"To discipline or punish through physical harm is clearly a violation of the most basic of human rights... In at least 60 states, beating children with sticks, belts and other implements, and deliberately humiliating them in other ways, remains an authorized part of the school system. Research on corporal punishment has found it to be counterproductive and relatively ineffective, as well as dangerous and harmful to physical, psychological and social well-being. It is an irony that many states have developed child protection laws and systems – yet simultaneously, continue to allow violence to be inflicted upon children’ (Paulo Sérgio Pinheiro).

"The UN Committee on the Rights of the Child has consistently recommended that States Parties to the Convention on the Rights of the Child prohibit corporal punishment and other forms of violence against children in institutions, in schools, and in the homes. The past 25 years have shown that the elimination of corporal punishment is not easy to achieve’ (Jaap E. Doek).

This publication provides a comprehensive approach, including the main steps to be considered in the process of eliminating corporal punishment, and provides much-needed tools to accomplish this goal. It clearly shows the human rights imperative and describes several aspects of the negative consequences and implications that are caused. It details practical steps for more constructive and effective child discipline practices, and ongoing supports, for long-term change.

This book has been produced in cooperation with the International Institute for Child Rights and Development (IICRD), a leader in community-based, national, regional and international applications of the United Nations Convention on the Rights of the Child (CRC).
Eliminating Corporal Punishment: The way forward to constructive child discipline
ELIMINATING CORPORAL PUNISHMENT

THE WAY FORWARD TO CONSTRUCTIVE CHILD DISCIPLINE

Edited by Stuart N. Hart
with Joan Durrant, Peter Newell and F. Clark Power

Preface by Jaap E. Doek
Foreword by Paulo Sérgio Pinheiro
The designations employed and the presentation of material throughout this publication do not imply the expression of any opinion whatsoever on the part of UNESCO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

The authors are responsible for the choice and the presentation of the facts contained in this book and for the opinions expressed therein, which are not necessarily those of UNESCO and do not commit the Organization.
The United Nations Committee on the Rights of the Child has consistently recommended States Parties to the Convention on the Rights of the Child to prohibit corporal punishment and other forms of violence against children in institutions, in schools and in the home. But the Committee is also very much aware of the need to educate parents, other caregivers, teachers, and other professionals and to provide them with alternatives for disciplining children. This is why the Committee very much welcomes this UNESCO publication on corporal punishment. This publication is an important tool for all those who want to prevent and eliminate the often still widespread practice of corporal punishment. It presents the various human rights standards that make it clear corporal punishment is a violation of the rights of the child, and it clarifies the reasons for this. It also provides information based on research outcomes showing that corporal punishment has negative consequences and is relatively ineffective. Finally, and most importantly, this publication presents principles and examples of good practices, showing that we can and must do better than hitting a child. The slogans: ‘People are not for hitting’ and ‘Children are people too’, used for the first time in the 1970s, are still very valid. The past twenty-five years have shown that the elimination of corporal punishment is not easy to achieve. This publication should be used by everyone who joins the effort to eliminate corporal punishment and promote constructive child discipline practices.

Jaap E. Doek
Chairperson
United Nations Committee on the Rights of the Child
CONTENTS

List of contributors 9
Executive Summary 13
Foreword 17
   Paulo Sérgio Pinheiro
Introduction 21
The human rights imperative for ending all corporal punishment of children 25
   Peter Newell
Corporal punishment: prevalence, predictors and implications for child behaviour and development 49
   Joan Durrant
The way forward to constructive child discipline 91
   F. Clark Power and Stuart N. Hart
Appendix A: 129
   Convention on the Rights of the Child
Appendix B: 153
   Internet resources for parents and teachers on discipline without corporal punishment
LIST OF CONTRIBUTORS

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William A. White/Xalemuxw/Kasalid, Indigenous Liaison Officer of the University of Victoria, Victoria, British Columbia, Canada.

This study has been undertaken at the initiative of the Section of Education for Peace and Human Right Education, Division for the Promotion of Quality Education, UNESCO Headquarters Paris. Paolo Fontani was the project coordinator.
This publication clarifies the human rights imperative and logical dictates of child development knowledge for eliminating corporal punishment of children. It provides guidance for selecting and applying constructive disciplinary practices that respect the human dignity of children. The publication was commissioned by UNESCO’s Education Sector.

The book includes three major sections: (1) ‘The human rights imperative for ending all corporal punishment of children’; (2) ‘Corporal punishment: prevalence, predictors and implications for child behaviour and development’; and (3) ‘The way forward to constructive child discipline’.

1. THE HUMAN RIGHTS IMPERATIVE FOR ENDING ALL CORPORAL PUNISHMENT

The section outlines in detail the human rights standards that require prohibition of all corporal punishment. Hitting people violates their fundamental rights to respect for their physical integrity and human dignity, as set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Children are people too and equal holders of human rights.

This is confirmed in the United Nations Convention on the Rights of the Child, which is also the first international instrument to require protection of children from ‘all forms of physical or mental violence’ (Article 19). The Committee...
on the Rights of the Child, treaty body for the Convention, has consistently interpreted it as requiring prohibition of all corporal punishment, including in the family. It has emphasized this in its concluding observations on reports from more than 130 states, in the conclusions of two days of General Discussion on violence against children (in 2000 and 2001), and in its first General Comment on ‘The Aims of Education’.

Condemnation of corporal punishment on the basis of the child’s human rights, quoting the Convention and the Committee on the Rights of the Child, has been expressed by other human rights bodies and by judgments of high-level courts in all continents.

Abolition of corporal punishment in schools and other institutions and in penal systems for young offenders is accelerating in all continents and is complete in Europe (although enforcement may not be consistent). The banning of corporal punishment by parents and all caregivers, begun in Sweden fifty years ago, has spread to at least thirteen countries.

2. CORPORAL PUNISHMENT: PREVALENCE, PREDICTORS AND IMPLICATIONS FOR CHILD BEHAVIOUR AND DEVELOPMENT

Corporal Punishment is counterproductive, relatively ineffective, dangerous and harmful according to research findings. Corporal punishment has not been found to be an effective means of achieving positive long-term developmental outcomes, such as moral internalization or social problem-solving. Corporal punishment threatens the physical well-being of the child. There is always a risk of physical harm, particularly for young children; and the more often such punishment is used, the more likely it is to progress to severe forms of violence.

The use of corporal punishment has been consistently found to be related to poor mental health in children and youth – including depression, unhappiness, anxiety, and feelings of hopelessness. Corporal punishment is a risk factor for increased levels of aggression and antisocial behaviour in children; relationship problems, including impairment of parent–child relationships; raised thresholds for defining an act as violent; and perpetration of violence as an adult, including abuse of one’s family members.

Factors most strongly associated with use of corporal punishment by a caregiver are: approval of corporal punishment, experience of physical punishment as a child, anger reactions to conflict with the child, attributions of the child’s behaviour to wilful defiance, and marital and parenting stress.
EXECUTIVE SUMMARY

3. THE WAY FORWARD TO CONSTRUCTIVE CHILD DISCIPLINE

Established human rights standards require abolition of all corporal punishment, and the evolving understanding of child development and social environments adds strong arguments against corporal punishment and other destructive punitive practices, including psychological maltreatment. The Convention on the Rights of the Child provides a vision and accompanying set of standards for the goals of child behaviour and development that have achieved international and cross-cultural acceptance and commitment.

The following principles, derived by combining principles in the Convention on the Rights of the Child with understanding of child development, are offered to guide the selection and development of constructive discipline practices:

- Respect the child’s dignity
- Develop pro-social behaviour, self-discipline, and character
- Maximize the child’s active participation
- Respect the child’s developmental needs and quality of life
- Respect the child’s motivation and life views
- Assure fairness and transformative justice
- Promote solidarity

In this section, an international panel of experts presents descriptions of some of the constructive discipline orientations and practices known to be applied in Asia, Africa, Europe, the Middle East, and South America. They include: involving learners and their parents in decisions about codes of conduct and associated practices (Shirley Mabusela); providing guidance in the selection of positive models in peers and classmates (Hassan Qasem Khan); family meetings and intergenerational dialogue (Elizabeth Protacio-de Castro); rendering services to the community to rectify rule infractions (Benedito Rodrigues dos Santos); and exploring ethical/moral meanings and implications in current events (Nora Katona). Additionally, two experts on Indigenous peoples provide descriptions of constructive child-rearing and discipline orientations and related practices for peoples they know well, including the provision to young children of a mentor among the older youth who gently guides them into the practices and norms of good behaviour appropriate for their age and status (Anastasia Pinto), and reinforcement of connectedness to each other and the community through guided observation and the words and advice of elders (William A. White/Xalemuxw/Kasalid).
Further information on a wide variety of constructive discipline practices is provided by examples from and reference to internet sources (compiled by the Global Initiative to End All Corporal Punishment of Children: www.endcorporalpunishment.org).

CONCLUSION
Corporal punishment of children breaches children’s fundamental human rights. It is a threat to the healthy development and welfare of children and the societies of which they are members, and an ineffective form of discipline or control. Constructive, non-violent child discipline is needed. It should be formulated and applied in a manner that respects the human dignity and rights of the child, and with an understanding of child development. Positive, non-violent ways of discipline and child-rearing are being promoted and applied in all regions and cultures. Supportive information, resources and guidance for achieving constructive discipline and child-rearing are available. They should be promoted and made readily accessible to families, schools and communities throughout the world.
To discipline or punish through physical harm is clearly a violation of the most basic of human rights. The Universal Declaration of Human Rights of 1948 states that entitlement to the full respect of physical integrity applies regardless of the circumstance of the person concerned. Since this declaration, much progress has been achieved regarding the creation of legal constraints and special programmes to stop all forms of physical punishment, on both national and international levels. However, in reality, children seldom enjoy the same protections as adults, especially in the case of corporal punishment.

The Committee on the Rights of the Child devoted two days of discussion on 22 September 2000 and 28 September 2001 to the issue of violence against children. As one of the results of this discussion, it was recommended that the Secretary-General should conduct an in-depth international study of this topic, to be presented to the General Assembly. This same discussion also highlighted that Article 19 of the Convention on the Rights of the Child must be interpreted as prohibiting all forms of corporal punishment of children, including within the family. Even after the massive ratification of the Convention on the Rights of the Child – and despite the clear signals sent by human rights bodies and international courts around the world – resistance to change remains.

Much violence against children remains invisible and unrecorded. This is one indication and one result of the very low priority accorded to eliminating violence against children. If states are to be able to measure their progress towards eliminating violence against children, baseline studies must be done to establish
the extent of all forms of violence against children – whether it occur in their homes and families, on their way to and from school, or at school, in other institutions or penal systems, or in their streets and communities.

Violence that occurs in specific settings, such as schools and homes, needs to be considered in the context of overall attitudes towards violence in the community, as well as attitudes towards children. Much violence against children remains lawful and socially approved. Initial analysis shows that only fifteen or so states have explicitly prohibited all violence against children, including all violent and humiliating punishment in the home. In at least sixty states, beating children with sticks, belts and other implements, and deliberately humiliating them in other ways, remains an authorized part of the school system. It is an awful irony that many of the same states have developed child protection laws and systems – yet, simultaneously, continue to allow violence to be inflicted upon children. In a smaller minority of states, capital punishment is still authorized as a sentence for crimes committed by children.

But it is not enough to call for change – a clear path to the required change must be laid out. UNESCO is recognized as a leader in formal and non-formal education, and has taken great initiative in developing this publication on what remains a sensitive issue in many places. Schools deserve particular attention. While they do not provide the total education of a child, what makes schools so important is that they are almost uniquely placed not only as part of the problem, but also as part of the solution. While it is undeniable that teachers are often ill-equipped to address the situations that arise – and that bullying, harassment, and the seeds of gender-based violence are often sown in the schoolyard – it is equally accepted that schools can implement innovative and sustainable changes in attitudes and practices, which can then spread throughout communities and into homes.

The United Nations Secretary-General’s Study on Violence Against Children will consolidate the available information on different forms of violence against children across different settings where it occurs. Corporal punishment is an extremely important cross-cutting issue that must be confronted in this challenging endeavour. As part of the Study, initial consultations with children and young people in more than 130 countries has clearly shown that children themselves identify violence as a critical issue in their lives, and that schools and their staff are seen as key opinion leaders and change agents in stopping violence. While physical punishment is clearly unacceptable, children are quick to identify emotional and psychological abuse as humiliating and hurtful, with the impact enduring over time.
Changing discipline practices will be most effective where this challenge is tackled in the overall context of the education approach and related teaching and learning methods. To effect change, schools need more than simply to be told that current practices are not acceptable; they need the support of parents and the community, adequate training and resources, and ongoing support to implement a clear strategy over time. This publication by UNESCO sets out many of the key signposts for what needs to be done.

This book provides a comprehensive approach – including the main steps to be considered in the process of eliminating corporal punishment – and offers much-needed tools to accomplish this goal. It describes several aspects of the negative consequences and implications of corporal punishment and clearly shows the human rights imperative to end such punishment. And, finally, it details practical steps for more constructive and effective discipline, as well as ongoing supports for long-term change.

Eliminating Corporal Punishment: The way forward to constructive child discipline is a welcome contribution to broadening the debate and to providing more of the necessary information and tools with which to respond effectively to this problem.

Paulo Sérgio Pinheiro
Independent Expert
United Nations Secretary-General’s Study on Violence Against Children
INTRODUCTION

This publication was produced to clarify the reasons and justification for abandoning corporal punishment as a disciplinary procedure and to provide guidance for selecting and applying constructive disciplinary practices that respect the human dignity of children. It was commissioned by and developed with UNESCO’s Education Sector.

Child discipline is a topic of practical, policy, research, and theoretical interest throughout the world. The child rights movements of the last and present century have made it a tensely debated issue in families, schools, communities, societies, and the world. UNESCO’s interest in this topic extends from its commitment to provide information and guidance in supporting child-centred educational knowledge and practice.

