

Prohibiting corporal punishment of girls and boys – a key element in ending gender-based violence

Submission on the Committee on the Elimination of Discrimination Against Women’s draft update to General Recommendation No. 19 on accelerating elimination of gender-based violence against women

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Global Initiative to End All Corporal Punishment of Children

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Summary

International human rights law requires states to prohibit all corporal punishment of girls and boys, including in the family home. Corporal punishment is the most common form of gender-based violence against girls and ending it is key in ending all gender-based violence. The Global Initiative to End All Corporal Punishment of Children urges the Committee on the Elimination of Discrimination Against Women to explicitly address corporal punishment of girls and boys in the update to General Recommendation No. 19 and recommend its prohibition in all settings of their lives. This could be achieved by a short addition to para. 15(g):

*“Introduce, where these do not exist, or strengthen legal sanctions for all forms of gender-based violence against women, commensurate with their seriousness, in all spheres without delay. **Prohibit all corporal punishment of girls and boys, including in the family home.**”*

The human rights imperative to prohibit all corporal punishment

The human right to respect for human dignity and physical integrity belongs to every human being – women, men, girls, boys: there are no exceptions. Violent punishment of one person by another person, whether inflicted under the direct authority of the state or within the privacy of the family home, is always a violation of this right. 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.

National legal systems that fail to clearly prohibit all corporal punishment of children reflect a state’s failure to fulfil its obligations with regard to this form of violence. There can be no justification for the existence of any national law which explicitly or implicitly allow girls and boys to be violently punished in the course of their everyday lives. The responsibility of the state for acts of non-state actors, explicitly recognised in draft updated General Recommendation No. 19,¹ clearly includes a responsibility to prohibit corporal punishment, in line with the jurisprudence of CEDAW and other UN treaty bodies.

In its monitoring of the **Convention on the Elimination of All Forms of Discrimination against Women**, the Committee on the Elimination of Discrimination against Women has recommended prohibition of corporal punishment, recognising that the Convention protects girls as well as adult women. The Committee has

¹ Draft update to General Recommendation No. 19, para. 13(b)

recommended to a number of states that corporal punishment of children be prohibited in the home and all settings, including, for example, Slovakia (2008), Timor-Leste (2009), Guyana (2012), the UK (2013) and Sierra Leone (2014).

In 2014, in a joint General Recommendation/General Comment on harmful practices, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child 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 prohibiting harmful practices and repealing all legislation which “condones, allows, or leads to” harmful practices.

In recommending prohibition, the Committee is joining with the consensus in international human rights law. Article 19 of the **Convention on the Rights of the Child** requires States Parties to the Convention to protect girls and boys from all forms of physical or mental violence. 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 punishment² the UN Committee on the Rights of the Child consolidated and confirmed the obligation to prohibit all corporal punishment and it systematically recommends prohibition in its concluding observations.³

The monitoring bodies of other international treaties, including the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, the **International Covenant on Civil and Political Rights** and the **International Covenant on Economic, Social and Cultural Rights** and of regional human rights instruments increasingly recommend prohibition of corporal punishment. The issue is regularly raised in the **Universal Periodic Review** of states’ overall human rights records.⁴

Widespread recognition of the human rights imperative to prohibit all corporal punishment has led to accelerating progress towards universal prohibition. As at August 2016, 49 states have prohibited corporal punishment in all settings of children’s lives including the family home, and at least 57 more have expressed a commitment to full prohibition.

Corporal punishment – the most common form of gender-based violence against girls

The draft update of General Recommendation No. 19 recognises that gender-based violence affects women throughout their life cycle and states that “references to women in this document include girls” (para. 9). However, the rest of the General Recommendation gives little consideration to the specific types of gender-based violence which particularly or only affect girls – including violent punishment.

Just as it is crucial to employ a **gender perspective** in consideration of violence, to ensure that the gender-based aspects of violence are made visible and can be addressed, it is essential to employ an **age perspective** in consideration of violence against women, to ensure that violence against girls does not remain invisible. To meaningfully address gender-based violence against girls in the updated General Recommendation No. 19, it is essential to explicitly recognize types of gender-based violence which particularly or only affect girls. Corporal punishment is the most common of these types of violence, affecting the vast majority of girls in the world.

