

Prohibiting all corporal punishment of children

Answers to frequently asked questions



Also in this series:

Banning all corporal punishment of children:

Questions and answers for children and young people

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Answers to frequently asked questions

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When we think about prohibiting all corporal punishment of children many questions arise, particularly in relation to what prohibition will mean for parents and family life. This booklet provides answers to the most frequently asked questions and dispels common misperceptions about the reasons for prohibition and its impact on families.



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**Part 1:
Questions about
the reasons
for prohibiting
all corporal
punishment**



Does corporal punishment really hurt?

Yes, of course it does! It hurts physically and emotionally. Through research being carried out all over the world, children are beginning to tell us how much corporal punishment hurts them. The UN Secretary General's Study on Violence against Children, completed in 2006, was the first comprehensive global study into the nature and extent of the problem. The Independent Expert leading the Study, Professor Paulo Sérgio Pinheiro, wrote in the report:¹

“Throughout the Study process, children have consistently expressed the urgent need to stop all this violence. Children testify to the hurt – not only physical, but ‘the hurt inside’ – which this violence causes them, compounded by adult acceptance, even approval of it.

“Governments need to accept that this is indeed an emergency, although it is not a new emergency. Children have suffered violence at the hands of adults unseen and unheard for centuries. But now that the scale and impact of violence against children is becoming visible, they cannot be kept waiting any longer for the effective protection for which they have an unqualified right.”

1. Pinheiro, P. S. (2006). World Report on Violence Against Children, Geneva: UN Secretary-General's Study on Violence against Children. For more information on the Study and to download the report see <http://www.ohchr.org/EN/HRBodies/CRC/Study/Pages/StudyViolenceChildren.aspx>

Causing physical pain to a child is itself a breach of children's right to protection from assault – and adults often don't appreciate the difference in size and strength between them and a child, and the impact that this difference can have on the intended and actual physical pain felt by the child. Large scale research in which parents have been asked about the force used when "smacking" their child found that two in five had used a different degree of force than intended.² And research by the Institute of Psychiatry and University College London proved that changes in brain activity when force is used in tit-for-tat situations naturally lead to escalation in the degree of force used and inaccuracy in judging how much force is being used.³

In addition, adults often don't appreciate the emotional hurt caused by corporal punishment, its impact on the dignity of the child, and the potential short- and long-term damage this can have on individuals and society. The Global Initiative is aware of over 250 studies on the effects of corporal punishment which associate it with a wide range of negative health, developmental and behavioural outcomes for children that can follow them into adulthood – this includes poor mental health, poor cognitive development, lower school grades, increased aggression, poor moral regulation and increased antisocial behaviour.⁴

2. Kirwaun, S. & Bassett, C. (2008), Presentation to NSPCC: Physical punishment, British Market Research Bureau/National Society for the Prevention of Cruelty to Children

3. Shergill, S. S. et al (2003), "Two eyes for an eye: The neuroscience of force escalation", *Science*, vol. 301, 11 July 2003, p. 187

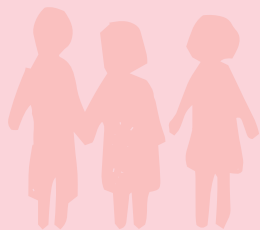
4. For more information, see Corporal punishment of children: summary of research on its impact and associations, available at www.endcorporalpunishment.org

What is the UN Convention on the Rights of the Child, and what does it say about corporal punishment of children?

The United Nations Convention on the Rights of the Child, or UNCRC, is the most complete statement of children's rights ever produced and is the most widely-ratified international human rights treaty in history. The Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to.

The UN Committee on the Rights of the Child is tasked with ensuring the Convention is properly observed by the countries who have signed and ratified it. The Committee has made it clear that the UNCRC requires the prohibition in law and elimination in practice of all corporal punishment in all settings – the home, alternative care settings, day care, schools and penal systems. The Committee's General Comment No. 8 (2006) 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)" consolidated and confirmed these obligations, which were reiterated in General Comment No. 13 (2011) on "The right of the child to freedom from all forms of violence".