The history of children provides a context for considering this issue. According to dos Santos (2002), three major historical periods are of particular relevance. The first has been called the period of ‘Parental Sovereignty’, and includes that time prior to and through to the end of the nineteenth century. During this period, the family – particularly the parents – had nearly absolute power over children, and the child’s own will was disallowed or overpowered through the use of severe punishment, usually physical punishment, with impunity. The ‘Child Welfare’ period gradually grew from this point, during which time the state assumed some power over children in a parentis patriae role, which included intervening in the domestic arena and acting as the final arbiter of the child’s best interests. Parents became more like moral and emotional authorities...
to children. Their methods of discipline began to change from ones centred on corporal punishment to conditioning and attempts to control the inner world of their children and train their wills. Since the late twentieth century, particularly with the strengthening and expansion of the human rights movement, the ‘Children’s Rights’ period has emerged. The establishment of the United Nations Convention on the Rights of the Child is both the most powerful indicator and influence of this period, during which children have come to be viewed as being both entitled to rights and as needing protection and guidance towards becoming autonomous citizens – as having some specific rights adults don’t have, some equal rights with adults, and some rights they will acquire only when they become adults. In respect of their human rights, the use of physical and psychological violence, cruelty and oppression is recognized as antithetical to, and as a violation of, these rights. On these grounds, the oversight body for the Convention, the United Nations Committee on the Rights of the Child, has called for the abolition of corporal punishment. It is increasingly recommended that constructive discipline should include tutelage as a major strategy, along with emotion control, psychologically involving children in establishing ground rules, and having dialogue with them in order to raise their awareness about the consequences of their behaviour – all as components of a central constructivist approach (dos Santos, 2002).

The signs of progress in moving away from discipline that includes physical and psychological violence – including corporal punishment – towards discipline that respects the human dignity and rights of children are clear. However, child discipline practices founded on physical punishment can still be found almost anywhere in the world. Good information, education and resources are needed to support progress towards the enlightened views and practices of the human rights era. This publication is intended to contribute to such advances.

The book includes an executive summary, three chapters and two appendices. Chapter 1, ‘The human rights imperative for ending all corporal punishment of children’, presents the strong case against corporal punishment that has developed through the establishment of international human rights standards, particularly those embodied in the UN Convention on the Rights of the Child, and they have influence on law, policy and practice. Chapter 2, ‘Corporal punishment: prevalence, predictors and implications for child behaviour and development’, describes and interprets the knowledge base on corporal punishment and finds corporal counterproductive and relatively ineffective punishment in achieving the goals of child discipline, as well as being dangerous and harmful. Chapter 3, ‘The way forward to constructive child discipline’, offers principles to consider in selecting constructive discipline practices; provides international
examples of good practices, contributed by experts on different regions and cultures of the world; and gives guidance towards resources for constructive discipline. The UN Convention on the Rights of the Child and internet resources for parents and teachers on discipline without corporal punishment are provided in appendices.

REFERENCE
1. THE HUMAN RIGHTS IMPERATIVE FOR ENDING ALL CORPORAL PUNISHMENT OF CHILDREN

Peter Newell

Human rights are universal. Hitting and deliberately hurting and humiliating people breaches their fundamental rights to physical integrity and human dignity. As adults, we know this for ourselves. So how can we persist in denying it for children? Children are simply smaller and more fragile people.

Globally, we have come a long way in protecting people from corporal punishment. It is paradoxical, but sadly true, that the progression of protection in states started with adults – to remove rights of husbands and masters to beat their wives, servants and apprentices, and to end whipping and flogging as adult sentences of the courts and as punishments within prisons and in armed forces. As adults became progressively protected from these forms of extreme, deliberate violence by legal reform and changes in public attitudes, notice began to be given to the needs of children for protection. Here again, there is normally a progression – first ending corporal punishment of children and young people in penal systems, then ending it in schools and other institutions. Finally, attention turns to corporal punishment within the family, where it has always been most common and where adults are proving most resistant to its abolition.

Corporal punishment of adults is prohibited in well over half the world’s countries, yet only 15 of the 190-plus states have prohibited all corporal punishment of children, including in the family.1 In the remaining 180 states, parents and usually some other caregivers retain ‘rights’ to hit and humiliate children. Around 50 or 60 states retain corporal punishment of children in their penal systems, and 60 or 70 in schools and other institutions. In many countries, legal defences exist to justify
assaults of children – the most common being the defence of ‘reasonable chastisement’, long a part of English common law and exported through colonization to many other countries throughout the world. The still-quoted leading case dates back to 1860. In it, the Chief Justice of England was trying a case in which a teacher had beaten a boy to death. In finding the teacher guilty, the Chief Justice stated: ‘By the law of England, a parent … may for the purpose of correcting what is evil in the child, inflict moderate and reasonable corporal punishment’ (R. v. Hopley, 1860).

Where the law is silent, the traditional low status of children as less than people ensures that they do not, in reality, receive equal protection under their countries’ laws on assault. Only explicit confirmation that the law on assault applies equally to so-called ‘disciplinary’ assaults on children by their parents, coupled with widespread awareness-raising on children’s rights, can achieve true equality of protection.

All corporal punishment breaches people’s fundamental rights to respect for human dignity and physical integrity. The existence of legal defences for adults who hit children, or the absence of effective protection for children, breaches the equally fundamental right, upheld in the Universal Declaration of Human Rights (Article 7) and the International Covenant on Civil and Political Rights (Article 26), to equal protection under the law.

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD
The particular task of the United Nations Convention on the Rights of the Child has been to confirm that human rights really are universal, that they do include children: that children, too, are holders of human rights. The Convention has been ratified as of today by 192 countries, leaving only two states that have not yet fully accepted it. This gives this Convention a special and very strong authority in international law.

Also, the Convention is the first international human rights instrument expressly to address prevention of all forms of violence against children: Article 19 requires states to take ‘all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence’ while in the care of parents and other caregivers. In addition, Article 28(2) requires States to ‘take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.’

The state’s obligation to provide effective protection of children, in their homes, schools and everywhere else, is clearly established in the Convention. Human rights do not stop at the door of the family home or the school. While
the state cannot be held directly responsible for the violence of individual parents and teachers, it is required to provide a framework of legal, educational and other measures to protect children, like everyone else, and to deter all forms of violence against children.

The Committee on the Rights of the Child
The Committee on the Rights of the Child, the internationally elected treaty body for the Convention, has consistently stated that legal and social acceptance of corporal punishment of children, whether in their homes or in institutions, is not compatible with the Convention. Since 1994, the Committee has recommended to over 140 states in all continents that they should prohibit all corporal punishment, including in the family, and initiate or support campaigns to raise awareness of the negative effects of corporal punishment and to encourage the development of positive, non-violent child-rearing and educational practices (Hodgkin and Newell, 2002).

In its first General Comment, on the aims of education, the Committee states:

Children do not lose their human rights by virtue of passing through the school gates. Thus, for example, education must be provided in a way that respects the inherent dignity of the child … Education must also be provided in a way that respects the strict limits on discipline reflected in Article 28(2) and promotes non-violence in school. The Committee has repeatedly made clear in its concluding observations that the use of corporal punishment does not respect the inherent dignity of the child nor the strict limits on school discipline. Compliance with the values recognised in Article 29(1) clearly requires that schools be child-friendly in the fullest sense of that term and that they be consistent in all respects with the dignity of the child (Committee on the Rights of the Child, 2001).

Following a day of General Discussion in September 2001 on 'Violence against children in families and schools', the Committee adopted formal recommendations, including: 'The Committee urges States parties to enact or repeal, as a matter of urgency, their legislation in order to prohibit all forms of violence, however light, within the family and in schools, including as a form of discipline, as required by the provisions of the Convention' (see Box 1).2

OTHER INTERNATIONAL HUMAN RIGHTS TREATY BODIES
Other major human rights treaty bodies – the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and Committee against Torture
Box 1

Recommendations adopted by the Committee on the Rights of the Child following its General Discussion on ‘Violence against children in the family and schools’ (28 September 2001)

Extracts

Guiding Principles

1. The Committee urges that references to ‘family’ and ‘school’ not be understood as narrowly defined. The references to ‘family’ (or to ‘parents’) must be understood within the local context and may mean not only the ‘nuclear’ family, but also the extended family or even broader communal definitions including grandparents, siblings, other relatives, guardians or care providers, neighbours, etc. Similarly, all references to ‘school’ (or to ‘teachers’) should be understood to include schools, teaching institutions, and other formal and non-formal learning environments.

2. The Committee recommends that an alternative vision of a school and a family where the rights and dignity of all are respected including children, parents and teachers should guide all actions on the issue of violence against children. The main strategy should be to galvanize actions around this vision rather than using punitive measures. In this vision relations between and among children and parents or teachers (as well as other family members or students) are mutually respectful and the safety and security of all is promoted.

3. The Committee considers that violence against children is unacceptable under any circumstances, in accordance with the provisions of the Convention on the Rights of the Child. However, the actions to stop violence against children need to take adequate account of different social and cultural contexts and should be devised by fully engaged local actors. National strategies should take fully into account the local context and actors.

4. In conceptualizing violence, the Committee recommends that the critical starting point and frame of reference be the experience of children themselves. Therefore children and young people must be meaningfully involved in promoting and strategizing action on violence against children.

5. The Committee recommends that efforts be made to strengthen the link between communities and families as well as schools. Community members, including parents, children and teachers, need to be well informed about their rights, and fully involved in the life of the school, including school governance.

6. The Committee recognizes that different forms of violence against children (such as corporal punishment, bullying, sexual harassment and abuse, and verbal and emotional abuse) are interlinked, and that violence in the family and school contexts reinforce one another. Action against violence therefore must take a holistic approach and emphasize non-tolerance of all forms of violence. Physical violence and other more severe forms of violence are more likely where everyday harassment is tolerated. Tolerance of violence in one sphere makes it difficult to resist it in another.
15. The Committee urges States parties to enact or repeal, as a matter of urgency, their legislation in order to prohibit all forms of violence, however light, within the family and in schools, including as a form of discipline, as required by the provisions of the Convention and in particular Articles 19, 28 and 37(a) and taking into account Articles 2, 3, 6 and 12 as well as 4, 5, 9, 18, 24, 27, 29 and 39.

16. The Committee recommends that such legislation incorporate provisions for appropriate sanctions for violations and the provision of compensation for victims.

17. The Committee urges States parties to review all relevant child protection legislation to ensure that while effective protection is ensured, intervention is adequately tailored to individual context and circumstances, prefers the least intrusive method, and adopts a positive approach that seeks to protect the child from additional harm. The Committee recommends that States parties review legislation dealing with children deprived of a family environment, to ensure that all placement decisions are subject to periodic judicial review, including at the request of children themselves, and with family reunification as the preferred outcome within the requirements of Articles 3, 9, 19 and 39 of the Convention.

18. The Committee recommends careful monitoring of the effective implementation of such legislation, including through inter alia the provision of education, training and resources.

– have also condemned corporal punishment of children. In its General Comment on ‘The Right to Education’, the Committee on Economic, Social and Cultural Rights refers to consistent interpretation of the Convention on the Rights of the Child, and states:

In the Committee’s view, corporal punishment is inconsistent with the fundamental guiding principle of international human rights law enshrined in the Preambles to the Universal Declaration of Human Rights and both Covenants: the dignity of the individual. Other aspects of school discipline may also be inconsistent with human dignity, such as public humiliation. Nor should any form of discipline breach other rights under the Covenant, such as the right to food. A State Party is required to take measures to ensure that discipline which is inconsistent with the Covenant does not occur in any public or private educational institution within its jurisdiction. The Committee welcomes initiatives taken by some State Parties which actively encourage schools to introduce ‘positive’, non-violent approaches to school discipline.

A footnote states:

In formulating this paragraph, the Committee has taken note of the practice evolving elsewhere in the international human rights system, such as the
interpretation given by the Committee on the Rights of the Child to Article 28(2) of the Convention on the Rights of the Child, as well as the Human Rights Committee’s interpretation of Article 7 of the International Covenant on Civil and Political Rights (Committee on Economic, Social and Cultural Rights, 2001).

In examining States Parties’ reports, the Committee on Economic, Social and Cultural Rights has expressed concern at persisting legality of school corporal punishment and recommended prohibition. In addition, in May 2002, following examination of the United Kingdom’s fourth periodic report under the Covenant, in its concluding observations the Committee recommended a ban on physical punishment in the family:

Given the principle of the dignity of the individual that provides the foundation for international human rights law (see paragraph 41 of the Committee’s General Comment No. 13) and in light of Article 10(1) and (3) of the Covenant, the Committee recommends that the physical punishment of children in families be prohibited, in line with the recommendation of the Committee on the Rights of the Child (Committee on Economic, Social and Cultural Rights, 2002).

The Human Rights Committee monitors implementation of the International Covenant on Civil and Political Rights. In its General Comment No. 20, adopted in 1992, on Article 7 of the Covenant (‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment’) the Committee states:

The prohibition in Article 7 relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim. In the Committee’s view, moreover, the prohibition must extend to corporal punishment, including excessive chastisement ordered as a punishment for a crime or as an educative or disciplinary measure. It is appropriate to emphasise in this regard that Article 7 protects, in particular, children, pupils and patients in teaching and medical institutions (Human Rights Committee, 1992).

Like the Committee on Economic, Social and Cultural Rights, the Human Rights Committee has expressed concern at the use of corporal punishment in the family, schools and penal systems for young offenders and has recommended prohibition in concluding observations on States Parties’ reports (Human Rights Committee, 1995).