² 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 \(arts. 19; 28, para. 2; and 37, inter alia\)](#)

³ All concluding observations relating to corporal punishment can be found at www.endcorporalpunishment.org

⁴ See the Global Initiative website, www.endcorporalpunishment.org, for more information

A major UNICEF report published in 2014 found that “in almost all countries, parents and other caregivers are the most commonly cited perpetrators of physical violence against adolescent girls” (p.51) and highlighted that 1 billion girls in the world were not fully legally protected from corporal punishment.⁵ The issue is central to girls’ lives. Updated General Recommendation No. 19 should explicitly address corporal punishment of girls and recommend its prohibition.

Ending corporal punishment is key in ending all gender-based violence

Ending violent punishment of girls and boys is central to ending gender-based violence against girls and women. The draft update to General Recommendation No. 19 states that “gender-based violence against women is the fundamental social, political and economic mechanism by which the subordinate position of women with respect to men and their stereotyped roles are perpetuated” (para. 10). In the same way, violence against children, including its most common form, corporal punishment, is a fundamental mechanism by which children’s subordinate position to adults is maintained. The oppression of women and of children, including violence which arises from and perpetuates other forms of subordination, are inextricably linked and one cannot be ended while the other remains. The legality of corporal punishment reinforces hierarchical and patriarchal power structures which perpetuate concepts of girls’ and women’s inferiority to men and children’s inferiority to adults and promote the idea that it is acceptable for those with perceived higher social status to inflict violence on those perceived to be subservient. Ignoring violent punishment of girls in efforts to address gender-based violence colludes with these power structures and helps to hold them in place.

“Many ... practices have been identified which are all strongly connected to and reinforce socially constructed gender roles and systems of patriarchal power relations and sometimes reflect negative perceptions or discriminatory beliefs towards certain disadvantaged groups of women and children.... These practices include ... corporal punishment....”

CEDAW/CRC Joint General Recommendation/General Comment on harmful practices, 2014

Corporal punishment of children perpetuates violence against adult women

Violence against girls is the beginning of violence against women. Girls’ early experience of violence, including corporal punishment from their parents and carers, sets the stage for their later experiences of violence, including from their partners. Corporal punishment of children – both girls and boys – helps to create and maintain a violent society, in which women are more likely to experience violence. Violence against adult women cannot be ended without explicit attention to violent punishment of girls and boys.

The links between corporal punishment of children and violence against women, particularly intimate partner violence, include:

- **Studies have found that social settings in which corporal punishment is prevalent tend to be social settings in which partner violence is prevalent.** Analysis of data from more than 200

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

societies found that societies which used corporal punishment were more likely to be societies in which “wife-beating” was prevalent.⁶

- **Corporal punishment and intimate partner violence often coexist.** Research has found that parents in households where intimate partner violence was perpetrated are more likely to inflict corporal punishment on their children.⁷ A 2011 study in Sweden found that violence between adults in the family was the greatest risk factor for experiencing corporal punishment: children in families where there was violence between adults were ten times as likely to be physically punished as children in families where there was no violence between adults.⁸
- **Acceptance of corporal punishment and partner violence is linked.** Research published in 2014 using data from around 86,000 mothers and caregivers of 2-14 year olds in 25 low- and middle-income countries drawn from UNICEF’s Multiple Indicator Cluster Surveys in 2005-2010, found that women who believed husbands were justified in hitting their wives were more likely to believe corporal punishment is necessary in childrearing and more likely to report that their child had been violently “disciplined” in the home in the month prior to the survey than women who did not believe husbands were justified in hitting their wives.⁹
- **Research has found associations between experience of corporal punishment as a girl and experience of partner violence as an adult woman.** A study of more than 180,000 women in 12 countries in Latin America and the Caribbean found an association between experiencing corporal punishment as a child and experiencing partner violence as an adult: the proportion of women who reported experiencing partner violence was far higher among those who had been beaten as children than among those who had not been beaten as children – at least twice as high in most cases.¹⁰
- **Being physically punished as a child is associated with inflicting violence on a partner as an adult.**¹¹ A major study of men in Brazil, Chile, Croatia, India, Mexico and Rwanda found that those who had experienced violence, including corporal punishment, during childhood, were more likely to perpetrate intimate partner violence.¹² A study of over 4,400 adults in the USA found that the more often respondents had experienced physical punishment as teenagers, the more likely they were to physically assault their partners as adults and to approve of violence in adult

