



CORPORAL PUNISHMENT

Effective interventions and progress of prohibition in all settings

SUMMARY

Corporal punishment continues to be a legal means of disciplining children in many countries around the world. This is ironical given the fact that corporal punishment is categorized as violence against children (VAC). This reader summarizes information from a variety of sources on what is known about the legality and prevalence of corporal punishment, interventions to address it, and recommendations on reforming the laws that permit its usage.

Keywords: Corporal punishment, social acceptance, full prohibition, law reform, settings

Introduction

Corporal punishment is a method of discipline widely used by adults, for example parents and teachers, to intentionally cause physical pain to children under their care who have behaved unacceptably. The United Nations Committee on the Rights of the Child defines corporal punishment, also referred to as physical punishment, as “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light”.

There are many forms of corporal punishment. Spanking is a common form that involves hitting the buttocks of children with open hands, canes, belts or other objects. Other forms include pinching, slapping and kicking. At school, children are forced to stand in the sun, kneel on rocks, kneel while carrying bricks, slash the compound, dig down anthills, fetch water, split firewood, etc.

Corporal punishment is linked with harm to children's physical safety, mental health and learning. Studies have also shown adverse economic costs to society that arise from low achievement, low earnings, and high physical and mental health needs.

Prevalence

Corporal punishment is a part of family and school life for many children around the world, making it the most common form of VAC. According to the Global Initiative to End All Corporal Punishment of Children, on average, about 80 percent of children worldwide experience violent “discipline” at home.

Box 1: Building a national strategy for law reform

The Global Initiative to End All Corporal Punishment of Children advocates for development of a national strategy to pursue law reform to prohibit corporal punishment in all settings. The initiative guides that the national strategy should:

- Be based on an understanding of the current legal status of corporal punishment
- Make use of existing and emerging opportunities for law reform
- Consider the Universal Periodic Review of the country
- Make use of Government commitment to address VAC
- Identify key parliamentarians, government officials, organizations and individuals that do or are likely to support law reform

In a document titled [Prohibiting all corporal punishment in Southeast Asia and the Pacific](#), Save the Children profiled 16 countries that developed national strategies for law reform to prohibit all corporal punishment in 2009. Mongolia is one of the countries that developed a national strategy and achieved total prohibition in 2016.

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In *Ending Violence in Childhood*, a report released by Know Violence in Childhood in 2017, it is estimated that 1.3 billion children experienced corporal punishment at home in 2015.

Social and legal acceptance of corporal punishment

Corporal punishment is widely accepted around the world, both socially and legally, despite it being categorized as VAC. It is used to immediately put errant children in line and set an example for others. It is used to ostensibly change children's behaviour to become consistent with the adults' expectations in the long run. According to the Global Initiative to End All Corporal Punishment of Children, it is legally defensible on grounds of reasonable reprimand of children in 63 of the 141 states that have not yet prohibited corporal punishment in all settings. The initiative notes that as at June 2020:

- 60 states have achieved prohibition in all settings. Nine African states have achieved prohibition in all settings: Benin, Cape Verde, Republic of Congo, Kenya, Seychelles, South Africa, South Sudan, Togo and Tunisia.
- Governments of 28 states have expressed a commitment to enact laws prohibiting it in all settings. Of these, eight are from Africa: Ghana, Guinea, Mauritius, Mozambique, Namibia, Niger, Sierra Leone and Zambia.

While this is a promising trend, there is still cause for concern given that in the majority of states – 139 states – corporal punishment is not fully prohibited. The initiative has produced statistics of the global child population not fully protected in law from corporal punishment and they make for grim reading:

- 12% are fully protected in the home and all other settings
- 78% are fully protected in some settings outside the home
- 10% are not fully protected in any settings
- 67 states have fully prohibited corporal punishment of children in alternative care, while 132 states have not
- 66 states have fully prohibited corporal punishment of children in day care, while 133 states have not
- 132 states have fully prohibited corporal punishment of children in schools, while 67 states have not
- 142 states have fully prohibited corporal punishment of children in penal institutions, while 57 states have not
- 168 states have fully prohibited corporal punishment of children as sentence for crime, while 31 states have not

In the East African context, in Tanzania, a pathfinder country under the Global Partnership to End Violence Against Children, corporal punishment is not fully prohibited in the home, alternative care, day care, schools, and penal system. In Uganda, also a pathfinder country, corporal punishment is prohibited in schools but not fully prohibited in the home, alternative care and day care.

In eight African states, corporal punishment is lawful as a sentence for crime: Botswana, Eritrea, Libya, Mauritania, Nigeria (also a pathfinder country), Somalia, Tanzania and Zimbabwe.

Large-scale interventions to address corporal punishment

In a 2017 briefing paper titled *Shifting attitudes and behaviours underpinning physical punishment of children*, Stefanie Röhrs of the Children's Institute, University of Cape Town makes the case that given the multi-dimensional nature of corporal punishment, it is imperative that interventions aimed at preventing and reducing it should be multi-pronged to address risk factors at different levels.