Responding to an individual communication from an adult threatened with a sentence of corporal punishment in Jamaica, submitted under the Optional Protocol to the International Covenant, the Human Rights Committee declared corporal punishment to be in breach of Article 7 of the Covenant:
The permissibility of the sentence under domestic law cannot be invoked as justification under the Covenant. Irrespective of the nature of the crime that is to be punished, however brutal it may be, it is the firm opinion of the Committee that corporal punishment constitutes cruel, inhuman and degrading treatment or punishment contrary to Article 7 of the Covenant. The Committee finds that by imposing a sentence of whipping with the tamarind switch, the State party has violated the author’s rights under Article 7 (Human Rights Committee, 2000).

The Committee against Torture, responsible for monitoring implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, has also condemned corporal punishment, including in the family (Committee against Torture, 1995).3

Also, in 2002, the Commission on Human Rights Special Rapporteur on Torture, Theo Van Boven of the Netherlands, devoted a substantial part of his report to the UN General Assembly to corporal punishment of children and reviewed the growing consensus across the human rights world against it. The report states ‘that any form of corporal punishment of children is contrary to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment’. It ‘therefore calls upon States to take adequate measures, in particular legal and educational ones, to ensure that the right to physical and mental integrity of children is well protected in the public as in the private spheres’ (UN General Assembly, 2002).

REGIONAL HUMAN RIGHTS INSTRUMENTS AND MECHANISMS

Various regional human rights instruments and mechanisms, promoting and reflecting international standards, are now also working towards ending corporal punishment.

Inter-American system

The promotion of human rights in the inter-American system is the responsibility of two bodies, the Inter-American Commission on Human Rights (IACHR) in Washington, DC and the Inter-American Court of Human Rights in San José, Costa Rica.

The American Convention on Human Rights (1969, in force 1978) guarantees everyone (Article 5) ‘the right to have his physical, mental, and moral integrity respected’, and requires that ‘No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment’. Article 19 emphasizes the right of the child to special protection: ‘Every minor child has the right to
the measures of protection required by his condition as a minor on the part of his family, society, and the state’. And under Article 24, ‘All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law’.

In 2002, the Inter-American Commission requested an ‘advisory opinion’ on ‘The legal status and human rights of the child’ from the Inter-American Court of Human Rights. The Opinion concludes:

that the States Party to the American Convention are under the obligation, pursuant to Articles 19 (Rights of the Child) and 17 (Rights of the Family), in combination with Article 1(1) of this Convention, to adopt all positive measures required to ensure protection of children against mistreatment, whether in their relations with public authorities, or in relations among individuals or with non-governmental entities (Inter-American Court of Human Rights, 2002).

The Opinion refers to the special attention paid by the Committee on the Rights of the Child to violence against children both within the family and at school. It also refers to a judgment of the European Court of Human Rights against the UK in 1998, concerning corporal punishment of a child by his step-father (see page 34).

The Inter-American Court’s Advisory Opinion, which does not specifically refer to corporal punishment, concludes that ‘the State has the duty to adopt positive measures to fully ensure effective exercise of the rights of the child’. It also emphasizes that the principle of equality reflected in Article 24 of the American Convention on Human Rights does not impede adopting specific regulations and measures regarding children, who require different treatment due to their special conditions. But: ‘This treatment should be geared toward protection of children’s rights and interests’ (Inter-American Court of Human Rights, 2002).

It seems clear that if and when an appropriate case comes before it, the Court will condemn the legality of corporal punishment as breaching children’s rights to protection of their human dignity and physical integrity and to the equal protection of the law. In two states in the region, Brazil and Costa Rica, Bills to prohibit all corporal punishment have been presented (May 2004) to parliaments (see page 44).

African system
In Africa, the African Charter on Human and Peoples’ Rights (1981) asserts similar human rights standards, including the right to equal protection under the law (Article 3), respect for physical integrity (Article 4), protection from torture and all cruel, inhuman or degrading treatment or punishment (Article 5), and so on.
The African Commission on Human and Peoples’ Rights, made up of eleven members, monitors the implementation of the Charter, under the authority of the Organization of African Unity (OAU) now the Africa Union. There is also an individual communication procedure whereby an individual, an NGO or a group of individuals who feel that their or others’ rights have been violated can complain to the Commission. One Decision of the Commission, following investigation into a sentence of lashings for a group of students in the Sudan, stated that the sentence of corporal punishment was a violation of Article 5 of the African Charter on Human and Peoples’ Rights (African Commission on Human and Peoples’ Rights, 2000). The Commission requested the Government of Sudan ‘to immediately amend the Criminal Law of 1991, in conformity with its obligations under the African Charter and other relevant international human rights instruments; abolish the penalty of lashes; and take appropriate measures to ensure compensation of the victims’.

The African Charter on the Rights and Welfare of the Child was the first regional treaty on the human rights of the child, adopted by the Organization of African Unity in 1990. However, Member States were slow to ratify the treaty, and it was not until 1999 that the fifteenth country ratified, thereby allowing it to enter into force. Article 11 requires that: ‘States Parties to the present Charter shall take all appropriate measures to ensure that a child who is subjected to school or parental discipline shall be treated with humanity and with respect for the inherent dignity of the child and in conformity with the present Charter’. The Charter also emphasizes in Article 1 that: ‘Nothing in this Charter shall affect any provisions that are more conductive to the realization of the rights and welfare of the child contained in the law of a State Party or in any other international Convention or agreement in force in that State’. The Convention on the Rights of the Child is ratified by all African states with the exception (2004) of Somalia.

States Parties to the African Charter are required to submit reports to an eleven-member African Committee of Experts on the Rights and Welfare of the Child, which will monitor compliance with the Charter. The Committee will be empowered to receive complaints from any person, group or non-governmental organization recognized by the OAU, relating to any matter covered by the treaty.

**European system**

1. The European Court of Human Rights

The longest-established regional human rights mechanism is the European Court of Human Rights, whose judgments are binding on Member States of the Council of Europe and widely quoted in constitutional and other high-level courts.
throughout the world. The European Commission and the European Court of Human Rights were set up in Strasbourg, France in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights (on 1 November 1998 a full-time Court was established, replacing the original two-tier system of a part-time Commission and Court). Since the 1970s, the Commission and Court have considered a series of applications alleging that corporal punishment of children breaches the European Convention.

Most recently, in September 1998, the European Court ordered the UK Government to pay £10,000 compensation to a boy who was repeatedly caned by his stepfather (the case of A. v. UK, 1998). This was the first case concerning parental corporal punishment to be considered by the Court. Prosecution of the stepfather in a UK court had failed on the grounds that the punishment was ‘reasonable chastisement’. In the domestic court hearing, the judge directed the jury: ‘If a man deliberately and unjustifiably hits another and causes some bodily injury, bruising or swelling will do, he is guilty of actual bodily harm’. But, the judge continued, it is ‘a perfectly good defence that the alleged assault was merely the correction of a child by its parent, in this case the stepfather, provided the correction be moderate in the manner, the instrument and the quantity of it’ (A. v. UK, 1998). But when the boy, together with his natural father, appealed to the Strasbourg human rights mechanisms, it led to the European Court unanimously finding the punishment violated Article 3 of the European Convention (‘No one shall be subjected to torture or to inhuman or degrading treatment or punishment’). The Court cited Articles 19 and 37 of the UN Convention on the Rights of the Child, stating that there must be ‘adequate protection’ including ‘effective deterrence’ to protect children and other vulnerable individuals. The UK Government was responsible because its domestic law – the defence of ‘reasonable chastisement’ – failed to protect the boy (A. v. UK, 1998).

In 1978, in its first judgment concerning corporal punishment, the European Court ruled that judicial birching of a juvenile (in the Isle of Man – a UK Crown Dependency) breached Article 3 (Tyrer v. UK, 1978). The first case concerning school corporal punishment to be considered by the European Court was, ironically, about parents’ rather than children’s rights: in February 1982, the Court found that the UK was in breach of the European Convention by not respecting parents’ objections to school corporal punishment (Campbell and Cosans v. UK, 1982). Two Scottish mothers, Grace Campbell and Jane Cosans, alleged that corporal punishment used in their sons’ schools was contrary to Article 3 (Campbell and Cosans v. UK, 1982). As neither boy had in fact received corporal punishment, this allegation was rejected by the Court. But it found that the UK had failed to respect the parents’ ‘philosophical convictions’ against
corporal punishment. Article 2 of Protocol 1 to the Convention states: ‘No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the rights of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions’. Jeffrey Cosans, aged 15, was suspended from his school when he refused to accept corporal punishment. The Court found that he had been denied his right to education.

This judgment and many other decisions of the European Commission on Human Rights on applications made by UK schoolchildren and their parents forced the UK Government to abolish corporal punishment in all state-supported education in the UK in 1987.

In 1993, the European Court found that punishment of a boy in a UK private school (he had been hit three times with a soft-soled shoe on his clothed buttocks) did not reach the level of severity required to breach Article 3 of the Convention; but this judgment was by five votes to four, and the Court emphasized that it did not wish to be taken as approving in any way of school corporal punishment, and that the treatment of the boy was at or near the borderline (Costello-Roberts v. UK, 1993). Corporal punishment remained legal for pupils in UK private schools not receiving state support until September 1999 in England and Wales, until 2000 in Scotland and 2003 in Northern Ireland.

Two other significant decisions by the European human rights machinery have emphasized that banning all corporal punishment does not breach other supposed rights to family privacy or religious freedom. In 1982, the European Human Rights Commission rejected an application by a group of Swedish parents who alleged that Sweden’s explicit ban on all parental corporal punishment in 1979 breached their right to respect for family life. The Commission concluded: ‘The actual effects of the law are to encourage a positive review of the punishment of children by their parents, to discourage abuse and to prevent excesses which could properly be described as violence against children’ (European Commission of Human Rights, 1982).

More recently, in September 2000, the European Court rejected unanimously and without a hearing an application by individuals associated with a group of Christian private schools in the UK alleging that implementation of the ban on corporal punishment in private schools breached parents’ rights to freedom of religion and family life (European Court of Human Rights, 2000). Just a month earlier, the South African Constitutional Court had rejected a more or less identical application from a group of very similar Christian private schools (see pages 39–40).
2. The European Committee of Social Rights

There has also been recent activity under the European Social Charter which requires the Council of Europe’s forty-six Member States to respect economic and social rights and, among other things, to provide adequate child protection. The European Committee of Social Rights, overseeing implementation of the Charter, has started to focus on corporal punishment. In a general observation issued in 2001, the Committee concludes that it considers:

that Article 17 [of the European Social Charter and Revised Social Charter] requires a prohibition in legislation against any form of violence against children, whether at school, in other institutions, in their home or elsewhere. It furthermore considers that any other form of degrading punishment or treatment of children must be prohibited in legislation and combined with adequate sanctions in penal or civil law (European Social Rights Committee, 2001).

The Committee refers to the European Court’s A. v. UK judgment (see page 34) and also to the consistent abolitionist recommendations of the Committee on the Rights of the Child. It notes with commendable clarity: ‘The Committee does not find it acceptable that a society which prohibits any form of physical violence between adults would accept that adults subject children to physical violence’.

Since issuing the Observation, the Committee has been systematically reviewing the legal status of corporal punishment in member-states. In February 2003, in its Conclusions published following examination of Poland’s report on compliance with Article 17, it issued a finding of non-conformity – the first on the grounds that corporal punishment in the home is not prohibited; since then the Committee has told four other countries – France, Slovakia, Romania and Slovenia – that they are not in conformity because all corporal punishment is not effectively prohibited.

There is a procedure allowing for ‘collective complaints’ to be made against states, alleging that they are not complying with the Social Charters. Thirteen Member States have so far accepted this procedure. In 2003, collective complaints were registered against five of these countries – Ireland, Greece, Italy, Portugal and Belgium – on the grounds that they have not effectively prohibited all corporal punishment and other humiliating treatment of children. Results were expected in early 2005.

At a Council of Europe seminar in Strasbourg in November 2002, the Deputy Secretary General of the Council concluded:
It is of vital importance that everybody concerned with children work collectively as well as individually towards ending corporal punishment of children… Despite states’ clear obligations under international and regional human rights instruments, only nine European countries have so far explicitly prohibited all corporal punishment of children, and the question of ending corporal punishment of children remains an ‘invisible’, difficult and controversial issue in many countries.

I would therefore like to take this opportunity to challenge the governments of the member states of the Council of Europe to stop defending – or disguising as discipline – deliberate violence against children and to accept that children, like adults, have the fundamental human right not to be assaulted. And I would go even further: in the face of such a fundamental right states cannot remain indifferent – it is their duty to interfere: hitting children is no more acceptable than hitting anyone else. There can be no divide in the respect of human rights (de Boer-Buquicchio, 2002).

High-level court judgments condemn corporal punishment of children

The growing recognition, in the context of implementation of the principles and standards of the Convention on the Rights of the Child, of children’s equal right to respect for their human dignity and physical integrity has led to a series of judgments from high-level courts in many countries condemning corporal punishment, in some cases only in schools and penal systems, in others in the home as well.

For example, in 2002, the Fiji Court of Appeal declared corporal punishment in schools and the penal system unconstitutional. In an appeal against a sentence of, among other things, six strokes of corporal punishment, the Fiji Human Rights Commission intervened with written submissions. These stated that all corporal punishment, per se, is against section 25(1) of the Fiji Constitution and against international human rights law.

The judgment declared:

Children have rights no wit inferior to the rights of adults. Fiji has ratified the Convention on the Rights of the Child. Our Constitution also guarantees fundamental rights to every person. Government is required to adhere to principles respecting the rights of all individuals, communities and groups. By their status as children, children need special protection. Our educational institutions should be sanctuaries of peace and creative enrichment, not places for fear, ill-treatment and tampering with the human dignity of students.

