls, is rarely included in this global challenge. There is no more powerful symbol of the low status of girls than the legal and social acceptance of violence perpetrated against them. Corporal punishment – assault which, if perpetrated on
an adult, would be unlawful – remains lawful in some or all settings of children’s lives in the majority of states worldwide so that girls and boys can legally be hurt by family members, teachers, carers and others in the name of “discipline”. For girls, the problem is compounded by the lower worth often ascribed to them and the intersectional discrimination they face on the grounds of their age and gender. The essence of prohibiting all corporal punishment of children is ensuring that girls and boys enjoy equal protection under the law on assault, whoever the perpetrator and whether or not the assault is inflicted as “discipline” or punishment. Prohibition of corporal punishment represents a positive step towards the elimination of discrimination against women with regard to the right to health and safety.

The impact of corporal punishment on the safety of women and girls

UNICEF statistics from 62 countries published in 2014 show the huge scale of violent punishment of children: about 80% of children aged 2-14 were subjected to “violent discipline” (physical punishment and/or psychological aggression) in the home in the past month, and 17% experienced severe physical punishment (being hit on the head, ears or face or being hit hard and repeatedly).¹

This experience is often gendered – girls may suffer different types of punishment than boys and may be punished for different reasons, typically reinforcing stereotypic ideas of what it means to be a woman. Corporal punishment is used to control and regulate girls’ behaviour, including their social and sexual behaviour, and to encourage deference, submission and timidity. For too many girls, childhood experience of corporal punishment is the beginning of a life of violent victimisation by authority figures and family members that repeatedly violates their right to health and safety. While children are physically punished in their homes by both mothers and fathers, the physical assault of girls, in the guise of (lawful) discipline, by their fathers and other male relatives, strongly reinforces the inequitable relations between men and women which underpin discrimination in all areas of life.

There is an ever growing bank of research demonstrating the close links between corporal punishment of children and violence in intimate relationships between adults. Studies have found that social settings in which corporal punishment is prevalent tend to be social settings in which partner violence is prevalent,² that parents in households where intimate partner violence was perpetrated are more likely to inflict corporal punishment on their children³ and that approval of husbands hitting their wives is associated with a belief that corporal punishment is necessary to rear children.⁴ Associations have also been found between experiencing corporal punishment as a child and perpetrating violence towards a partner as

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an adult,\textsuperscript{5} experiencing violence from a partner as an adult,\textsuperscript{6} holding inequitable gender attitudes\textsuperscript{7} and verbally coercing or physically forcing a partner to have sex as an adult.\textsuperscript{8} All of this research illustrates how corporal punishment of children is a key issue in guaranteeing girls’ and women’s safety in their own homes and supports arguments that ending violent punishment of girls and boys is an essential element in ending partner violence.

\textbf{The negative health effects of corporal punishment on women and girls}

In relation to the impact on women’s and girl’s health brought about by corporal punishment, violence is widely recognised as a public health problem.\textsuperscript{9}

There is no need to look for evidence of the negative health effects of corporal punishment in order to know that it must be prohibited and eliminated – just as there is no need for research to show that violence against women is harmful to justify prohibiting and eliminating it. Ensuring the safety of women, elderly people and children from all forms of violence, including all violent punishment is a human rights obligation. The Global Initiative emphasises that a focus on research into the harmful impact of violence on children must not distract from the immediate obligation to prohibit and effectively challenge it.

Nevertheless, we recognise that research on the issue can be useful for advocacy. The Global Initiative is aware of over 200 studies on the effects of corporal punishment which associate it with a wide range of negative direct and indirect physical and mental health, developmental and behavioural outcomes for children that can follow them into adulthood – the Annex to this submission summarises the results of this research.

In 2013, prominent international health organisations signed a statement in support of prohibition and elimination of all corporal punishment of children on the basis of evidence of the harmful effects of corporal punishment on children, adults and societies:\textsuperscript{10}

“... On the basis of the evidence of the harmful effects of corporal punishment on children, adults and societies, we believe that prohibition of corporal punishment, accompanied by measures to implement the prohibition and eliminate the use of corporal punishment in practice, is a key strategy to reduce all forms of violence against children and other violence in societies and to improve the physical and mental health and other developmental outcomes for children and adults. ...”

