

Key points

- Just as the Council of Europe systematically campaigned to rid Europe of the death penalty, it is now acting to bring about a continent-wide ban on corporal punishment against children.
- Violence is a major abuse of human rights, and if it is wrong to hit an adult, it is also wrong to hit a child. Children have the same rights to respect for their human dignity and physical integrity and to equal protection under the law
- In May 2015 Albania, Andorra, Austria, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Latvia, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Spain, Sweden, “the Former Yugoslav Republic of Macedonia”, and Ukraine had laws banning corporal punishment of children in all circumstances. Other European countries have banned it in schools or penal settings, but have not yet extended the ban fully.
- The Council of Europe wants to see corporal punishment of children outlawed in each of its 47 member countries, and positive parenting programmes set up by governments to encourage parents to make the family violence-free.

Summary

The Council of Europe is Europe’s leading guardian of human rights – which also apply to children in the same way as they apply to adults. In the past, major steps have been taken to protect children. These included landmark judgments in the Court of Human Rights challenging corporal punishment of children in school, the penal system and the family, and condemnations of corporal punishment by the Council of Europe Commissioner for Human Rights, the Committee of Ministers, the Parliamentary Assembly, and the European Committee of Social Rights.

To ban corporal punishment is a global goal. The United Nations Secretary General’s Study on Violence against Children set 2009 as the target date for achieving universal abolition. Today, in 2015, unfortunately many States in Europe have yet to fully outlaw corporal punishment.

Questions and Answers

What exactly is corporal punishment?

The UN Committee on the rights of the child defines corporal punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Adults have a talent for inventing euphemisms to make them feel more comfortable while they inflict pain and humiliation, such as spanking or smacking. The truth is that, for a child, all of this is violence, and if it were directed at an adult it would constitute criminal assault.



Why should we ban corporal punishment?

Children are human beings, and the rights of human beings are protected in international law – including the Council of Europe's own Convention on Human Rights. One of the most basic human rights principles is the right to live free from the threat of violence. If we do not protect children from violence, we are breaking these fundamental principles.

There are many other good reasons to ban corporal punishment:

1. It can cause serious harm to children;
2. It teaches children that violence is an acceptable way of solving conflicts;
3. It is ineffective as a means of discipline and there are positive ways to teach, correct or discipline children which are better for the child's development and health;
4. It is more difficult to protect children from severe abuse if some forms of violence are legitimate.

But what about the rights of parents? Doesn't abolition infringe the rights of families or the freedom of religion?

Human Rights do not stop at the front door of our homes. Children have rights as other family members: they should not be hit any more than a man has a right to hit his wife. Parents who defended their right to smack have consistently lost their cases at the European Court of Human Rights. These have included members of church congregations and the stepfather of a young English boy who claimed that the violence he inflicted to his stepson was "reasonable chastisement".

Some people may raise faith-based justifications for corporal punishment. However, practice of a religion or belief must be consistent with respect of other's human dignity and physical integrity.

Isn't the project too ambitious? Can we really persuade every country to ban corporal punishment?

The fight to ban corporal punishment is a long and hard one. Poland first introduced a prohibition in 1783, Austria, Belgium and Finland followed suite in 1900, and Russia abolished it in 1917. In the United Kingdom, where general abolition remains a controversial issue, the first recorded challenge was in 1669, when a "lively boy" presented a petition to Parliament "on behalf of children of his nation" to stop school corporal punishment. It was more than three centuries before his wish was granted – thanks to the 1983 Education Act.

For abolition to succeed there needs to be a combination of law reform and education - to move societies on from accepting violence and to provide new, positive ways for families to work together. An example is Sweden, which, in 1979, became the first country in the world to explicitly ban corporal punishment. It brought in measures to teach good parenting at the same time.





Why is it so hard to bring about a ban?

Most adults grew up with parents who believed that discipline or control included physical violence. Many parents now smack their children. It is hard for them to accept that they are doing wrong – even though it is very clear that a strong, physically fit adult can do a lot of harm to the smaller, weaker and more vulnerable child. A lot of work is needed to get adults to accept the uglier truth, and to see that there are other ways of dealing with frustration, stress and anger.

What is the next step?

The Council of Europe wants every country to bring in laws against corporal punishment. Governments should support parents to look at their relationships with their children in a different way instead of reassuring them that ancient and violent education methods are acceptable. Good parenting practice is essential if healthy children are to develop into healthy adults. Our hope is that governments will not only answer the call by introducing a ban into law, but will also opt for supporting families (to achieve reconciliation of family and work, for instance), developing services for parents (such as advice or training), for awareness raising, and for measures that will turn society definitively away from violence. Violence to children is wrong, and every adult needs to accept that.

The attitudes that need to change

“Kids need a bit of discipline. It never did me any harm.”

Studies of mental health consistently show the link between violence and poor health. Adults who were abused as children make up a link in a tragic chain: they are less likely to enjoy happy and fulfilled lives, and they are more likely to turn to violence themselves – the one way of solving problems that they learnt as a child.

“Everyone is dead set against a ban on corporal punishment. It’s not possible to change people’s attitudes.”

The Swedish case proves the opposite. When Sweden first talked about a ban, there was a good deal of opposition. It was made law in 1979. Awareness-raising campaigns and good parenting classes brought about a sea of change in attitudes. By 1995, only 6 per cent of parents thought it was acceptable to smack a child.

“Ok, the cases we see in the papers are bad, but violence in families is really very rare. The family is a safe haven for kids.”

The cases that hit the headlines are the tip of the iceberg. Studies show that most violence and abuse takes place in the home.

“Spare the rod, spoil the child! I don’t want my kids to end up as spoilt brats!”

The best way to bring up children is in a violence free environment, with real discipline based on mutual respect and tolerance. Hitting children is actually a lesson in bad behaviour – children learn from what their parents do, not what they say. More positive forms of discipline will help them to learn to think about others and about the consequences of their actions.





“Kids are tough. They soon forget.”

Interviews with kids of as young as five from a range of countries showed the extent of the damage. “It hurts you inside,” said one seven-year-old. A poll of children carried out by UNICEF found that children want the opportunity to talk things out, not to be hit or shouted at.

“Most parents don’t smack their kids.”

Studies show that where corporal punishment is still legal, most parents believe in it and use it. Research in the Slovak Republic in 2002 found that 98.6 per cent of parents believed they should smack children, and 42 per cent thought it was OK to do it with an implement.

“Well, violence is not pleasant, but it’s hardly a priority problem. It’s not as if it’s harming the economy, is it?”

Violence costs money. It means money for the health service – first of all to deal with battered limbs, and then later on to patch up battered lives as older children and adults abused as children turn to drugs, alcohol or truancy to escape their problems. A 1999 World Health Organisation report on prevention suggests that the human and financial costs of child sexual abuse to society are high: “Preventive costs are many times less than the combination of initial and long-term costs ... to the individual, family and society.”

“Sticks and stones may break their bones but words can never hurt. So if I don’t smack my child, I can’t do them any harm, can I?”

Punishment that doesn’t use violence can be just as harmful. Work by the Council of Europe has shown that mental violence – such as threatening, ridiculing or scaring children – poses a serious health problem in Europe. Children are also affected by violence between parents. The best solution is for governments to provide support to parents to help them work out how to react appropriately.

“Parents have a right to bring up their kids as they feel fit. They should be challenged only in extreme cases, such as child abuse”

Human rights don’t stop at the door to your home. Children have the same rights as family members: they should not be hit any more than a man has a right to hit his wife. Children are not their parents’ property; they are people in their own right.