The Court quashed the sentence of corporal punishment and in addition declared that corporal punishment in the penal system and in schools is unconstitutional and unlawful (Naushad Ali v. State, 2002).
In Italy and Israel, Supreme Courts have declared all corporal punishment, including in the home, to be unlawful: the judgment of Italy’s Supreme Court in Rome in 1996 states:

The very expression ‘correction of children’, which expresses a view of child-rearing that is both culturally anachronistic and historically outdated, should in fact be redefined, abolishing any connotation of hierarchy or authoritarianism and introducing the ideas of social and responsible commitment which should characterise the position of the educator vis-à-vis the learner. The term ‘correction’ should be understood as a synonym for education and refer to the conformative spirit which should be a part of any educational process.

In any case, whichever meaning is to be reassigned to this term in family and pedagogic relationships, the use of violence for educational purposes can no longer be considered lawful. There are two reasons for this: the first is the overriding importance which the [Italian] legal system attributes to protecting the dignity of the individual. This includes ‘minors’ who now hold rights and are no longer simply objects to be protected by their parents or, worse still, objects at the disposal of their parents. The second reason is that, as an educational aim, the harmonious development of a child’s personality, which ensures that he/she embraces the values of peace, tolerance and co-existence, cannot be achieved by using violent means which contradict these goals. (Cambria, 1996; see also Ippolito [quoted by Bitensky], 1998).

In 2000, Israel’s Supreme Court produced a particularly strong human rights judgment against all corporal punishment, and the Knesset also removed the common law defence of ‘reasonable chastisement’:

in the legal, social and educational reality in which we live, we cannot leave open the definition of ‘reasonable’ and thus compromise at the risk of danger to the health and welfare of children. We must also take into account that we live in a society in which violence is as pervasive as a plague; an exception for ‘light’ violence is likely to degenerate into more serious violence. We cannot endanger the bodily and mental integrity of the minor with any type of corporal punishment; the type of permissible measures must be clear and unequivocal, the message being that corporal punishment is not permitted.

Having quoted Article 19 of the Convention on the Rights of the Child, the judgment states:

we need to determine that physical punishment of children, or their humiliation and shaming of dignity as an educational system by their parents, is completely
unfit, and is a remnant of an obsolete social-educational stance. The child is not a parent’s property; it is not allowed to treat him like a punching bag that a parent can hit as he desires, this is also true when a parent believes in good faith that he is operating according to his duty and right in educating his child. The child depends on his parent, needs his love, his soft touch and his protection. The use of punishment that causes pain and degradation does not contribute to the character or education of the child, but instead it harms his rights as a person. It harms his body, his emotions, his honour and his proper development. It distances us from our aspiration to be a society free of violence. Therefore, we will know that the use of physical punishments or derogatory or humiliating measures by parents as an educational system is forbidden in our society today (Israel Supreme Court, 2000, Plonit v. A.G., 1998).5

In South Africa, in 1995 the then new Constitutional Court found the whipping of juvenile offenders to breach international human rights standards and South Africa’s new constitution. The judgment states:

No compelling interest has been proved which can justify the practice. It has not been shown that there are no other punishments which are adequate to achieve the purposes for which it is imposed. Nor has it been shown to be a significantly effective deterrent. On the other hand … its effect is likely to be coarsening and degrading rather than rehabilitative. It is moreover also unnecessary. Many countries in the civilised world abolished it long ago; there are enough sentencing options in our justice system to conclude that whipping does not have to be resorted to. Thus, whether one looks at the adjectives disjunctively or regards the phrase as a ‘compendious expression of a norm’, it is my view that at this time, so close to the dawn of the 21st century, juvenile whipping is cruel, it is inhuman and it is degrading. It cannot, moreover, be justified in terms of section 33(1) of the Constitution (Case no. CCT/20/94, 1995).6

South Africa went on to abolish school corporal punishment (and subsequently corporal punishment in care institutions and in foster-care). In 2000, a group of Christian private schools tried to challenge the ban on corporal punishment in private schools, on the grounds that it breached rights to religious freedom. When the case got to the Constitutional Court in 2000, it was dismissed. A summary states:

The appellant is a voluntary association of 196 independent Christian schools with a total of approximately 14,500 pupils. It contended that ‘corporal correction’ was an integral part of the Christian ethos in its schools, and hence the blanket prohibition imposed by section 10 of the Schools Act should be declared invalid to the extent that it limited the individual, parental and community rights of the
parents to practise their religion. The respondent, the Minister of Education, contended that it was the infliction, not the prohibition, of corporal punishment that infringed the constitutional rights of children and their rights to equality, human dignity and freedom and security of the person. Alternatively, if the prohibition limited the religious rights of the applicant, such limitation was justifiable (Case no. CCT4/00, 2000).

The judgment came down firmly on the side of the respondent, and the leading judge, Justice Sachs, added that it was unfortunate that a curator had not been appointed to represent the interests of the children: the result was that the voices of the children themselves had not been heard.7

Elsewhere in Africa, there have been high level judgments condemning penal system and school corporal punishment in Namibia, Zimbabwe and Zambia.8

In India, in New Delhi, a petition brought by the Parents’ Forum for Meaningful Education and its President, Kusum Jain, challenged the legality of corporal punishment in schools. The Petition succeeded and the Delhi High Court, in a judgment delivered on 1 December 2000, directed the State to ensure ‘that children are not subjected to corporal punishment in schools and they receive education in an environment of freedom and dignity, free from fear’.

The Government, defending the use of corporal punishment, had quoted English common law and the leading case of R. v. Hopley (1860), which held that a parent or schoolteacher had a right to use ‘reasonable and moderate’ corporal punishment. But the Indian judges stated:

It may be noted that this decision was rendered about one and a half centuries back. Since then thinking has undergone a sea change. The United Nations Convention, to which India is a signatory, is a testimony of that change and the importance which is being attached to the child. Law cannot be static. It must move with the time. The rights of the child cannot be ignored …

Before parting with the case we would like to observe that fundamental rights of the child will have no meaning if they are not protected by the State … The State must ensure that corporal punishment to students is excluded from schools. The State and the schools are bound to recognise the right of the children not to be exposed to violence of any kind connected with education.9

In 2004, the Indian Government indicated that it intended to introduce legislation to prohibit all school corporal punishment.

Also in 2004, by six votes to three, Canada’s Supreme Court judges strictly limited the legality of parental corporal punishment and ruled out school corporal
punishment. But they rejected an application by the Canadian Foundation for Children, Youth and the Law that section 43 of Canada’s criminal code should be struck down as unconstitutional (Canadian Foundation for Children, Youth and the Law v. Canada, 2004).10

The majority judgment ruled that section 43 only justifies ‘minor corrective force of a transitory and trifling nature’. It ruled out ‘on the basis of current expert consensus’: corporal punishment of children under the age of 2 or over 12; corporal punishment of disabled children; degrading, inhuman or harmful conduct; discipline using objects such as rulers or belts; and blows or slaps to the head. And the judgment states that teachers cannot use corporal punishment, although they may use reasonable force to remove a child from a classroom or secure compliance with instructions: ‘Substantial societal consensus, supported by expert evidence and Canada’s treaty obligations, indicates that corporal punishment by teachers is unreasonable’.

School corporal punishment has been prohibited in Canada in state schools only in British Columbia, Quebec, Nova Scotia, New Brunswick, Yukon, Newfoundland, Prince Edward Island, Northwest Territories and Nunavut. The judgment implies that corporal punishment is now unlawful in all private and public schools throughout Canada.

Two of the dissenting judges, Justices Louise Arbour and Marie Deschamps, stated that section 43 violated the equality provision in the Charter and should be struck down altogether. Justice Arbour (appointed United Nations High Commissioner for Human Rights in 2004) stated:

Striking down the provision is the most appropriate remedy, as Parliament is best equipped to reconsider this vague and controversial provision. Striking down section 43 will not expose parents and persons standing in the place of parents to the blunt instrument of the criminal law for every minor instance of technical assault. The common law defences of necessity and de minimis adequately protect parents and teachers from excusable and/or trivial conduct.

What is acceptable as punishment to a society will vary with the nature of that society, its degree of stability and its level of maturity. The punishments of lashing with the cat-o-nine tails and keel-hauling were accepted forms of punishment in the 19th century in the British navy. Both of those punishments could, and not infrequently, did result in death to the recipient. By the end of the 19th century, however, it was unthinkable that such penalties would be inflicted. A more sensitive society had made such penalties abhorrent.
That s. 43 is rooted in an era where deploying ‘reasonable’ violence was an accepted technique in the maintenance of hierarchies in the family and in society is of little doubt. Children remain the only group of citizens who are deprived of the protection of the criminal law in relation to the use of force (Canadian Foundation for Children, Youth and the Law v. Canada, 2004).

A third judge, Justice Binnie, stated:

With all due respect to the majority of my colleagues, there can be few things that more effectively designate children as second-class citizens than stripping them of the ordinary protection of the assault provisions of the Criminal Code. Such stripping of protection is destructive of dignity from any perspective, including that of a child. Protection of physical integrity against the use of unlawful force is a fundamental value that is applicable to all.

Although he went on to argue that section 43 should be upheld in relation to parents and those who stand in the place of parents, but not teachers.

Justice Deschamps argued:

By permitting incursions on children’s bodies by their parents or teachers, section 43 appears to be a throwback to old notions of children as property. Section 43 reinforces and compounds children’s vulnerability and disadvantage by withdrawing the protection of the criminal law. Moreover, because the accused is the very person most often charged with the control and trusteeship of the child, being deprived of the legal protection to which everyone else is presumptively entitled exacerbates the already vulnerable position of children. The entitlement to protection is derived by virtue of our status as persons and the status of children as persons deserves equal recognition.

Banning all corporal punishment
Some countries abolished school corporal punishment in the eighteenth century; Poland abolished it in 1783. It was prohibited in the USSR early in the twentieth century. It seems that process is complete now in Europe and is rapidly spreading in all other continents.

It is nearly fifty years since the process of removing parents’ rights to hit children began in some Nordic countries. Many believe it began with Sweden’s explicit prohibition of parental corporal punishment in its Parenthood and Guardianship Code in 1979. But in fact it started well before that: the criminal law provision which excused Swedish parents who caused minor injuries through
physical punishment (the equivalent of the English common law ‘reasonable chastisement’ defence) was removed in 1957. In 1969 in Finland, an amendment to the criminal law on assault removed a provision stating that a petty assault was not punishable if committed by parents or others exercising their lawful right to chastise a child. A similar amendment was made to Norway’s Criminal Code in 1972. Austria repealed the authorization of parental corporal punishment in 1977. These countries found that traditional beliefs in the right of parents to hit children were difficult to overcome, and that simply removing defences was not enough. So they and some other countries have gone on to explicitly prohibit all corporal punishment, linking law reform with public education campaigns.

Thirteen countries have enacted bans on corporal punishment by parents and all other caregivers: Austria (1989), Bulgaria (2000), Croatia (1999), Cyprus (1994), Denmark (1997), Finland (1983), Germany (2000), Hungary (2004), Iceland (2003), Israel (2000), Latvia (1998), Norway (1987), Romania (2004), Sweden (1979) and Ukraine (2004). In addition, in 1996 there was Italy’s Supreme Court decision referred to above (see page 38), but this has not yet been confirmed in legislation.

There are positive movements towards reform in other countries now. In South Africa, the Government is considering (2003) a proposal from the Law Commission, backed by the Human Rights Commission, to remove the ‘reasonable chastisement’ defence from parents (corporal punishment of children has already been abolished in all settings outside the home).

In Tasmania, Australia, the Law Reform Institute in 2002 consulted on abolishing corporal punishment, and in a report in 2003 recommended by a majority that the defence of reasonable correction should be abolished, either immediately or through a staged approach, starting with the clarification of the defence and followed two years later by its abolition (Tasmania Law Reform Institute, 2003).

It is only in the fifteen countries listed above that children’s human rights to respect for their human dignity and physical integrity and to equal protection under the law have been upheld fully. These reforms effectively criminalize all assaults of children, whether or not they are disguised as ‘discipline’. But while criminalization is essential to achieve equality of protection for children, the purpose is not to increase prosecution and punishment of parents. Prosecuting parents is most unlikely to be in the interests of their children. The aim of these laws is to respect human rights and to send a clear message that it is no more acceptable to hit a child than to hit anyone else. The effects of abolition have been most researched in Sweden, where it has been in force the longest. The research shows a very substantial change in attitudes towards the use of corporal
punishment and in parental practice. Whereas in 1965, 53% of Swedes were supportive of corporal punishment, now only 6% of under-35s support it. While greater sensitivity towards violence to children has led to an increase in reporting of child abuse, there has been a declining trend of prosecution of parents and of formal, compulsory interventions by social workers (Durrant, 2000, 2001; see also Chapter 2, pages 75–76).

In 2003, a Bill was presented to the Federal Congress of Brazil to abolish corporal punishment in the family. The Child Studies Laboratory (LACRI) in the Institute of Psychology of the University of São Paulo, which has been campaigning against corporal punishment for some years, developed and is promoting the Bill (Bill 2654, Federal Congress, Brazil, 2003). It aims to amend the Statute on Children and Adolescents (1990) and the new Civil Code (2002) to establish the right of children and adolescents not to be subjected to any form of corporal punishment and providing other arrangements.

In Costa Rica, the Children’s Ombudsman presented a proposal to Parliament in February 2004 to add a new article to the Childhood and Adolescence Code (1998): ‘It is prohibited for the father, mother, legal representative or persons in charge of the custody, care, attention, treatment, education or vigilance of minors, to use corporal punishment as a corrective or disciplinary measure on children or adolescents’. The legal reform also proposes that the National Infancy Trust (Patronato Nacional de la Infancia), in coordination with other State institutions, ‘shall promote and carry out awareness-raising and education programmes aimed at parents and others responsible for the care of minors, on discipline and setting limits for their sons and daughters that do not involve corporal punishment’.

A further proposed amendment to the Family Code (1974) states: ‘Parental authority confers rights and imposes the duty to educate, care, watch over and discipline children, excluding physical punishment or any other form of mistreatment or degrading treatment’.