⁶ Levinson, D. (1989), *Family violence in cross-cultural perspective*, Newbury Park: Sage, cited in Straus, M. A. et al (2014), op cit

⁷ Taylor, C. A. et al (2012), “Use of Spanking for 3-Year-Old Children and Associated Intimate Partner Aggression or Violence”, *Pediatrics*, 126(3), 415-424

⁸ Janson, S. et al (2012), *Corporal punishment and other humiliating behaviour towards children in Sweden – a national study 2011*, Children’s Welfare Foundation & University of Karlstad

⁹ Lansford, J. E. et al (2014), “Attitudes Justifying Domestic Violence Predict Endorsement of Corporal Punishment and Physical and Psychological Aggression towards Children: A Study in 25 Low- and Middle-Income Countries”, *The Journal of Pediatrics*, published online 9 January 2014

¹⁰ Bott, S. et al (2012), [Violence Against Women in Latin America and the Caribbean: A comparative analysis of population-based data from 12 countries](#), Washington DC: Pan American Health Organisation & Centers for Disease Control and Prevention

¹¹ Gershoff, E. T. (2002), “Corporal punishment by parents and associated child behaviors and experiences: A meta-analytic and theoretical review”, *Psychological Bulletin*, 128(4), 539-579

¹² Contreras, M. et al (2012), [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 & Rio de Janeiro: Instituto Promundo

relationships.¹³ Associations have been found between childhood experience of corporal punishment and verbally coercing or physically forcing a partner to have sex as an adult.¹⁴

- **Experience of corporal punishment in childhood is associated with inequitable gender attitudes and behaviour as an adult.** The major study of men in Brazil, Chile, Croatia, India, Mexico and Rwanda found that men who had experienced violence including corporal punishment as boys were more likely to hold inequitable gender attitudes, be involved in fights outside the home or robberies, pay for sex and experience low self-esteem and depression, and were less likely to participate in domestic duties, communicate openly with their partners, attend pre-natal visits with a pregnant partner and/or take paternity leave.¹⁵ A study of 2,805 people in Norway found that physical punishment by parents was associated with gender-unequal decision-making in the home.¹⁶
- **Reducing corporal punishment can reduce partner violence.** In Germany, which achieved prohibition of violent punishment in 2000, research has shown significant decreases in violent punishment, which has been linked to reductions in the proportion of women experiencing physical injury due to domestic violence.¹⁷

Conclusion

The Global Initiative to End All Corporal Punishment of Children urges the Committee on the Elimination of Discrimination Against Women to explicitly address corporal punishment of girls and boys in the update to General Recommendation No. 19 and recommend its prohibition in all settings of their lives. This could be achieved by a short addition to para. 15(g) of the draft:

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¹³ Straus, M. A. et al (2014), *The Primordial Violence: Spanking Children, Psychological Development, Violence, and Crime*, NY: Routledge

¹⁴ Straus, M. A. et al (2014), op cit

¹⁵ Contreras, M. et al (2012), op cit

¹⁶ Holter et al (2009), [Gender Equality and Quality of Life: A Norwegian Perspective](#), Nordic Gender Institute

¹⁷ Pfeiffer, C. (2012), “Weniger Hiebe, mehr Liebe. Der Wandel familiärer Erziehung in Deutschland”, *Centaur*, 11 (2), 14-17, cited in Pfeiffer, C. (2013), *Parallel Justice – Why Do We Need Stronger Support for the Victim in Society?*, Address at the closing plenary session of the 18th German Congress on Crime Prevention, April 23, 2013