\begin{itemize}
\item \textsuperscript{7} Contreras, M. et al (2012), \textit{Bridges to Adulthood: Understanding the Lifelong Influence of Men’s Childhood Experiences of Violence, Analyzing Data from the International Men and Gender Equality Survey}, Washington DC: International Center for Research on Women
\item \textsuperscript{9} Resolution WHA49.25 (2006)
\item \textsuperscript{10} Statement by international health organisations in support of prohibition and elimination of all corporal punishment of children, 2013, available at \url{http://endcorporalpunishment.org/resources/key-external-resources.html} (date accessed: 12 August 2015).
\end{itemize}
The obligation to prohibit corporal punishment under international law

The Committee on the Elimination of Discrimination against Women has made it clear that the Convention on the Elimination of All Forms of Discrimination against Women requires that women are protected against violence of any kind in the family and elsewhere,\(^1\) and that laws against family violence give adequate protection to all women.\(^2\) Recognising that the Convention protects the girl child as well as adult women, the Committee has recommended prohibition of corporal punishment of children to some states in its concluding observations on state party reports. For example, in 2012 it recommended prohibition to Guyana:

“The Committee is ... concerned that corporal punishment is accepted both in school and home settings, even though it constitutes a form of violence against children, including the girl child. The Committee urges the State party … to explicitly prohibit corporal punishment in all settings....”

Since 2009, the Committee has made 16 observations/recommendations on corporal punishment to 14 states.

In 2014, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child issued a joint general recommendation/general comment on harmful practices\(^3\) which identified corporal punishment as a harmful practice. The Committees recommend that states adopt or amend legislation with a view to eliminating harmful practices, including through their prohibition and the repeal of all legislation which “condones, allows, or leads to” harmful practices.

The Committee on the Rights of the Child has consistently made it clear that the Convention on the Rights of the Child requires prohibition of all corporal punishment, including in the home. The Committee consolidated and confirmed these obligations in its General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.\(^4\) General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence\(^5\) identifies corporal punishment as unacceptable, however light. The Committee systematically recommends prohibition in its concluding observations.\(^6\)

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\(^1\) Committee on the Elimination of Discrimination against Women (1989), *General Recommendation No. 12: Violence against women*

\(^2\) Committee on the Elimination of Discrimination against Women (1992), *General Recommendation No. 19: Violence against women*

\(^3\) Committee on the Elimination of Discrimination against Women & Committee on the Rights of the Child (2014), *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices* (CEDAW/C/GC/31-CRC/C/GC/18)

\(^4\) Committee on the Rights of the Child (2006), *General Comment No. 8: 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*) (CRC/C/GC/8)

\(^5\) Committee on the Rights of the Child (2011), *General Comment No. 13: The right of the child to freedom from all forms of violence* (CRC/C/GC/13)

\(^6\) For details see [http://endcorporalpunishment.org/prohibiting-corporal-punishment/hrlaw/cro/](http://endcorporalpunishment.org/prohibiting-corporal-punishment/hrlaw/cro/)
The monitoring bodies of other international treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights also recommend prohibition of corporal punishment, and the issue is regularly raised in the Universal Periodic Review of states’ overall human rights records.

National legal systems that fail to clearly prohibit all corporal punishment of children reflect a state’s failure to fulfil its international obligations – there are no loopholes in international human rights law allowing any type or degree of corporal punishment of children, and there can be no justification for the existence of any national law which explicitly or implicitly permits them to be violently punished in the course of their everyday lives. When a woman is assaulted by her partner in her own home, her human rights are violated; when a girl is physically punished by her parent in her own home, her human rights are violated.

Prohibition of all corporal punishment of children therefore represents a positive and critical step towards the elimination of discrimination against women and girls with regard to their right to health and safety, ensuring immediate safety from violence for girls and contributing to the prevention of negative health and behavioural outcomes, including perpetrating and being a victim of family violence, associated with experience of corporal punishment as a child.

**Progress towards universal prohibition of corporal punishment**

Governments are increasingly enacting laws to prohibit this form of violence against children. As at August 2015, 46 states have achieved prohibition in all settings including the home and governments of at least 51 others have expressed a commitment to enacting full prohibition. But still, corporal punishment remains legal in some settings, particularly care settings and the home, in the majority of states worldwide. The Global Initiative website provides detailed and up to date global and regional tables of the legality of corporal punishment of children in each setting (in the home, alternative care settings, day care, schools, penal institutions and as a sentence for crime), and individual reports for every state worldwide, with details of relevant laws, recommendations of human rights treaty bodies and summaries of prevalence research. Further information is available on request; email sharon@endcorporalpunishment.org.