In a report introducing the draft Bill, the Ombudsman states:

The legal vacuum on this subject, uniting the deeply held social and cultural beliefs that favour the use of corporal punishment and force as a corrective method, means that the right and duty of parents to correct their children moderately is interpreted and actually works as an authorization to hit or beat them, with the sole condition that it does not cause serious damage to the physical integrity of the minor. As a result, the practice of corporal punishment has become a common and widely accepted occurrence in Costa Rican families, in many cases even a desirable practice.11
CONCLUSION

Ending all corporal punishment of children is the final stage of a regrettably long process of asserting all people’s fundamental rights to respect for their human dignity and physical integrity and to equal protection under the law. It is shameful for adults that children have had to wait until last. Now, in the context of implementation of the Convention on the Rights of the Child, reform is accelerating across the globe. But governments are still finding it an unpopular issue to take up; most people, including politicians, were hit as children; most parents have hit their growing children. We do not like to think badly of our parents or of our parenting. This all gets in the way of humane and logical consideration of the issue.

It is safe to say that completing this reform is now inevitable, given the developed human rights standards. The only question, for children, is how long adults are going to take to complete it.

Another imperative, under the Convention on the Rights of the Child, is to enable children to express their views on all matters that affect them, and to give their views ‘due weight’ (Article 12). Children are increasingly speaking out against all corporal punishment. Corporal punishment hurts children – and not only physically: ‘It hurts you inside’, in the words of the title of a research report of the views of 5- to 7-year-old children (Hyder and Willow, 1998).

The increasing visibility of corporal punishment and the hurt it causes to millions of children must motivate all of us to eliminate it speedily.

Box 2

The Global Initiative to End All Corporal Punishment of Children

The Global Initiative was launched during the 2001 session of the Commission on Human Rights in Geneva. It aims to demonstrate the growing international consensus against all corporal punishment of children, forging a strong alliance of UN agencies, human rights institutions, key individuals and international and national non-governmental organizations.

The Initiative’s aims are already formally supported by UNESCO, UNICEF, former High Commissioners for Human Rights, members of the Committee on the Rights of the Child, and also by Special Rapporteurs of the Commission on Human Rights (on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Elimination of Violence against Women; Sale of Children, Child Prostitution and Child Pornography; and The Right to Education). In addition, many national human rights institutions, international and national NGOs and individual human rights activists support the Initiative. Through its website http://www.endcorporalpunishment.org/, it makes available details of human rights and legal developments (recommendations of the Committee on the Rights of the Child, key high-level judgments, etc.) and also of progress towards abolition across the world. By sharing information and strategies, it aims to support national campaigns.
FOOTNOTES

1. The Global Initiative to End All Corporal Punishment aims to develop a global map of the legality and prevalence of corporal punishment. Its website includes basic details, state-by-state:

   www.endcorporalpunishment.org

2. For a global country-by-country analysis of the Committee’s recommendations relating to corporal punishment, see

   www.endcorporalpunishment.org. For the full text of the conclusions of the General Discussion days, see

   http://www.unhchr.ch/html/menu2/6/crc/doc/days/school.pdf. All Committee documents can be found at www.unhchr.ch

3. In its concluding observations on New Zealand’s third periodic report under the Convention against Torture, the Committee against Torture echoed the recommendation in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.216; October 2003), that corporal punishment in the home in New Zealand should be prohibited (CAT/C/CR/32/4, May 2004).

4. All judgments can be found at www.echr.coe.int/

5. For unofficial translation of the full judgment, see

   www.endcorporalpunishment.org.

6. Judgments can be found at www.concourt.gov.za

7. Judgments can be found at www.concourt.gov.za. Lower court judgments: 2000 (4) SA 757 (CC); 2000 (10) BCLR 1051 (CC)

8. For details, see www.endcorporalpunishment.org, key judgments

9. The full judgment is available at www.pfmeonline.org

10. Judgment issued 30 January 2004; for full text


REFERENCES


Case no. CCT/20/94. 1995 (June). South African Constitutional Court.
European Court of Human Rights. 2000. Admissibility decision, Application no. 55211/00 by Philip Williamson and Others v. the UK.
Human Rights Committee. 1992. General Comment No. 20. HRI/GEN/1/Rev.5. This General Comment replaced the Committee’s 1982 General Comment No. 7 on Article 7.
DEFINITIONAL ISSUES

Definition of corporal punishment

Corporal or physical punishment is an action taken by a parent, teacher or caregiver that is intended to cause physical pain or discomfort to a child. It is the application of punishment to the body. The purpose of parental physical punishment typically is to correct the child’s behaviour and deter the child from repeating it. In schools, corporal punishment is administered as a penalty for a student transgression (Hyman, 1990). The labelling of corporal punishment varies across – and within – cultures. It may be called smacking, spanking, paddling, whipping, cuffing, caning, chaining, kneeling, thumping, giving a hiding or a licking, or other idiosyncratic names.

Force may be applied to the child’s body in many ways. It may be administered with the hand – for example, spanking the buttocks, slapping the face or head, smacking the hand, pulling the ears, pulling hair, and pinching. Physical punishment of infants and toddlers sometimes takes the form of shaking. Corporal punishment also may involve the use of an object to strike the child, such as a ruler, belt, wooden spoon, extension cord, slipper, hairbrush, pin, stick, whip, rubber hose, flyswatter, wire hanger, stone, bat or paddle. Some corporal punishments do not involve striking the child. Rather, the child may be forced to hold an uncomfortable position or stand motionless, kneel on hard objects (uncooked rice or corn, floor grate, pencils, stones), retain body wastes, perform
strenuous exercise, or ingest foul- or strong-tasting substances (soap, hot-pepper sauce, lemon juice).

Most commonly, the caregiver’s stated intent is to punish, correct or train the child (Bell, 1975; Gil, 1970; Kadushin and Martin, 1981). Corporal punishment is commonly understood to be a means of altering the child’s behaviour. However, it also has psychological elements. The common practices of bending children over and of removing part of their clothing before they are struck are aimed at shaming and humiliating them. Requiring children to obtain the implements that will be used to strike them (e.g. cutting a branch from a tree) is aimed at intensifying their fear and apprehension. And the very use of physical force by an adult who is larger and stronger than the child conveys a clear message of power, control and intimidation. Therefore, corporal punishment can be seen not only as an act of physical aggression, but also of psychological aggression.

School corporal punishment often involves the use of an implement. In the United States, it typically is delivered with a wooden paddle (Hyman and Perone, 1998). In other nations, it may involve the use of a belt, rod or cane (Anderson and Payne, 1994; Shumba, 2001; Youssef et al., 1998b) or a specialized instrument, such as the Scottish tawse, a double leather strap. Other forms of school corporal punishment include forced excessive exercise, forced ingestion of substances, and forcing children to hold fixed postures for prolonged periods (Hyman and Perone, 1998).

Corporal punishment is distinct from protective physical restraint and from self-defence. Protective restraint is applied not to punish, but to protect the child or others from physical harm. Self-defence is undertaken not to correct behaviour, but to protect oneself from harm.

Research definitions
An ongoing research controversy involves whether a distinction can be made between corporal punishment and physical abuse. Some researchers take the position that there are common, normative, everyday types of corporal punishment that are qualitatively different from abusive acts (e.g. Larzelere, 1993; Baumrind, 1997). Others argue that corporal punishment and physical abuse are points on a continuum of violence and that it is impossible to draw a line that distinguishes where punishment ends and abuse begins (e.g. Cawson et al., 2000; Gelles and Straus, 1988; Gil, 1970; Graziano, 1994; Kadushin and Martin, 1981; Whipple and Richey, 1997; Wolfe, 1987; Zigler and Hall, 1989).

The law is not helpful in resolving this issue by providing a clear definition. In English common law (influential in the legal systems of over seventy states worldwide), the concept of ‘reasonable’ chastisement was developed
through a series of judgments; the still-quoted leading case dates back to 1860 and concerned a boy who was beaten to death by his schoolteacher. The schoolteacher was convicted of manslaughter. The judge – Chief Justice Cockburn – commented: ‘By the law of England, a parent … may for the purpose of correcting what is evil in the child, inflict moderate and reasonable corporal punishment, always, however, with this condition, that it is moderate and reasonable’ (R. v. Hopley, 1860, 2 F and F 202; 175ER 1024). Almost 150 years later, there is still no consensus, either within nations or among them, on the question of where a line could be drawn between ‘reasonable’ and ‘unreasonable’ corporal punishment (e.g. McGillivray, 1998). For example, three American states legally define corporal punishment as that limited to ‘non-deadly force’, while others define it as ‘moderate’ or ‘necessary’ use of force (Davidson, 1997). Canadian law considers some use of force to be ‘justifiable’ while no corporal punishment of children is tolerated in Croatia, Germany, Israel, Sweden, Finland, Norway, Austria, Denmark, Cyprus, Latvia or Iceland.

While some might consider the presence of physical injury to constitute an objective criterion for defining physical abuse, this criterion is not very useful in practice, for at least two reasons. First, it is possible to inflict intense physical discomfort on a child without causing injury. Examples of such punishment are forcing a child to stand in a contorted position or to hold weights for an extended period, forcing a child to inhale smoke, hanging a child upside-down, or forcing a child to stand in the heat.

Second, defining abuse as injury ignores the psychological dimension of corporal punishment and the emotional distress and humiliation it can induce. Moreover, some physical punishments are aimed specifically at inducing fear, disgust or loss of dignity, rather than physical pain. Examples are forcing a child to retain body wastes, forcing a child to eat her own vomit or excrement, and threats of severe physical punishment. These types of punishments would not be considered abusive under the injury criterion.

In the face of the impossibility of imposing an objective definition on a subjective concept, researchers have devised their own classification schemes. For example, Gershoff (2002) considers the nature of the act itself. She classifies behaviours that do not risk significant physical injury (e.g. spanking, slapping) as corporal punishment; behaviours that risk injury (e.g. punching, kicking, burning) are classified as physical abuse. Straus, on the other hand, considers the adult’s intent. In his research, he defines corporal punishment as ‘the use of physical force with the intention of causing a child to experience pain but not injury, for purposes of correction or control of the child’s behavior’ (Straus, 1995, p. 75). While there is no consensus on a particular classification scheme, most
Table 1

Estimates of Incidence/Prevalence of Parental Corporal Punishment in Various Countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Mild (%)</th>
<th>Severe (%)</th>
<th>Unspecified (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbados</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ever¹</td>
<td>–</td>
<td>84</td>
<td>–</td>
</tr>
<tr>
<td>Canada</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In past yearᵇ</td>
<td>48</td>
<td>7</td>
<td>–</td>
</tr>
<tr>
<td>Everᶜ</td>
<td>–</td>
<td>–</td>
<td>51</td>
</tr>
<tr>
<td>China</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In past yearᵈ</td>
<td>42</td>
<td>23</td>
<td>–</td>
</tr>
<tr>
<td>Ever (in response to child misbehaviour)ᵉ</td>
<td>–</td>
<td>–</td>
<td>10</td>
</tr>
<tr>
<td>Ever (in response to unreasonable requests)ᵉ</td>
<td>–</td>
<td>–</td>
<td>12</td>
</tr>
<tr>
<td>Egypt</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Everᶠ</td>
<td>–</td>
<td>38</td>
<td>–</td>
</tr>
<tr>
<td>England</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Everᶜ</td>
<td>91</td>
<td>18</td>
<td>–</td>
</tr>
<tr>
<td>Everᵇ</td>
<td>71</td>
<td>16</td>
<td>–</td>
</tr>
<tr>
<td>Ever¹</td>
<td>80</td>
<td>24</td>
<td>–</td>
</tr>
<tr>
<td>Greece</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ever¹</td>
<td>–</td>
<td>–</td>
<td>85</td>
</tr>
<tr>
<td>Everᵇ</td>
<td>61</td>
<td>10</td>
<td>–</td>
</tr>
<tr>
<td>Ever¹</td>
<td>–</td>
<td>–</td>
<td>50</td>
</tr>
<tr>
<td>Hong Kong</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Everᵐ</td>
<td>–</td>
<td>–</td>
<td>95</td>
</tr>
<tr>
<td>India</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Everᵃ</td>
<td>56</td>
<td>44</td>
<td>–</td>
</tr>
<tr>
<td>New Zealand</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Everᵃ</td>
<td>–</td>
<td>–</td>
<td>89</td>
</tr>
<tr>
<td>Nigeria</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In preceding 2 months (for deliberate misdemeanor)ᵖ</td>
<td>–</td>
<td>88</td>
<td>–</td>
</tr>
<tr>
<td>In preceding 2 months (for accidental fault)ᵖ</td>
<td>–</td>
<td>52</td>
<td>–</td>
</tr>
<tr>
<td>Northern Ireland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Everⁱ</td>
<td>87</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Republic of Korea</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In past yearʳ</td>
<td>9</td>
<td>51</td>
<td>–</td>
</tr>
<tr>
<td>In past yearˢ</td>
<td>67</td>
<td>9</td>
<td>–</td>
</tr>
<tr>
<td>South Africa</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Everⁱ</td>
<td>–</td>
<td>–</td>
<td>67</td>
</tr>
</tbody>
</table>
### Corporal Punishment: Prevalence, Predictors & Implications for Child Behaviour & Development

#### Table: Prevalence of Corporal Punishment in Sweden and the United States of America

<table>
<thead>
<tr>
<th>Country</th>
<th>Mild (%)</th>
<th>Severe (%)</th>
<th>Unspecified (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sweden</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ever(^a)</td>
<td>11</td>
<td>3</td>
<td>–</td>
</tr>
<tr>
<td>Ever(^b)</td>
<td>8</td>
<td>0.2</td>
<td>–</td>
</tr>
<tr>
<td><strong>United States of America</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ever(^w)</td>
<td>–</td>
<td>57</td>
<td>93</td>
</tr>
<tr>
<td>In past year(^i)</td>
<td>97</td>
<td>–</td>
<td>–</td>
</tr>
</tbody>
</table>

Note: *Mild* corporal punishment was defined in these studies as: smacking, pinching or hitting; slapping on arm, leg, hand or buttocks; did not involve the use of implements; no physical injury sustained. *Severe* corporal punishment was defined in these studies as: repeated, prolonged or involving the use of implements; causing likely or actual harm; punching, kicking, shaking, knocking down, burning, scalding, threatening with a knife or gun.