The Committee examines countries implementation of the UNCRC on a regular basis and systematically recommends prohibition of corporal punishment in its concluding observations. Other treaty monitoring bodies also increasingly recommend prohibition and the issue is regularly raised in the Universal Periodic Review of states' overall human rights records.



Opinion polls say that most people are against a formal ban on corporal punishment. Shouldn't we listen to the people?

On this issue – like others, including violence against women and race discrimination – politicians have to lead, not follow public opinion. The emphasis must be on the government's obligation to ensure that the law provides children, like adults, with full protection for their human dignity.

Almost all the countries that have prohibited all corporal punishment have done so ahead of public opinion, and then public opinion has quickly come round to support the change. In a few years' time we will look back in wonder – and with shame – at the time when it was regarded as lawful and acceptable to hit children.

The results of polls generally depend on how questions are phrased and on how much information the respondents have. If people are fully informed about the issue, the existing inequality of protection for children and the purpose of a ban, they may well support prohibition – and repeated polls have shown very different results when the question is asked in different ways.

I've often heard young people speaking in support of corporal punishment - surely we should listen to them?

It is true that children will sometimes say that being physically punished is good for them, that it teaches them how to behave, or even that it shows that their parents love them. And of course we should listen to what young people say. But adults have a responsibility not only to hear but to understand what children say to us. We have already drawn attention to the way children are beginning to tell us about the physical and emotional hurt caused by corporal punishment (see 'Does corporal punishment really hurt', page 8). When some children say that this is somehow necessary and good, they are demonstrating how they have grown up surrounded by the belief that it is normal and right to be physically punished and have internalised this belief themselves, absorbing the attitudes and behaviours of their parents and rationalising or trying to make sense of the hurt they have experienced.

Children have an inalienable right to respect for their human dignity and physical integrity and to equal protection from assault. It is the responsibility of governments to ensure that the law upholds these rights. It is the responsibility of parents and other adults to raise children to know about their rights and to respect them in relation to themselves and others.

Being hit as a child didn't do me any harm. Would I be where I am today if my parents hadn't disciplined me physically?

None of us knows how we would have turned out if our parents had never hit or humiliated us. And many people, in saying it did them no harm, are denying the hurt they experienced when the adults closest to them thought they could only teach them by inflicting pain.

Adults who hit their children in the name of discipline usually began doing so because they themselves were hit as children. Although research shows they often feel guilty about it afterwards, they continue to hit their children, especially when they are at the end of their patience. It is pointless to blame previous generations for this, because they were acting in accordance with the pervasive culture of the time. But it is wrong to resist change because we are afraid of appearing to criticise our parents. Times change and societies move on. Recognition of children as rights holders requires action to end the legality and social acceptance of violence against children, just as societies have moved to end acceptance of violence against women.

Some people say: "I was hit as a child and I turned out OK." But there are people who have endured all kinds of bad experiences while growing up who have "turned out OK" as adults, yet nobody would say that what they experienced was good. Often it is the way they have dealt with their experiences that has helped them to be "OK", not the experiences themselves.



**“It is wrong
to resist change
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parents.”**



**“Violent
‘discipline’ is
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There are so many worse violations of children's rights - why focus on this minor one?

As UNICEF has recorded, violent “discipline” is the most common form of violence against children.⁵ Corporal punishment kills thousands of – mostly very young – children across the world each year and injures millions more. It is not an insignificant or minor issue.

But it is not simply a child protection issue. The legality of corporal punishment in so many countries is the most symbolic reflection of the low status of children, as possessions and less-than people instead of as full rights holders. Corporal punishment reflects the day-to-day experience of the majority of the world's children, and in every case, a child's dignity and physical integrity are violated. Just as prohibiting and challenging domestic violence against women has been central to women's empowerment and acceptance of their rights, so it is with children. Prohibiting corporal punishment raises the status of children and contributes positively to how they are viewed and treated in society. No state can pretend that it respects children as rights holders alongside adults, nor pretend that it has an effective and safe child protection system while its law condones violence against them.

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

Parents have a right to bring up their children as they see fit. Shouldn't they be challenged only in extreme cases of child abuse?