Röhrs noted that while interventions may not address all levels at the same time, "it is important to bear these different levels in mind to create a continuum of activities that address multiple levels of the model over time." Noting that evidence on large-scale interventions addressing corporal punishment specifically is very limited, Röhrs presented examples of large-scale interventions targeting risk factors underpinning corporal punishment and interventions on other forms of violence against girls and women that have the potential of scale-up in four broad areas of early-childhood, school, community and entertainment-education. Below, we explore interventions in the first two areas mentioned in the foregoing.

I. Early-childhood home visitation programmes

Home visitation programmes involve visits by professionals or paraprofessionals to provide support and/or education to caregivers. They have been implemented in many countries with different focus areas such as early-childhood development, prevention of maltreatment, infant attachment, child health, and maternal depression. Home visitation programmes generally target the child's mother/primary caregiver and work at the individual and relationship level. Promising practices include:

- *Thula Sana* (Hush Baby), a programme that was adapted from a British intervention and implemented in South Africa. It seeks to improve the quality of the mother-infant relationship and to promote security of infant attachment, both of which are linked to the prevention of physical punishment. *Thula Sana* was evaluated in a randomized controlled trial (RCT) which found that mothers in the intervention group were significantly more sensitive and less intrusive at six and 12 months postpartum compared to the control group. Infant attachment security at 18 months was significantly higher in the intervention group.
- The *Roving Caregivers* programme implemented in Jamaica and seven other Caribbean countries. Trained community members make weekly home visits to families with children up to the age of three years in disadvantaged communities. Parents are shown how to stimulate children's cognitive, social and physical development,

Box 2: Working with religious communities and faith-based organizations

Religious texts and teachings are often used to justify corporal, a famous example being *Proverbs 13:24* in the Bible: "Whoever spares the rod hates their children, but the one who loves their children is careful to discipline them." (*New International Version*). The Global Initiative to End All Corporal Punishment of Children notes that religious justification for corporal punishment can pose a challenge for law reform and change. The initiative advocates for engaging religious communities and their leaders in mobilizing action towards prohibition. Examples of this include:

- In South Africa, the Southern African Catholic Bishops' Conference (SABC) made two submissions to the Parliament in support of legal prohibition of corporal punishment during the South African Parliamentary deliberations on the Children's Act Amendment Bill in 2007.
- A study by the Imam Network of Mauritania with UNICEF found no place for VAC in the Quran and led to a Fatwa (a formal ruling or interpretation on a point of Islamic law given by a qualified legal scholar known as a mufti) barring physical and verbal violence in the home and school.

and given advice on parenting practices. Parents also hold monthly meetings to share their knowledge and experiences. The impact report highlights that parents in the intervention group showed a desire to use less physical punishment and more talking. A cost-benefit analysis found the programme to be cost-effective.

2. School-based interventions

School-based interventions focus on reducing physical punishment by school staff. Teachers and other school staff, learners, parents and communities are targeted for behaviour change. These interventions operate at the individual and relationship level but can also be at the community level.

- Highlighted as best practice is the *Good School Toolkit* developed by Raising Voices and implemented in Uganda to prevent VAC in schools (VACiS).
- In Jordan, the *Ma'An (Together) Towards a Safe School Environment* programme, a national, multi-pronged intervention, was implemented in the period 2009-16 to reduce incidence of VAC by teachers in all public schools. It includes school-based activities to promote behavioural changes among teachers, community-based activities and a media campaign to shift social norms. The intervention was evaluated from November 2016 to March 2017 and found to be effective in reducing verbal (by 43%) and physical (by 47%) violence across all grades in 3,241 schools. In terms of impact, it increased awareness on VACiS, its implications for children, and children's rights. Children, chiefly girls, referred to the programme activities as "enabling them to gain confidence in their abilities", which then enabled them to "positively engage with and communicate to the teachers, understand the significance of self-discipline, participate in constructive activities, and support other students who needed assistance." It visibly transformed the state of 'hesitant acceptance' to an 'open admission' that VAC (in school and communities) is a problem that should be immediately and comprehensively solved. The evaluation concluded that the *Ma'An* programme is a low-cost "undertaking of national importance to address the deep-rooted problem of VAC" and created national momentum against VACiS. The full evaluation report is accessible at https://www.unicef.org/evaldatabase/files/MAAN_EvalReport_FINAL_20170623_Eng.pdf

Law reform to prohibit corporal punishment

The Global Initiative to End All Corporal Punishment of Children argues that law reform to prohibit corporal punishment of children in all settings is an obligation under international human rights law. The aim is to ensure that children have equal legal protection from assault as adults do. In a briefing titled "*Prohibiting all corporal punishment of children: learning from states which have achieved law reform*", the Initiative guides that the law should explicitly state that corporal punishment is prohibited. Kenya is cited as one example where laws explicitly prohibiting all corporal punishment were enacted, as enshrined in Article 29 of the country's constitution. Article 29 of the Kenyan constitution reads in part:

Every person has the right to freedom and security of the person, which includes the right not to be...
(c) subjected to any form of violence from either public or private sources;
(d) subjected to torture in any manner, whether physical or psychological;

- (e) *subjected to corporal punishment;*
- (f) *treated or punished in a cruel, inhuman or degrading manner.*

Further Reading

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