- **a** Anderson and Payne, 1994; questionnaires completed by 290 10- to 11-year-old children in the top academic stream; selected through a stratified random sampling procedure
- **b** Clément et al., 2000; telephone survey of a representative sample of 2,469 mothers of children aged 0 to 17 years
- **c** Oldershaw, 2002; questionnaires completed by 1,643 parents of children aged 0 to 5 years
- **d** Kim et al., 2000; questionnaires completed by 483 children in Grades 4, 5 and 6 in Shanghai and Yanji; measured violence by a family member
- **e** Li et al., 2000; interviews of 2,563 mothers of children younger than 7 years; averaged across rural and urban areas
- **f** Youssef et al., 1998; a 2,170 students in middle and high schools in the 7 educational zones in Alexandria; multistage random sampling of schools
- **g** Nobes et al., 1999; interviews of a stratified random sample of 465 parents of children aged 1 to 11 years
- **h** Ghate et al., 2003; Computer Assisted Personal Interviewing of nationally representative sample of 1,250 parents of children aged 0 to 12 across Britain
- **i** Cawson et al., 2000; Computer Assisted Interviewing of random probability sample of 1,979 young adults aged 18 to 24 years
- **j** Damianaki et al., 1998, cited in Halkias et al., 2001; nationwide survey of 417 parents of children enrolled in a day-care programme
- **k** Halkias et al., 2001; questionnaires completed by 546 university students
- **l** Maragos et al., 1997, cited in Halkias et al., 2001; interviews of 423 police officers about their childhood experiences
- **m** Samuda, 1988; questionnaires completed by 100 university students aged 22–31 years
- **n** Segal, 1999; interviews of 319 parents
- **o** Fergusson and Lynskey, 1997; self-reports of 1,025 18-year-olds regarding their childhood experiences
- **p** Ani and Grantham-McGregor, 1998; interviews completed with 47 aggressive and 47 non-aggressive boys matched for age, school, class and area of residence; aged 10 to 13 years
- **q** Murphy-Cowan and Stringer, 1999; questionnaires completed by 371 parents of children aged 4 to 7 years
- **r** Kim et al., 2000; questionnaires completed by 489 children in Grades 4, 5 and 6; measured violence by a family member
researchers attempt to define milder and more severe acts of corporal punishment in some way so that their correlates can be examined separately.

PREVALENCE

Methodological issues in estimating prevalence

It is challenging to obtain accurate estimates of prevalence rates across nations. In nations where corporal punishment does not occur frequently throughout the day in the majority of homes and schools, it is difficult for researchers to observe and record. This is the case in the United States, where the vast majority of research on corporal punishment has been conducted. Even in nations where its frequency is high, it is extremely costly to conduct observational studies on nationally representative samples of children.

As a result, prevalence estimates are most often based on questionnaires or face-to-face surveys (e.g. Cawson et al., 2000; Straus and Gelles, 1990). These methods are likely to yield underestimates of prevalence because early childhood events tend to be forgotten. Further, in nations where corporal punishment has a low cultural approval level, there may be a reluctance to self-report socially undesirable behaviour.

Surveys of large and representative samples of parents have been undertaken in few nations. Estimates have been obtained in some countries, however, through studies of smaller samples. Table 1 summarizes the findings of a number of studies conducted in a range of countries that provide estimates of the prevalence or incidence of parental corporal punishment. Table 2 provides these estimates for school corporal punishment.
Table 2

Estimates of Incidence/Prevalence of School Corporal Punishment in Various Countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Mild (%)</th>
<th>Severe (%)</th>
<th>Unspecified (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbados Ever</td>
<td>–</td>
<td>93</td>
<td>–</td>
</tr>
<tr>
<td>China In past year</td>
<td>28</td>
<td>4</td>
<td>–</td>
</tr>
<tr>
<td>Egypt In current year</td>
<td>–</td>
<td>–</td>
<td>71</td>
</tr>
<tr>
<td>Japan In primary school</td>
<td>–</td>
<td>–</td>
<td>66</td>
</tr>
<tr>
<td>Japan In high school</td>
<td>–</td>
<td>–</td>
<td>56</td>
</tr>
<tr>
<td>Lesotho Ever</td>
<td>–</td>
<td>–</td>
<td>25</td>
</tr>
<tr>
<td>Republic of Korea In past year</td>
<td>9</td>
<td>44</td>
<td>–</td>
</tr>
<tr>
<td>United States of America 1999–2000 (in 23 states that permit school corporal punishment)</td>
<td>–</td>
<td>–</td>
<td>0.7</td>
</tr>
</tbody>
</table>

Note 1: *Mild* corporal punishment was defined in these studies as hitting with the hand or as minor violence on the Conflict Tactics Scale (Straus, 1979). *Severe* corporal punishment was defined in these studies as hitting with an implement or as serious violence on the Conflict Tactics Scale.

Note 2: School corporal punishment has been abolished in more than 100 nations, including China and Japan (for a complete list, see www.endcorporalpunishment.org).

Note 3: Corporal punishment has been abolished in the schools of twenty-eight US states; in nine additional states, more than half of all students attend schools in districts that do not permit corporal punishment (for details see www.stophitting.com).

a Anderson and Payne, 1994; questionnaire completed by 290 10- to 11-year-old children in the top academic stream; selected through a stratified random sampling procedure

b Kim et al., 2000; questionnaires completed by 483 children in Grades 4, 5 and 6 in Shanghai and Yanji
c Youssef et al., 1998b; 2,170 students in middle and high schools in the 7 educational zones in Alexandria; multistage random sampling of schools
d Kobayashi et al., 1997; survey of 600 mothers of 13-year-old children asked to recall their children’s school experiences of corporal punishment
e Monyooe, 1993; questionnaires completed by 60 students randomly selected from 10 secondary schools
f Kim et al., 2000; questionnaires completed by 489 children in Grades 4, 5 and 6 in Kimpo and Seoul
g US Department of Education, 2003; official records; range: < 0.1% to 9.8%
In all but one of the nations listed in Table 1, corporal punishment by parents is permitted by law. In those nations, substantial proportions – in most cases, majorities – of children have been corporally punished. In Sweden, in contrast, the ‘reasonable chastisement’ defence was repealed in 1957 and corporal punishment was explicitly abolished in 1979. There, rates of parental corporal punishment are extremely low relative to other nations, and the use of implements to punish children is virtually non-existent (Janson, 2001). In Sweden, the law is clear, and parent education is extensive. There, the cultural norm has been shifted in the course of one generation (Durrant, 2003).

Table 2, however, reveals not only that school corporal punishment is a common experience among children in many nations, but that this is the case even in some nations where it has been legally abolished, namely China and Japan. On the other hand, in the United States, where school corporal punishment is forbidden in more than half of the states and in many districts, the rate is relatively low. While there are no data available to explain this cross-national difference in the apparent effectiveness of abolition, it may be the case that while legal reform is necessary to set a clear standard, teacher education, rigorous inspection, and enforcement are also necessary to ensure that the standard is met.

**PREDICTORS OF CORPORAL PUNISHMENT USE**

Several factors increase the risk of corporal punishment use. The more risk factors present, the greater the likelihood that corporal punishment will be used (Ateah and Durrant, 2005). Corporal punishment is associated with several characteristics of the adult and of the child.

**Adult characteristics**

Studies of the relationship of parental corporal punishment to socio-demographic characteristics do not yield clear findings. For example, while in some studies mothers report using corporal punishment more than fathers (Day et al., 1998; Mahoney et al., 2000; Park, cited in Doe, 2000; Stattin et al., 1995; Straus and Stewart, 1999; Wilson et al., 2002), other studies find no gender differences (Holden et al., 1999; Holden and Zambarano, 1992; Murphy-Cowan and Stringer, 1999; Nobes et al., 1999; Wissow, 2001). And while most studies suggest that corporal punishment is more common in families experiencing economic stress (Coyl et al., 2002; Eamon, 2001; Holden et al., 1999; Kokkevi and Athagonos, 1987; Park, 1987 cited in Doe, 2000; Straus, 2000; Wolfner and Gelles, 1993), others find no relationship (Dietz, 2000; Tajima, 2000) or an unclear one (Wissow, 2001; Xu et al., 2000).
The relation of corporal punishment to parental education level and age is more reliable. Most studies link corporal punishment and approval of its use with lower education levels (Eamon, 2001; Li et al., 2000; Qasem et al., 1998; Xu et al., 2000), but others link it with higher education levels (Wolfner, 1993) and others find no relationship (Dietz, 2000) or an unclear one (Wissow, 2001). Similarly, in most studies, younger parents report using corporal punishment more than older parents (Ghate et al., 2003; Holden et al., 1999; Li et al., 2000; Tajima, 2000; Wissow, 2001; Wolfner and Gelles, 1993), but in other studies, older parents report higher rates (Eamon, 2001; Eamon and Zuehl, 2001; Qasem et al., 1998) or no relationship to parental age is found (Dietz, 2000).

Experience and approval of corporal punishment

There is considerable evidence to suggest that corporal punishment is transmitted across generations. Findings are consistent that parents who were themselves physically punished as children or adolescents have an increased likelihood of physically punishing their own children (Bower-Russa et al., 2001; Ghate et al., 2003; Graziano et al., 1996; Tajima, 2000; Rodriguez and Sutherland, 1999; Socolar and Stein, 1995; Statton et al., 1995).

Experience of corporal punishment in childhood also predicts approval of this practice. The rate of approval of common (shaking, hitting with a belt) and severe (burning, tying up) corporal punishments is two to three times greater among those who have experienced them than among those who have not (Buntain-Ricklefs et al., 1994). Recently, an international study was conducted of college and university students’ childhood experiences of, and current attitudes towards, corporal punishment (Curran et al., 2001). Those countries reporting the highest percentage of receipt of corporal punishment in childhood also obtained the highest approval scores.

Approval of corporal punishment predicts its actual use (Bower-Russa et al., 2001; Durrant et al., 1999; Holden et al., 1999). A recent study (Ateah and Durrant, 2005) examined eight potential predictors of mothers’ use of corporal punishment – childhood experience of corporal punishment, knowledge of child development, knowledge of alternative responses to parent–child conflict, disciplinary goals, perceived seriousness and intent of the child’s behaviour, maternal anger, and approval of corporal punishment. Of these variables, approval of corporal punishment was the most powerful predictor of its use. A large study in the United Kingdom found that parents who believe that corporal punishment is acceptable were five times more likely than those who did not to use it in the previous year (Ghate et al., 2003).
### Table 3
**Attitudes towards Corporal Punishment in Various Countries/Regions**

<table>
<thead>
<tr>
<th>Country/Region</th>
<th>Finding</th>
</tr>
</thead>
</table>
| Canada             | 86% believe that spanking is ineffective, 59% that it is harmful, and 75% that it is a bad disciplinary technique; 84% report that it is not a normal part of their parenting.\(^a\)  
21% believe that spanking reliably increases obedience; 27% that it reliably increases learning of acceptable behaviour; 65% agree that corporal punishment should be abolished if such a law reduced injuries to children.\(^b\) |
| Caribbean islands  | 96% believe corporal punishment reflects parents’ ‘caring enough to take the time to train the children properly’.\(^c\)  
71% generally approve of parental corporal punishment; of these, 76.5% endorse flogging/lashing with a belt or strap.\(^d\)  
31% of children approve of flogging/caning of 5- to 7-year-olds in schools; 77% approve of it with 7- to 11-year-olds; 51% approve of it with adolescents.\(^e\)  
93% of caregivers believe that parents should physically punish their children when they misbehave; 69% believe that corporal punishment is a good and normal part of raising children; 86% believe that it is for children’s own good that parents physically punish them; 80% state that they physically punish their children because they love them.\(^f\)  
61% of children believe that beatings are a good and normal part of raising children; 73% believe that it is for children’s own good that parents beat them; 73% state that they know their mothers love them because they beat them.\(^g\) |
| China              | 76% generally disapprove of corporal punishment; 10% believe it teaches obedience; 8% believe it teaches respect; 25% believe it rapidly stops bad behaviour; 75% believe it causes physical injury; 81% believe it makes the child withdrawn; 65% believe it makes the child feel unloved.\(^h\)  
83% consider use of an implement/stick/belt/whip to be abuse; 47% consider smacking the child’s bottom to be acceptable.\(^h\) |
| Former Soviet Union| 75% considered some form of hitting children acceptable; of these 85% mentioned hitting with the hand; 94% disapprove of slapping a child’s face; 86% disapprove of hitting a child with a belt.\(^i\) |
| Hong Kong          | 36% approve of spanking; 18% approve of kneeling; 2% approve of beating; 2% approve of forcing child to sit without a chair.\(^j\) |
| Korea              | 90% agree that corporal punishment is necessary.\(^k\) |
| Kuwait             | 86% approve of physical punishment; 64% approve of severe beating in the case of gross misbehaviour; 9% approve of burning the child (e.g. with matches, cigarettes or heated metal objects).\(^l\) |
| Mexico             | 49% in San Andrés and 22% in La Paz recommend physical punishment for common misbehaviours.\(^m\) |
| South Africa       | 20% agree that physical punishment is the best way to deal with a child that misbehaves; 12% agree that without physical punishment a child may get spoilt; 41% agree that a parent is being abusive if the child is injured during a beating.\(^n\) |
### Country/Region Finding