Societies are moving on from seeing children as their parents' property to seeing them as people in their own right. As human beings, children enjoy human rights – and these do not stop at the front door of their home. Children have the same right as all other family members to protection from being hit, and it is no more invasive of privacy and family life to insist that the law protects children from assault in the home than to insist that it protects adults from intimate partner violence.

The UN Convention on the Rights of the Child upholds the importance of the family and promotes the concept of parental responsibility, with children's best interests as parents' basic concern (article 18). Some people argue, perversely, that hitting a child in the name of discipline is, in fact, in the child's best interests in the long term. But as the Committee on the Rights of the Child has stated:⁶

“... interpretation of a child’s best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence and the requirement to give due weight to the child’s views; it cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment, which conflict with the child’s human dignity and right to physical integrity.”

Finally, parents are also entitled to benefit from a clear message that violent punishment is associated with impaired family relationships and a long list of negative outcomes for their children, with no links to any positive outcomes.

6. General Comment No. 8 (2006) 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)”, para. 26, available at www.endcorporalpunishment.org/assets/pdfs/reference-documents/CRC-general-comment-8.pdf

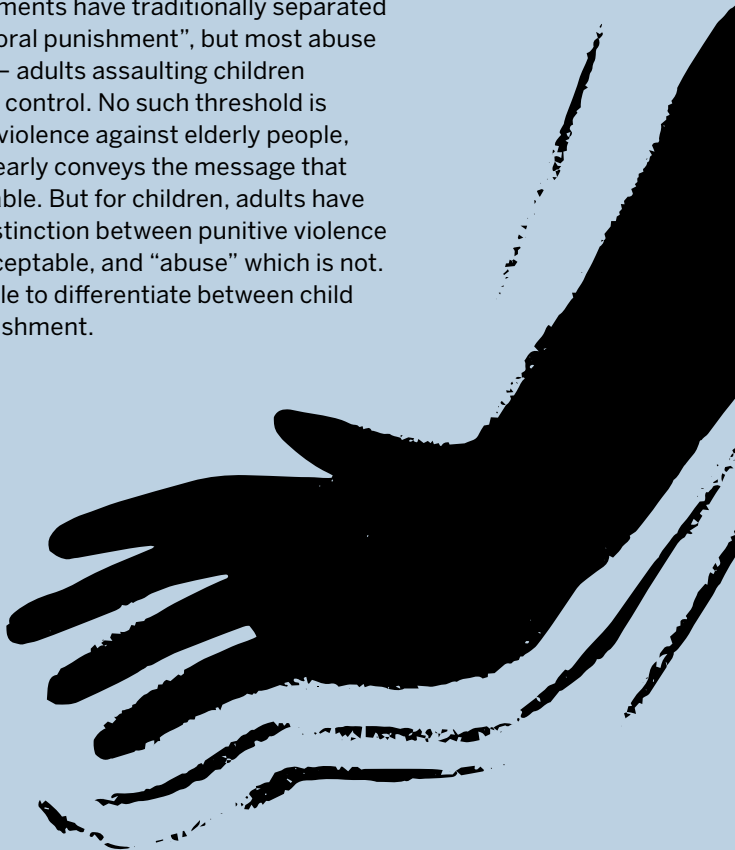
There is a big difference between beating a child and a loving smack. Isn't prohibiting corporal punishment taking things too far?

Beating a child may physically hurt more than a “loving smack” (but see ‘Does corporal punishment really hurt’, page 8), but both are on a continuum of violence and both breach a child’s right to respect for human dignity and physical integrity. Societies do not draw lines and try to justify any level of violence when challenging violence against elderly people. So why should they when it comes to children? And the dangers of making any connection between loving and hurting people should be obvious. A “loving smack” is a contradiction of the worst kind. This seemingly harmless term is a veil behind which rights violations can hide.

Some people argue that “there is a big difference between child abuse and a light smack”, focusing less on the “loving” intention of the violence and more on the degree of violence used. However, it is inaccurate to suggest that adults have precise control over the degree of violence they use. Research shows that often more force is used than intended⁷, and that the degree of force escalates.⁸ And again, whatever the severity of the hitting, it breaches the child’s right to respect for his or her physical integrity.