**Conclusion and recommendation**

Corporal punishment is a form of gender-based violence that violates the health and safety rights of girls. Girls today are in the same position as adult women were decades ago. Despite national and international laws and policies against assault and violence, this population group slips through the net: violence is perpetrated on them within their homes and in the context of their closest relationships with impunity, and laws which condone violent punishment too often go unchallenged.

No consideration of the health and safety rights of women and girls is complete if it does not acknowledge the huge scale and legality of punitive violence against girls and call for an end to it. The widespread legal and social acceptance of corporal punishment means that it is
commonly not understood as “violence” unless it reaches some degree of severity; this necessitates explicitly referring to it. Where corporal punishment is not directly mentioned (for example, where documents refer only to “all forms of violence” or to “abuse”) it inevitably remains invisible – just as the lack of a gender perspective makes violations of the rights of women invisible. Meaningfully addressing corporal punishment requires explicitly calling for its prohibition and elimination.

**Recommendation:** specifically address corporal punishment in the thematic report on women’s right to health and safety and call for its universal prohibition in all settings of children’s lives, including the home.
Annex: Health consequences of corporal punishment of children – summary review of research on the effects of corporal punishment

The message from research is very clear – corporal punishment of children carries multiple risks of harm and has no benefits. A major 2002 meta-analysis of 88 studies found associations between lawful corporal punishment by parents and ten negative outcomes. This is consistent across cultures; in a systematic comparison of 17 studies which included 60 comparisons of the effects of physical punishment in different cultural contexts, there was no evidence of differences in the effects of corporal punishment due to cultural context, including because of its perceived normativity.

The Global Initiative has reviewed more than 200 studies showing associations between corporal punishment and a wide range of negative health, developmental and other outcomes; there is no evidence of any positive outcomes. A longer working paper on the review of research on the effects of corporal punishment is available; for more detailed information please contact info@endcorporalpunishment.org. The effects of corporal punishment of children identified in the review include the following:

1. Direct physical harm

Corporal punishment kills thousands of children each year; the intent to discipline or punish has been shown to be a common precursor in many child homicide cases, while a recent Finnish study found that the decline in physical punishment since prohibition was achieved in 1983 was associated with a similar decline in the number of children who were murdered.

Many more children sustain injuries and physical impairments as a direct cause of corporal punishment and the majority of cases commonly referred to as “abuse” are cases of corporal punishment. For example, a major Canadian study found that nearly three quarters (74%) of all cases of “substantiated physical abuse” were cases of physical punishment and 27% of “substantiated emotional maltreatment incidents” were initiated as a form of punishment. Most cases of physical abuse involved forms of violence typically used as punishments: just over half (54%) involved children being slapped or “spanked”, 30% involved children being shaken, pushed, grabbed or thrown, 21% involved children being hit with objects and 8% involved children being punched, kicked or bitten. In the US, a study

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22 For example, Jud, A. & Trocmé, N. (2013), Physical Abuse and Physical Punishment in Canada, Child Canadian Welfare Research Portal Information Sheet # 122
of 2,788 families with children born between 1998 and 2000 found that families in which children aged one were “spanked” were about 33% more likely to be involved with Child Protective Services before the child was aged 5 than families in which one-year-olds were not spanked.24

It should also be noted that all physical punishment, however “mild” and “light”, carries an inbuilt risk of escalation: its effectiveness in controlling children’s behavior decreases over time, encouraging the punisher to increase the intensity of the punishment.25 The risk of escalation is increased by the fact that adults who inflict physical punishment are often angry: their anger can increase the level of force used beyond what was intended, and their intent may be retaliatory as well as punitive.26 All ten of the studies on child protection in the abovementioned major 2002 meta-analysis found that corporal punishment was significantly associated with physical “abuse”;27 later studies have found similar associations.28

2. Mental harm and indirect physical harm

Corporal punishment is emotionally as well as physically painful and its links to poor mental health in childhood are clear. In a major meta-analysis, all 12 studies found that corporal punishment is significantly associated with a decrease in children’s mental health, including with behaviour disorders, anxiety disorders, depression and hopelessness.29 Other studies have found associations with higher stress-levels and heightened reactions to potentially frightening events,30 as well as links to a variety of mental health problems including depression, low self-esteem, hostility and emotional instability.31 A study in Canada which used data collected in 2012 from a nationally representative sample of more than 23,000 adults found that experiencing corporal punishment before the age of 16 was associated with mental disorders depression, bipolar disorder, anxiety disorder, alcohol and drug abuse or dependency, phobias, eating disorders, low self-esteem, hostility, emotional instability and thinking about or attempting suicide.32

These associations hold true in adulthood: in a meta-analysis on mental health in adulthood, all eight studies found an association between corporal punishment in childhood and poor mental health later in life, including low self-esteem, depression, alcoholism, self-harm and

27 Gershoff, E. T. (2002), op cit
28 For example, Clément, M. E. et al (2000), La violence familiale dans la vie des enfants du Québec, Québec: Institut de la Statistique du Québec
29 Gershoff, E. T. (2002), op cit
suicidal tendencies. A nationally representative US study also found associations with major depression, mania, anxiety disorders, alcohol and drug abuse and personality disorders.