<table>
<thead>
<tr>
<th>Country/Region</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sweden</td>
<td>88% believe that spanking is ineffective, 80% that it is harmful and 85% that it is a bad disciplinary technique; 95% report that it is not a normal part of their parenting. 11% are positively inclined to mild forms of physical punishment.</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>40% believe it is never acceptable to smack a child; 50% believe it is sometimes acceptable.</td>
</tr>
<tr>
<td>United States of America</td>
<td>84% agree that it is sometimes necessary to discipline a child with a good hard spanking. 56% of teachers believe that banning corporal punishment in the schools is a high priority; percentages range from 38% in the Southern states to 75% in the North-Eastern states. 72% of school psychologists incorrectly believe that children have a legal right to protest corporal punishment in the schools.</td>
</tr>
</tbody>
</table>

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a. Durrant et al., 2003; interviews of 102 Canadian mothers of pre-schoolers  
b. Durrant, 1996; telephone survey of random sample of 528 adults in Winnipeg  
c. Gopaul-McNichol, 1999; interviews of 50 community liaison or governmental child-care workers in Barbados, Grenada, Jamaica, St. Kitts-Nevis, St. Lucia, St. Vincent, and Trinidad and Tobago  
d. Payne, 1989; questionnaires completed by 499 Barbadian adults  
e. Anderson and Payne, 1994; questionnaires completed by 290 Barbadian children (10- to 11-year-olds) in the top academic stream; selected through a stratified random sampling procedure  
f. Rohner et al., 1991; interviews of primary caregivers of 100 children aged 9 to 10 years in St. Kitts  
g. Rohner et al., 1991; interviews of a stratified sample of 100 school children aged 9 to 16 years in St. Kitts  
h. Hesketh et al., 2000; questionnaires completed by 331 child-health doctors and nurses in 8 hospitals in 2 provinces in Eastern China  
i. Shor, 1999; interviews of 273 Jewish parents who immigrated to Israel from the Former Soviet Union; all had at least one child under the age of 18  
j. Samuda, 1988; questionnaire completed by 100 university students  
k. Kim, 1998, cited in Doe, 2000; national telephone survey of 1,272 respondents; finding reported is for parents  
l. Qasem et al., 1998; interviews of 321 parents from each of the 5 administrative areas in Kuwait  
m. Fry, 1993; interviews of 31 fathers in San Andrés and 18 fathers in La Paz  
n. Peltzer, 1999; interviews of 366 parents of 5-year-old children in the Northern Province  
o. Durrant et al., 2003; interviews of 97 Swedish mothers of pre-schoolers  
p. SCB, 1996; national survey of adults  
q. Ghate et al., 2003; Computer Assisted Personal Interviewing of nationally representative sample of 1,250 parents of children aged 0 to 12 across Britain  
r. Lehman, 1989, cited in Straus and Mathur, 1996; survey of 1,470 adults (General Social Survey)  
s. Abrahams et al., 1992; questionnaires completed by 575 First- through Sixth-Grade teachers in 40 districts representing 27 counties  
t. McLoughlin and LeLless, 1997; questionnaires completed by 335 Ohio school psychologists
Two exceptions to these common findings come from studies of Korean and Northern Irish parents. Among Korean immigrants to the United States (Park, 2001), mothers who had experienced corporal punishment as children held more negative beliefs about its use, and were less likely to respond with physical aggression to conflicts with their children. Among working-class Northern Irish parents (Murphy-Cowan and Stringer, 1999), the frequency of corporal punishment used by grandparents predicted the frequency of its use by parents. But among the middle-class parents in this study, the relationship between the frequency of grandparents’ and parents’ use of smacking followed an inverted U shape, that is, middle-class parents who had experienced low or medium frequencies of physical punishment reported using similar levels with their own children, whereas middle-class parents who had experienced high frequencies of physical punishment reported using lower levels with their own children.

Estimates of levels of cultural approval of corporal punishment are available through a variety of sources. In some nations, national studies have been undertaken. In others, studies of smaller samples have yielded indicators of cultural approval levels. Table 3 summarizes the findings of studies from a range of countries and regions.

The findings of these studies demonstrate the wide variation across nations in attitudes towards corporal punishment. While the findings in Tables 1 and 3 cannot be mapped onto each other, as they come largely from different sets of studies, the relationship between approval and use is apparent to some degree when the tables are compared. In Barbados and the Republic of Korea, where support for corporal punishment is very strong, rates of severe punishment are also high. In Canada and China, where support for corporal punishment is lower, its administration appears to be less severe. And in Sweden, where support is very low and laws are explicit about its unacceptability, its use is rare.

This relationship between approval and use, however, is not a perfect one. In Hong Kong, for example, support for corporal punishment is moderate, but its use by parents appears to be almost universal. This finding might be explained by the fact that the respondents in the attitude survey were university students who experienced corporal punishment as children but have come to oppose its use as adults. In any case, additional factors must be examined to account for the use of corporal punishment by individuals who may not strongly approve of it.

**Anger**

The more frustration, irritation or anger a parent feels in response to conflict with a child, the more likely it is that corporal punishment will result (Ateah and Durrant, 2005; Holden et al., 1995; Jackson et al., 1999). In an American study, when adults
recalled their childhood experiences of spankings, 91% reported that their parents were angry when the spankings occurred (Graziano and Namaste, 1990). Parental anger and frustration increase the likelihood that parents will use a more intense level of force than they anticipate (Vasta, 1982; Vasta and Copitch, 1981).

**Attribution for child misbehaviour**
In any situation of adult–child conflict, the adult makes a subjective interpretation of the child’s behaviour. The adult will define the behaviour as serious or not serious, intentional or unintentional, controllable or uncontrollable. These interpretations, or attributions, play an important role in how the adult responds to the child. For example, an adult who interprets a 2-year-old’s negativism as typical for the child’s developmental stage will be unlikely to respond punitively. Rather, this adult will use distraction, contingent reinforcement, and other methods. On the other hand, if an adult interprets that same child’s negativism as wilful defiance and views such defiance as a serious transgression, this adult is likely to feel anger and respond with punishment. Corporal punishment is a more likely response among the latter group of adults (Ateah and Durrant, 2005; Graziano et al., 1996; Rodriguez and Sutherland, 1999).

**Depression**
Depressed parents report using corporal punishment more often than parents who are not depressed (Eamon, 2001; Eamon and Zuehl, 2001; Wissow, 2001). It is likely that the irritability that often accompanies depression, as well as the link between depression and marital conflict, contributes to the influence of depression on maternal use of corporal punishment (Eamon, 2001).

**Stress**
Parents of larger families are more likely to approve of and use corporal punishment than parents of smaller families (Ani and Grantham-McGregor, 1998; Asdigian and Straus, 1997; Eamon and Zuehl, 2001; Li et al., 2000; Qasem et al., 1998; Xu et al., 2000). Increased use of corporal punishment is also associated with marital conflict or violence, relationship stress and parenting stress (Coyl et al., 2002; Eamon, 2001; Kanoy et al., 2003; Tajima, 2000; Wilson et al., 2002; Wissow, 2001; Xu et al., 2000).

**Child characteristics**

**Type of misbehaviour**
Parents generally believe that corporal punishment is more acceptable in some situations than in others. In North America and the United Kingdom,
self-endangerment and aggression are among the most frequently cited behaviours for which corporal punishment is considered acceptable (Catron and Masters, 1993; Durrant, 1996; Ghate et al., 2003; Giles-Sims and Mason, 1990; Holden et al., 1995; Holden et al., 1999).

The situations viewed as ‘deserving’ corporal punishment may be different in other nations. For example, in a Kuwaiti study (Qasem et al., 1998), the behaviours seen most often by parents as meriting corporal punishment were glue-sniffing and drug addiction; 81.5% of parents surveyed agreed that corporal punishment was acceptable in this situation. In comparison, 58.4% of the parents agreed that corporal punishment was an acceptable response to hitting. Among a sample of Jewish immigrants from the former Soviet Union to Israel, the primary justification given for corporal punishment was the violation of social norms (e.g. stealing), followed by physically or verbally abusive behaviour by the child towards others (Shor, 1999). In Barbados, older adults are most likely to endorse corporal punishment for dishonesty, while younger adults are most likely to endorse it for disrespect (Payne, 1989).

Few studies have examined the types of misbehaviour perceived as meriting school corporal punishment. In an Egyptian study, it was found that poor school achievement was the most common reason for corporal punishment by teachers (Youssef et al., 1998). A study conducted in Lesotho also demonstrated that school corporal punishment was most likely to be precipitated by poor academic performance (e.g. failing to do homework, failing a test, not participating in class discussions) (Monyooee, 1993).

**Age**

In the United Kingdom and North America, parental use of corporal punishment is most common among children of toddler and pre-school age (Clément et al., 2000; Ghate et al., 2003; Wauchope and Straus, 1992). Children in this age group are likely to exhibit high activity, exploration and independence, together with negativism, impulsivity and a limited understanding of harm and danger – a combination that can lead to a high frequency of disciplinary incidents (Holden, 1983).

In some nations, corporal punishment of infants is not uncommon (Coyl et al., 2002; Wauchope and Straus, 1992). Of a sample of mothers of 14-month-olds in the United States, 23% reported that they had spanked their infants in the week preceding the survey (Coyl et al., 2002). Of these, 55% had spanked their infants at least twice during that week. In a Canadian survey (Clément et al., 2000), 49% of parents of children aged 0 to 2 years reported physically punishing them within the previous twelve months.
Corporal punishment of older children and adolescents is also carried out in many schools and homes (Anderson and Payne, 1994; Ani and Grantham-McGregor, 1998; Ateah and Parkin, 2002; Kim et al., 2000; Kobayashi et al., 1997; Loeber et al., 2000; Monyooe, 1993; Murphy-Cowan and Stringer, 1999; Peltzer, 1999; Wauchope and Straus, 1992; Youssef et al., 1998a, 1998b). In a large Canadian survey, 57% of parents of 7- to 10-year olds, 37% of parents of 11- to 14-year-olds, and 19% of parents of 15- to 17-year-olds reported using corporal punishment within the previous year. Adolescents were the victims in 38% of substantiated cases of punishment abuse reported to Canadian child protection agencies in 1998 (Trocmé and Durrant, 2003).

Data on age trends in school corporal punishment are sparse. An American study demonstrated that the number of corporal punishment cases severe enough to gain media attention did not vary by child age (Hyman and Perone, 1998). However, in Lesotho secondary schools, older students (18 to 29 years) are more likely to receive corporal punishment than younger students (14 to 17 years) (Monyooe, 1993).

**Gender**

Studies are quite consistent in finding that boys are more likely to be physically punished than girls (Clément et al., 2000; Day et al., 1998; Giles-Sims et al., 1995; Kim and Kim, 1997 cited in Doe, 2000; Mahoney et al., 2000; Smith and Brooks-Gunn, 1997; Straus and Stewart, 1999; Tajima, 2000), although some studies suggest that this gender difference may be small (Graziano and Namaste, 1990; Straus and Stewart, 1999; Wilson et al., 2002).

This gender difference has been found in studies of school corporal punishment as well. For example, in an Egyptian study it was found that 80% of boys and 62% of girls had been physically punished in their schools during the year of the study (Youssef et al., 1998b). Differences also were found in the methods used to punish girls and boys. Among girls who had been physically punished, 90% were hit with sticks and 17% were hit with hands; among boys who had been physically punished 95% were hit with sticks, 28% were hit with hands. Boys were more likely to be kicked and hit with shoes. An American study demonstrated that boys received school corporal punishment severe enough to attract media attention four times more often than girls (Czumbil and Hyman, 1997).

Exceptions to this pattern have been found in two studies. In a study of Guyanese parents, 90% reported punishing their daughters more severely (Deyoung and Zigler, 1994). In Barbados, the child’s gender does not predict frequency of corporal punishment. There, 95% of boys and 92% of girls report
having been flogged or caned in schools; 83% of boys and 85% of girls report being punished this way at home (Anderson and Payne, 1994).

**DEVELOPMENTAL OUTCOMES ASSOCIATED WITH CORPORAL PUNISHMENT**

At least 189 studies have been conducted over the past 65 years to assess the effects of corporal punishment. Recently, a landmark meta-analysis of the findings of 88 of these studies was conducted (Gershoff, 2002). Included in the analysis were studies of corporal punishment by parents that defined corporal punishment as acts that do not risk or result in physical injury (spanking, slapping, pinching, smacking, hitting with hand or object). Studies that defined corporal punishment as acts that would cause severe injury were excluded (beating, punching, kicking, leaving a mark on the body). The findings of this meta-analysis are summarized in Table 4 and will be discussed below.

**Physical injury**

It is sometimes argued in the media, in the courts, and elsewhere, that corporal punishment and physical abuse are two distinct and identifiable entities. Some have taken the position that the caregiver’s motivation is the critical distinguishing factor; a caregiver who does not intend to injure the child is a disci-

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Number of studies examining relationship</th>
<th>Number of studies confirming relationship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child victim of physical abuse</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Poorer child mental health</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Poorer adult mental health</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Impaired parent–child relationship</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Lower moral internalization</td>
<td>15</td>
<td>13</td>
</tr>
<tr>
<td>Child aggression</td>
<td>27</td>
<td>27</td>
</tr>
<tr>
<td>Adult aggression</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Child delinquent and antisocial behaviour</td>
<td>13</td>
<td>12</td>
</tr>
<tr>
<td>Adult antisocial behaviour</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Abuse of child or spouse in adulthood</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Immediate child compliance</td>
<td>5</td>
<td>3</td>
</tr>
</tbody>
</table>
plinarian, while a caregiver who sets out to harm the child is an abuser. Others have argued that it is the presence of physical injury on the child that indicates whether abuse has occurred.