7. Kirwaun, S. & Bassett, C. (2008), Presentation to NSPCC: Physical punishment, British Market Research Bureau/National Society for the Prevention of Cruelty to Children
8. Shergill, S. S. et al (2003), “Two eyes for an eye: The neuroscience of force escalation”, Science, vol. 301, 11 July 2003, p. 187

Law makers and governments have traditionally separated “child abuse” and “corporal punishment”, but most abuse is corporal punishment – adults assaulting children to punish them and gain control. No such threshold is proposed in the case of violence against elderly people, where zero-tolerance clearly conveys the message that all violence is unacceptable. But for children, adults have invented an arbitrary distinction between punitive violence which is regarded as acceptable, and “abuse” which is not. In reality, it is not possible to differentiate between child abuse and corporal punishment.



**“There
is no such
thing as
‘safe’
smacking.”**



Why not define safe smacking, rather than prohibit all of it?

There is no such thing as “safe” smacking. All smacking invades a child’s physical integrity and shows disrespect for their human dignity. Many research studies have shown milder forms of corporal punishment by parents to be a risk factor for severe violence characterised as abuse, and the tendency towards escalation and personal inaccuracy in judging the amount of force used has already been discussed (see ‘There is a big difference between beating a child and a loving smack. Isn’t prohibiting corporal punishment taking things too far?’ page 20).

A few countries have attempted to define acceptable ways of hitting children – at what age, on what parts of the body, with what implements and so on. As well as sending a very confused message about society’s attitude to violence towards children, this is a very disreputable exercise. We would not think of trying to define acceptable ways of assaulting women, or elderly people, or any other population group. Children have a right to equal protection from assault. If anything, children – generally smaller and more fragile than the rest of us – have a right to more protection.

My religion requires me to use corporal punishment. Wouldn't it be discrimination to stop me using it?

Hitting children is not compatible with the ideals, values and beliefs of the major world religions, which profess compassion, equality, justice and non-violence. Adherents of the world religions model their lives on the example and teachings of their founders. Scholars and theologians emphasise that there is no recorded evidence of any of the founders of the major religions striking a child.

The religious view which condones corporal punishment of children often stems from a culture of authoritarianism, power and control over children. It regards blind obedience as a virtue and physical punishment as an acceptable response to children who are considered to be “disobedient”.

Religious leaders are part of the global movement to eliminate corporal punishment of children. More than 800 religious leaders at the World Assembly of Religions for Peace in Kyoto, Japan (2006) endorsed a declaration – *A Multi-religious Commitment to Confront Violence against Children (Kyoto Declaration)*⁹ – which urges governments to adopt laws to prohibit all violence against children including corporal punishment.

9. The full text of the declaration is available at <http://churchesfornon-violence.org/wp/wp-content/uploads/2012/02/Violence-Against-Children-3.pdf>

The Committee on the Rights of the Child, in its General Comment No. 8, asserts that religious freedom “may be legitimately limited in order to protect the fundamental rights and freedoms of others”.¹⁰ The Committee states:¹¹

“Some raised faith-based justifications for corporal punishment, suggesting that certain interpretations of religious texts not only justify its use, but provide a duty to use it. Freedom of religious belief is upheld for everyone in the International Covenant on Civil and Political Rights (article 18), but practice of a religion or belief must be consistent with respect for others’ human dignity and physical integrity....”



10. General Comment No. 8, para. 29

11. General Comment No. 8, para. 29

Why bring the law into this? Why not just educate parents away from using corporal punishment?

Elimination of all corporal punishment and other cruel or degrading punishment requires both education and prohibition. It is not a matter of choice. Human rights demand that children have at least the same legal protection as adults – in the family and everywhere else – now. The law in itself is a powerful educational tool, and of course law reform banning corporal punishment needs to be linked to public and parent education. A ban will motivate parents to look into positive ways of bringing up their children and motivate professionals, politicians and the media to resource and provide this education.