These negative effects on mental health may also impact on physical health. Associations have been found between corporal punishment and children feeling that their health was poor, experiencing physical illnesses such as asthma, suffering injuries and accidents, being hospitalised and developing habits which put their health at risk, such as smoking, fighting with others and alcohol consumption. This effect may also continue into adulthood. One study found an association between experiencing corporal punishment in childhood and developing cancer, asthma or cardiac disease as an adult. Other studies have found similar links with suffering from migraine and developing alcohol-related problems, cardio-vascular disease, arthritis and obesity.

3. Impaired cognitive development

Research suggests that corporal punishment can have a negative impact on children’s cognitive development due to the effect of early experiences of fear and stress on the developing brain. Results from neuroimaging studies suggest that experiencing harsh physical punishment may reduce the volume of the brain’s grey matter in areas associated with performance on a scale used to measure intelligence in adolescence and adulthood. Studies have found associations between corporal punishment and lower IQ scores, smaller vocabularies, poor cognitive abilities and poor school marks. These

33 Gershoff, E. T. (2002), op cit
41 Tomoda A. et al (2009), “Reduced prefrontal cortical gray matter volume in young adults exposed to harsh corporal punishment”, Neuroimage, 47, 66-71
associations have been found for school and parental corporal punishment. The effects may be lifelong, with some studies finding children who experienced corporal punishment being less likely to graduate from college and to have high status and highly paid jobs.

4. Negative behavioural and other outcomes

In addition to the impact that corporal punishment can have on children's health and development, it has also been associated with a number of negative behavioural effects including increased aggression in children, being aggressive towards their peers, approving of the use of violence in peer relationships, bullying and experiencing violence from their peers, using violent methods to resolve conflict and being aggressive towards their parents. Although corporal punishment is associated with immediate compliance, it does not contribute to the child's long-term compliance to the desired behaviour but in fact makes it less likely that they learn the lessons adults want them to learn. This can result in poor moral regulation and increased delinquent and antisocial behaviour in both young and older children, which persists into adulthood, with studies associating corporal punishment of children with violent, antisocial and criminal behaviour as adults. Corporal punishment and partner violence in particular are closely linked – the two kinds of violence often coexist and experiencing corporal punishment as a child increases the chance of both being a victim of and perpetrating intimate partner violence as an adult. A US study involving nearly 2,000 families found that parents in households where intimate partner violence was perpetrated were twice as likely to inflict corporal punishment on their children.

54 Gershoff, E. T. (2002), op cit
55 Gershoff, E. T. (2002), op cit
58 Gershoff, E. T. (2002), op cit
A study published in 2014 used UNICEF data from 85,999 mothers and caregivers of 2-14 year olds in 25 low- and middle-income countries and found that women who believed that husbands were justified in hitting their wives were more likely to believe that corporal punishment is necessary to rear children and were more likely to report that their child had experienced “violent discipline” (psychological aggression and/or physical punishment) in the home in the month prior to the survey than women who did not believe that husbands were justified in hitting their wives.60

Corporal punishment has also been found to severely damage the parent-child relationship,61 teaching children to fear and avoid their parents: children report feeling hurt, angry and frightened of their parents after being physically punished.62

Conclusion

The evidence that corporal punishment is harmful to children, adults and societies is overwhelming, while no studies have found evidence of any benefits. As well as causing direct physical harm to children and impacting negatively in the short- and long-term on their mental and physical health and development, corporal punishment is also linked to other kinds of violence in societies, including partner violence, and is seen to impair moral internalisation, increase antisocial behaviour and damage family relationships. Prohibition of corporal punishment therefore represents a low-cost effective public health measure for the prevention of physical harm and mental illness and to aid developmental, educational and behavioural outcomes for children and ultimately for adults.

62 Dobbs, T. (2005), Insights: children & young people speak out about family discipline, Save the Children New Zealand