

Abolishing corporal punishment of children

the key points



The Council of Europe wants a continent free of corporal punishment.
Hitting people is wrong – and children are people too.

Children have the same rights as adults to respect for their human dignity and physical integrity and to equal protection under the law. The 47 member states of the Council of Europe have immediate human rights obligations, under international and regional human rights instruments, to reform their laws and take educational and other measures to prohibit and eliminate all corporal punishment of children, including in the family home. To protect children from corporal punishment, the Council of Europe has developed tools for the use of governments, parliaments, local authorities, professional networks, civil society and, more generally, anyone caring for children.

What is corporal punishment of children?

One way of defining corporal punishment is as any action taken to punish a child which, if directed at an adult, would constitute an unlawful assault. Adults have a great knack for inventing special words to make themselves feel more comfortable about hitting children – smacking, spanking, *donner des fessées*, *picchiare*, *dar un azote*. But the stark reality for the child is that all of this is violence.

The United Nations 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. Most involves hitting (‘smacking’, ‘slapping’, ‘spanking’) children, with the hand or with an implement – whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example washing children’s mouths out with soap or forcing them to swallow hot spices)”.



*Hitting adults is called assault.
Hitting animals is called cruelty.
Hitting children is “for their own good”.*

Why should we abolish corporal punishment of children?

There are many good reasons why corporal punishment of children should be abolished:

- ▶ it is a violation of children’s rights to respect for physical integrity, human dignity and equal protection under the law;
- ▶ it can cause serious physical and psychological harm to children;
- ▶ it teaches children that violence is an acceptable and appropriate strategy for resolving conflict or getting people to do what they want;
- ▶ it is ineffective as a means of discipline. There are positive ways to teach, correct or discipline children, which are better for children’s development and which contribute to building relationships based on trust and mutual respect;
- ▶ it is difficult to protect children if corporal punishment is legitimate – this implies that some forms or levels of violence against children are acceptable.

How can we achieve abolition?

Through law reform:

- ▶ ensuring there are no existing legal defences that justify corporal punishment by parents or others;
- ▶ ensuring that the criminal law on assault applies equally to punitive assaults on children;
- ▶ enacting an explicit prohibition of all corporal punishment and all other degrading or humiliating treatment or punishment of children, normally in civil law, and applying to all settings in children's lives (at home, in institutions, at school, etc);
- ▶ providing guidance on appropriate enforcement of these laws which focuses on protection and promotion of the human rights of children in general and on the best interests of affected children in particular.

Through policy measures:

- ▶ ensuring that comprehensive systems to prevent violence and protect children are implemented at different levels and that corporal punishment comes within the definition of domestic or family violence;
- ▶ ensuring that family courts and other parts of the justice system are sensitive to the needs of children and their families;
- ▶ building capacity among those who work with children and their families;



- ▶ promoting positive, non-violent forms of child-rearing, conflict resolution and education for future parents, parents and other carers, teachers, and for the general public;
- ▶ ensuring that advice and appropriate support is available for all parents and in particular for those who find child-rearing stressful;
- ▶ ensuring that children have access to confidential advice and counselling as well as advocacy to challenge violence against them;
- ▶ ensuring effective and appropriate forms of protection for children who may be particularly vulnerable to harmful and humiliating punishment – for example children with disabilities;
- ▶ ensuring that children and young people have the opportunity to express their views and participate in planning and actions to eliminate corporal punishment;
- ▶ monitoring the effectiveness of abolition by regular research into children's experiences of violence in their homes, schools and other settings. This should also include assessing the impact of abolition on child protection services and parents.

Through awareness raising:

- ▶ ensuring comprehensive awareness raising of the prohibition of all corporal punishment and other inhuman or degrading treatment and humiliation of children. This should target children, all who live and work with them, and the general public;
- ▶ ensuring comprehensive awareness raising of children's human rights, including the right to respect for their human dignity and physical integrity.

What is positive parenting?

Positive parenting refers to parental behaviour based on the best interests of the child. It provides nurturing, empowering, recognition and guidance, which involves the setting of boundaries to enable the full development of the child. Positive parenting supposes respect for children's rights and a non-violent environment, where parents do not use corporal or psychologically demeaning punishment to resolve conflict or teach discipline and respect.



Children are not the property of their parents

What children need

To help children reach their full potential, parents should provide their children with:

- ▶ *nurture*. Parents should respond to children's need for love and security;
- ▶ *structure and guidance*. This refers to setting and adhering to standards of appropriate behaviour, designating what inappropriate behaviour is, and providing a good role model for children. Children need boundaries and guidance for their own security and the development of their own values;
- ▶ *recognition*. Children need to be seen, heard and valued as persons. Parents need to show an interest in their children's daily experiences, listen to them and try to understand their viewpoints;
- ▶ *empowerment*. This means enhancing children's sense of competence, personal control and ability to affect the attitudes and behaviours of others.

To help children learn positive behaviour, parents can:

- ▶ provide regular, positive attention, at all ages. As children grow older this includes being aware of and interested in peer relationships and school performance;
- ▶ help them to understand the potential consequences of their choices;
- ▶ encourage good behaviours with attention and praise, and ignore minor misbehaviours;
- ▶ behave as they want their children to behave, communicate with them respectfully and demonstrate how to resolve conflicts constructively.

What parents need

All parents want to be a good mother or a good father to their children. This is sometimes difficult to achieve. Parenting, besides being a joyous and pleasurable experience, can also be a stressful one. Parents therefore need support to overcome stress, manage conflict and control anger.

Many parents divide their time and energy between different commitments such as their job and caring for children or elderly family members. Time with children is very precious – it passes quickly and will not come back. Positive parenting requires time for parents and children to be together. While this is especially important in the earliest years of the child's life, we should not forget that teenagers also need their parents to be available to them.

It is also vital that parents find time to take care of themselves as adults, to pay attention to their own needs for intimacy, companionship and recreation. Parents need employment policies and child-care provisions that will allow them to reconcile family and professional life.

Parents can learn a great deal from discussing their experiences with other parents, friends and family. Parents can also use professional services that directly (for example parenting education) and indirectly (for example couple therapy) support them in their parenting role. Asking for help is a sign of responsibility, not of weakness. To parent effectively, to provide support and guidance to children, parents themselves need resources and support. States should make sure these are available to parents and professionals working with children, and that they know about them.



About the Council of Europe

Founded in 1949, the Council of Europe seeks to develop common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals, including children.

The programme "Building a Europe for and with children" was set up to secure and promote children's human rights, and to protect children from all forms of violence.

To know more about
Council of Europe action
in the field of children's rights:
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