It is also very difficult and confusing to educate parents away from something that is still supported in law. The assumption is that “if the law allows it then it must be OK”. Education is much more effective when the law gives the same message.

The majority of corporal punishment happens in the family behind closed doors; it will be impossible to enforce a ban, so what's the point of prohibition?

These days nobody would suggest we should not ban domestic violence against adults in the family because it is difficult to police: why should children have less legal protection? The first purpose of law reform to prohibit corporal punishment is prevention – to prevent harmful assaults on children before they happen. That is surely the first purpose of all good law: to set a clear standard and send a clear message, including into the “privacy” of the family home. But prohibition in the family does need to be implemented in a sensitive way, in the best interests of the child – see ‘If corporal punishment is criminalised, won’t thousands of parents be prosecuted and many more children be placed in care?’ page 40.

And the introduction of prohibition should always be accompanied by a substantial campaign providing information and support to parents to help them make the transition to non-violent parenting.

Shouldn't we wait until everyday conditions improve for parents and teachers before prohibiting corporal punishment, so that it doesn't just add to their stress?

This argument is a tacit admission of an obvious truth: corporal punishment is often an outlet for adults' pent-up feelings rather than an attempt to educate children. In many homes and institutions adults urgently need more resources and support, but however real adults' problems may be, venting them on children cannot be justifiable. Children's protection should not wait on improvements in the adult world, any more than protection of women from violence should have to wait for improvement of men's conditions.

In any case, hitting children is ineffective in relieving stress. Adults who hit out in temper often feel guilty; those who hit dispassionately find they have angry and resentful children to cope with. Life in homes and institutions where corporal punishment has been abandoned in favour of positive discipline is much less stressful for all.

In conflict-ridden countries, adults working with children, including parents and teachers, are themselves victims of violence and humiliation. They agree on protecting children's rights, but question who is fighting for their rights. Clearly, these breaches of rights must be addressed but children should not have to wait until adults are able to enjoy their own rights. All people have rights to respect for their dignity and physical integrity and to equal protection under the law – and children are people too.



**“Children the
world over
have the right
to live lives
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forms of
violence.”**

This is a white, Euro-centric issue. Corporal punishment is a part of my culture and childrearing tradition. Isn't it discriminatory to outlaw it?

The idea that hitting children can be a matter of cultural pride is unacceptable. In any event, the hitting of children seems to be a white tradition, exported to many parts of the world through slavery, colonialism and some missionary teaching. The English defence of “reasonable chastisement”, for example, is reflected in laws all over the world. It appears that the only cultures where children are rarely or never physically punished are small, hunter-gatherer societies, arguably among the most “natural” of all human cultures, though now rapidly vanishing under the impact of urbanisation and globalisation.

But human rights are universal, and children the world over have the right to live lives free from all forms of violence. All cultures have a responsibility to disown corporal punishment, just as they have disowned other breaches of human rights which formed a part of their traditions. The UN Convention on the Rights of the Child upholds all children's rights to protection from all forms of physical or mental violence, without discrimination on grounds of race, culture, tradition or religion. There are movements to end corporal punishment of children in numerous states in all continents. School and judicial beatings have been outlawed in many states in all regions of the world.

Why is it so difficult to give up hitting children?

If adults, including politicians, found this issue easy, we would have accepted long ago that children have exactly the same rights as the rest of us to respect for their human dignity and physical integrity and to equal protection under the law. In fact, we would be likely to accept that children, who start off very small and very fragile, have a right to more protection than adults.

There seem to be a number of reasons for the difficulty adults find in giving up what they still perceive of as a “right” to hit and hurt children in the name of “discipline” or control:

(i) Personal experience. Most people everywhere were hit as children by their own parents. Most parents have hit their own children. None of us likes to think badly of our parents, or of our own parenting, and this makes it challenging for many people, including politicians and opinion leaders, and even those working in child protection, to perceive of corporal punishment as the fundamental issue of equality and human rights that it is. This is not a matter of blame – parents have acted in accordance with social expectations – but the time has come to move on to positive, non-violent relationships with children.



(ii) Adults often hit children because they are angry, or stressed, or at the end of their tether. Many adults know, in their heart of hearts, that hitting is an emotional response to what is happening rather than a rational decision to “discipline” the child. The more this happens, the more hitting a child becomes an automatic way of dealing with troublesome behaviour. It is not easy to change automatic behaviours. But they can be changed. As governments invest in public education and awareness raising about positive, non-violent ways of bringing up children and about children’s right to respect for their dignity and physical integrity, parents will develop a whole range of ways to deal with behaviour they don’t like without feeling the need to assault their children.

(iii) Lack of knowledge about alternatives. Law reform should be accompanied by education of parents, children and society generally about the very many positive and non-violent ways that adults can relate to children.



**Part 2:
Questions about
the impact
of prohibiting
all corporal
punishment**



If parents are forced to give up corporal punishment, won't children end up spoilt and undisciplined?

No! Discipline is not the same as punishment. Real discipline is not based on force. It grows from understanding, mutual respect, tolerance, and two way effective communication. Babies start off completely dependent, and as they grow, they rely on adults – especially their parents – to guide and support them towards self-disciplined maturity. Corporal punishment tells children nothing about how they should behave. On the contrary, hitting children is a lesson in bad behaviour. It teaches children that their parents find it acceptable to use violence to sort out problems or conflicts.

Hitting children also sends a confusing message to children that although they shouldn't hit other children or adults and adults shouldn't hit other adults, it is OK for adults, who are bigger and stronger, to hit children, who are usually smaller and more vulnerable. Children learn from what their parents do, not just from what they say.

And respect should not be confused with fear. "Good" behaviour due to fear of being punished means that a child is avoiding punishment, not showing respect. Children learn to truly respect people and things when

they appreciate their intrinsic worth. When parents hit their children in the name of discipline, children learn to “behave” only to avoid punishment, and they learn that violence is an acceptable way to handle disputes. But when parents show respect for their children’s and others’ human dignity and integrity, children learn respect. When parents discipline their children in positive, non-violent ways, children learn that conflict can be resolved without undermining this respect.

Corporal punishment and other cruel and degrading forms of punishment are no substitute for positive forms of discipline. Far from spoiling children, positive discipline is designed to ensure that they learn to think about others and about the consequences of their actions. States have an obligation to support positive parenting. There are many materials available promoting positive parenting and education without violence, which can be adapted and translated for use in every country.



If corporal punishment is banned, won't that lead to children being treated in more horrible ways - emotional abuse, humiliation or locking them up?

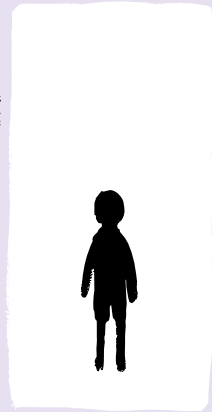
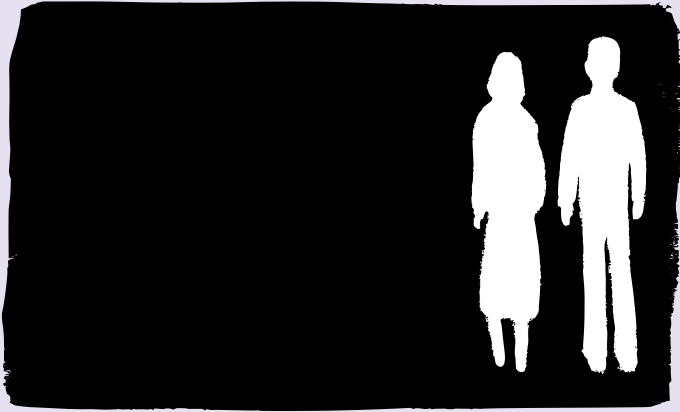
Children have a right to protection not only from corporal punishment, but also from all other forms of cruel or degrading punishment or treatment. Law reform needs to be linked to awareness raising and promotion of positive, non-violent relationships with children.

Parents want their children to have the best possible start in life. Parents who hit their children or mistreat them in other ways do not feel good about it – they generally feel upset and guilty. Most parents would welcome advice and support with how to prevent and solve conflicts with their children without using any kind of violence, physical or emotional. Moving on from hitting and humiliating children to regarding them as people and rights-holders alongside the rest of us improves family life for everyone.

If corporal punishment is criminalised, won't thousands of parents be prosecuted and many more children be placed in care?

The point of a law banning all corporal punishment is not to put more parents in jail. It is about fulfilling children's rights and moving societies on to positive non-violent relationships with children. There is no evidence of increased prosecution of parents from the growing number of countries where corporal punishment is criminalised.

Banning corporal punishment fulfils states' human rights obligations to children. Its first purpose is educational – to send a clear message into the privacy of the home that it is no more acceptable or lawful to hit a child than to hit anyone else. Guidance to all those involved in child protection, including the police and prosecuting authorities, should ensure that implementation of the law is focused on the best interests of the child. Prosecution and other formal interventions are unlikely to benefit children unless they are the only way to achieve necessary protection from significant harm.



In its General Comment No. 8, the Committee on the Rights of the Child explained the two principles that should ensure that prohibition does not result in large numbers of prosecutions of parents:

1. The *de minimis* principle – which means that the law should not concern itself with trivial matters, and is why minor assaults between adults very rarely come to court. The same principle would apply to ‘minor’ assaults of children by adults.
2. Because of children’s dependence and the unique intimacy of family relations, the decision to prosecute parents or intervene in family life should be taken with great care, and should only be done when necessary to protect them from significant harm and in the best interests of the child.

Isn't it OK for parents to smack their children to stop them from hurting themselves?

Smacking children to stop them hurting themselves does not make any sense! Can you imagine advising parents that when their children are in danger they should hit them? Of course not.

Parents have to use physical actions to protect children – especially babies and young children – all the time. It is a natural part of parenting. If a child is crawling towards a fire, or running into a dangerous road, parents naturally use physical means to stop them – by grabbing them, picking them up, and showing them and telling them about the danger. But causing them pain by hitting them completely undermines the message that they must learn to keep themselves safe and that, until they can do so, their parents will keep them safe. As the Committee on the Rights of the Child explains:¹²

“... parenting and caring for children, especially babies and young children, demand frequent physical actions and interventions to protect them. This is quite distinct from the deliberate and punitive use of force to cause some degree of pain, discomfort or humiliation. As adults, we know for ourselves the difference between a protective physical action and a punitive assault; it is no more difficult to make a distinction in relation to actions involving children.”

12. General Comment No. 8, para. 14

There is a very clear distinction between using force to protect children and using it to punish and deliberately hurt them. The law in all states, explicitly or implicitly, allows for the use of non-punitive and necessary force to protect people. Removing the right to use force for punishment does not interfere with this at all.



Global Initiative website:

www.endcorporalpunishment.org

Detailed information on all aspects of prohibiting corporal punishment is available on the Global Initiative website, including:

- Detailed individual reports on every state and territory worldwide
- Global and regional tables outlining the legality of corporal punishment and immediate opportunities to achieve law reform
- How UN and regional human rights systems address corporal punishment, and guidance on how to use these mechanisms to promote law reform
- Summaries of research into the prevalence of, and attitudes towards, corporal punishment, and the impact of corporal punishment on children, adults and societies
- Information to support implementation of prohibition
- An array of global and regional advocacy resources, including resources available in a range of languages



**The time has come
to end all corporal
punishment of children.
Children have a right
to respect and equal
protection from all
forms of violence now!**

The Global Initiative to End All Corporal Punishment of Children

The Global Initiative to End All Corporal Punishment of Children promotes universal prohibition and elimination of corporal punishment and freely offers technical support and advice on all aspects of law reform.

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Save the Children Sweden

Save the Children Sweden is advocating for the prohibition of corporal punishment in all settings. In 1979 Save the Children Sweden contributed to Sweden becoming the first country in the world to explicitly ban corporal punishment. The organisation is working to highlight the issue of achieving a legal ban and elimination corporal punishment and to put the issue on the political agenda around the world.

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Global Initiative to
**End All Corporal Punishment
of Children**



Save the Children