The empirical literature demonstrates that corporal punishment and physical abuse cannot be distinguished on these bases. In fact, most abuse is corporal punishment. As early as 1970, Gil reported that the most common type of physical abuse is carried out by a caregiver with a disciplinary intent. He found, in a two-year nationwide United States study of child physical abuse reports, that 'the caretakers involved are “normal” individuals exercising their prerogative of disciplining a child whose behaviour they find is in need of correction' (Gil, 1970, p. 205). Similarly, in 1975, Bell stated that ‘abuse is most frequently (not “always” – almost nothing is “always”) a consequence of disciplinary action taken by parents or caretakers in response to a specific act of a child’ (p. 148).

In a study of 830 substantiated non-sexual abuse cases, Kadushin and Martin observed that:

no factor was so universal, so ubiquitous, as some identifiable behaviour on the part of the child which precipitated the parent-child interactional sequence culminating in abuse . . . There is little evidence in these interviews that unwarranted malice, deliberate sadism, or deep-rooted, persistent animosity toward the child prompted parental abuse . . . Rarely does the parent’s behaviour appear to be primarily arbitrary or based on whim (1981, p. 254).

Kadushin and Martin found that ‘the largest percentage of the parents interviewed saw their intent as primarily instrumental and the largest component of their behaviour as a manifestation of the legitimate use of force’. (p. 262). Abusive parents ‘usually use punitive methods more closely akin to forms of physical punishment generally accepted for use in child rearing in our society. The more extreme and unacceptable the method, the less likely it was to be used by abusers in the study’ (Kadushin and Martin, 1981, p. 108).

In recent years, studies have continued to demonstrate repeatedly that corporal punishment is a risk factor for physical harm (Gershoff, 2002; see Table 4). For example, in the Canadian Incidence Study of Reported Child Abuse and Neglect, 69% of substantiated cases of child physical abuse that took place in Canada in 1998 occurred in the context of punishment – more than 10,000 cases in that year alone (Trocmé et al., 2001). Samuda (1988) cites a Hong Kong study of ninety-two children admitted to hospital with non-accidental injuries. The most common cause of injury in these cases was caning; 80% of canings had been administered as discipline. An American study of child abuse by baby-sitters (Margolin, 1990) yielded similar findings: in 70% of
cases, the babysitter’s abusive act was a response to a specific child behaviour, such as crying, difficulty with toilet training, refusal to go to bed, and meal-time conflicts. Peltoniemi (1983) cites a study of battered child cases brought to the courts in Finland (Korpilahti, 1981); approximately half the cases had begun as corporal punishment.

When caregivers use corporal punishment, they may not and usually do not intend to injure the child. Most perpetrators of physical abuse believe that they have a right to physically punish the child and that their behaviour was justified by the circumstances (Gil, 1970; Dietrich et al., 1990). Another study cited by Peltoniemi (1983) focuses on battered children hospitalized in Finland (Santsalo and Santsalo, 1979). The ‘great majority’ of perpetrators in these cases ‘insisted that they had only used their right to physically punish their child’.

Although caregivers may have an instrumental intent when they physically punish a child, their high emotional arousal (frustration, anger) can easily result in an escalation of the intensity of force to dangerous or physically injurious levels (Vasta, 1982), particularly during incidents involving struggle over power and control. Moreover, it is likely that adults will underestimate the intensity of their responses to frustration (Vasta and Copitch, 1981).

The otherwise sane and rational parent, when experiencing an unusually high level of arousal in the course of disciplining the child, may display a level of aggression that is both irrational with regard to the child’s behaviour and incongruous with the parent’s prior and subsequent verbal statements (Vasta, 1982, p. 139).

Very young children are particularly vulnerable to injury from physical punishment due to their relatively small size and strength. Shaking of infants, for example, can cause brain haemorrhage and damage to the brain’s nerve cells (Health Canada, 2001).

Research findings repeatedly demonstrate that the more often caregivers use even mild corporal punishment, the more likely they are to inflict severe violence. For example, in a large Canadian study (Clément et al., 2000), children who experienced minor physical violence (e.g. pinching, shaking, spanking) were seven times more likely to experience severe violence (e.g. punching, kicking, hitting with an object) than those who had not been subjected to minor physical violence. Among Hong Kong parents, those who have battered their children are substantially more likely than non-batterers to use corporal punishment as a primary discipline method (Lieh-Mak et al., 1983). Of the abusive parents in this study, 81% spanked their children more than once a week, while none of the non-abusive parents spanked this frequently. The use of corporal punishment in
disciplinary situations, therefore, carries a risk of escalation towards increasingly severe violence.

**Psychological adjustment**

Corporal punishment does not, of course, invariably result in physical injury to the child. It is common in the literature and in the courts to classify non-injurious acts as non-abusive. This definitional approach, however, ignores the psychological dimension of the child’s experience: being struck or physically coerced by a trusted caregiver can have a powerful and long-lasting impact on a child’s developing sense of self.

Research findings have demonstrated that corporal punishment is consistently related to poorer child mental health (see Table 4). It is a predictor of depression (Csorba et al., 2001; Turner and Finkelhor, 1996), unhappiness and anxiety (Eamon, 2001; Lau et al., 1999), and feelings of hopelessness in children and youth (Du Rant et al., 1994). For example, Turner and Finkelhor (1996) found that even low frequencies of corporal punishment (spanking, slapping, hitting without objects) predicted psychological distress among youth (e.g. sadness, low self-esteem), even when the supportive quality of the parent–child relationship was taken into account. In a sample of Hong Kong adolescents (Lau et al., 1999), those who had been physically punished in the previous three months were more likely to consume alcohol, smoke cigarettes, get into fights, be more anxious and stressed, and perceive difficulties in their ability to cope with everyday problems.

A study of the psychological adjustment of children in St. Kitts, West Indies found that the relationship between corporal punishment and psychological maladjustment was not influenced by children’s beliefs about the fairness of the punishment. In this study, the relation between corporal punishment and maladjustment was found to operate primarily through the perception of parental rejection (Rohner et al., 1991). School corporal punishment has the same relationship to mental health. Csorba et al. (2001) examined the power of sixty-eight stresses in the previous year (recent stresses) and sixty-eight stresses prior to that time (past stresses) to predict depression in Hungarian schoolchildren. They found that the experience of school corporal punishment was the strongest past predictor of children’s depression.

Moreover, the relationship between corporal punishment and poorer mental health (e.g. depression, alcoholism) persists into adulthood (see Table 4). For example, in a nationally representative study of American adults, the frequency of corporal punishment experienced in childhood predicted depressive symptoms in adulthood (Straus, 2000). In a large Canadian study, those adults
who reported having been slapped or spanked as children, but not physically or sexually abused, had an increased lifetime rate of anxiety disorders and alcohol use or dependence (MacMillan et al., 1999).

These findings highlight the importance of considering not only the physical, but the emotional impact of physical punishment on the child. The immediate psychological impact of being struck by a parent or teacher has been virtually neglected in academic research in this field. However, preliminary surveys of children in the United Kingdom indicate that many children feel hurt, afraid and unloved when they are struck by their parents (Crowley and Vulliamy, n.d.; Cutting, 2001; Horgan, 2002; Willow and Hyder, 1998). In these studies, the majority of children believed that corporal punishment is wrong, that it sets a bad example and contradicts the parental message that hitting is wrong.

**Interpersonal relationships**

Punishment is the application of an aversive stimulus to decrease an unwanted behaviour. It must be aversive in order to have its intended effect. In the case of corporal punishment, the aversive stimulus is physical pain or discomfort. The intent is to stop, deter or change the child’s behaviour through the application of physical force that is sufficiently painful to be aversive to the child. It is the physical pain or discomfort that is assumed to have the corrective effect. The unique nature of this type of punishment can, over time, damage the child’s social relationships with parents, siblings, peers and society.

**Parent–child relationship**

As humans, we learn quickly to avoid sources of pain. When a parent deliberately inflicts pain on a child, part of the child’s lesson is that the parent is a source of pain to be avoided. Even at 2 years of age, children who are physically punished are more likely to distance themselves from their mothers than those who are not physically punished (Crockenberg, 1987). Over time, this conditioned response to the punisher can lead to erosion of the parent–child relationship (Azrin and Holz, 1961; Bugental and Goodnow, 1998; Parke, 1977; Saarni et al., 1998). Indeed, corporal punishment has been associated consistently with impairment of the parent–child relationship (see Table 4).

The child’s emotional response to being physically punished contributes further to this process. The fear, anxiety, insecurity and anger that can be generated by corporal punishment (Coyl et al., 2002; Crockenberg, 1987; Graziano et al., 1996) weaken the bond between parent and child.
Although punishment can decrease unwanted behaviour, the process by which it operates is based on external controls and extrinsic motivation. In other words, the child may stop performing a punished behaviour in order to avoid the punishment, rather than because the wrongfulness of the behaviour is understood and internalized (De Veer and Janssens, 1994; Hoffman, 1983).

This process is reflected in research findings on moral internalization. Children who are physically punished are less likely to internalize moral values than children who are not physically punished (see Table 4). For example, corporal punishment is associated with lower levels of resistance to temptation, lower levels of altruistic behaviour, and lower levels of empathy and moral judgment (Lopez et al., 2001). The reason for this finding may be that corporal punishment relies on external, rather than internal controls, focusing one’s attention on the consequences of the behaviour for oneself, rather than on how it affects others (Hoffman, 1983). Furthermore, the child’s motivation to internalize the parent’s values may be impaired due to the erosion of the parent–child relationship associated with corporal punishment (Gershoff, 2002; Hirschi, 1969).

Punishment serves not only as a behavioural consequence, but also as a behavioural model. Modelling is a powerful means of teaching and learning – particularly when the model is viewed as having power and prestige (Bandura, 1971). Corporal punishment provides a model of aggressive social problem-solving which, when added to the lower levels of moral internalization and empathy that are linked to its use, has the potential for increasing aggression in children.

Indeed, corporal punishment has been demonstrated to predict – with a remarkable degree of consistency – increased levels of aggression in children and youth (see Table 4). This increased aggression takes many forms, suggesting that the learning of aggressive responses to conflict generalizes widely. Children who are physically punished show higher levels of disruptive behaviour and aggressive-conduct problems (McCabe et al., 1999; Stormshak et al., 2000); hitting and attacking siblings (Larzelere, 1986; Straus, 1990); hitting parents (Brezina, 1999; Larzelere, 1986; Ulman and Straus, 2003); dating violence (Simons et al., 1998), and retaliatory aggression against peers (Strassberg et al., 1994). Moreover, the link between corporal punishment and aggression continues into adulthood (see Table 4).
Antisocial behaviour
Corporal punishment has also been strongly associated with delinquent and antisocial behaviour – such as bullying, lying and lack of remorse – in children and youth (see Table 4). This relationship has been found beyond North America. For example, in a study of Samoan and Tongan youth (Kahn and Fua, 1995), those with antisocial behaviour problems (running away, drinking, drug problems, delinquency) were substantially more likely to be disciplined with corporal punishment (61% of males; 38% of females) than those without such problems (8% of males; 5% of females). The largest family differences between the children with and without behaviour problems were in their methods of discipline.

Delinquency and antisocial behaviour have been found to increase over the long term in children who are physically punished (Gunnoe and Mariner, 1997; Loeber et al., 2000; Straus et al., 1997). In a national United States longitudinal study that controlled for the child’s age and race, as well as maternal marital status, Gunnoe and Mariner (1997) found that corporal punishment was associated with a subsequent increase in antisocial behaviour among children of all ages and ethnic groups. In a second national US longitudinal study, Straus et al. (1997) controlled for children’s levels of antisocial behaviour before parents began to use corporal punishment. The children’s antisocial behaviour was measured by their parents’ frequency estimates of behaviours such as lying, bullying, lack of remorse and disobedience at school. Frequency of spanking predicted antisocial behaviour scores two years later, regardless of the level of warmth and stimulation provided by the parent, socio-economic status, ethnic group or sex of the child. Other studies have demonstrated that this increased tendency towards antisocial behaviour is maintained into adulthood (see Table 4).

Perceptions of violence
Not only does corporal punishment provide a model for direct learning of aggression in the family, it also serves to establish individual norms for the definition of violence. The strongest predictor of adult approval of a particular punishment is having experienced that punishment as a child; the rate of approval of common (e.g. shaking, hitting with a belt) and severe (e.g. burning, tying up) corporal punishments is two to three times greater among those who have experienced them than among those who have not (Buntain-Ricklefs et al., 1994).

Individuals who received severe corporal punishment as children tend to grow up to believe that their experiences were normal and non-abusive (Anderson and Payne, 1994; Berger et al., 1988; Bower and Knutson, 1996; Bower-Russa et al., 2001; Buntain-Ricklefs et al., 1994; Kelder et al., 1991; Knutson and Selner, 1994; Miller and Knutson, 1997; Payne, 1989; Ringwalt et al., 1989; Rohner et al., 1991;
Straus, 1994). For example, in a study of more than 11,000 adults, 74% of those who had received severe corporal punishment as children (e.g. punching, kicking, choking) did not consider themselves to have been abused (Knutson and Selner, 1994). The findings of this study also revealed that 49% of those who had been hit with more than five different types of objects, 44% of those who had received more than two types of disciplinary injuries, and 38% of those who had required two different types of medical services for their injuries did not view themselves as having been abused.

Therefore, early personal experiences of violence can raise one’s threshold for defining an act as violent (Coontz and Martin, 1988; Rorty et al., 1995). These personal definitions of normal and abusive punishment are then carried into intimate relationships and parenting practice, where they will influence the likelihood of the cycle of maltreatment continuing (Berger, 2001; Bower-Russa et al., 2001; Graziano and Namaste, 1990; Straus and Smith, 1992).

Family violence
Corporal punishment provides a model of an aggressive response to conflict that enters a child’s problem-solving repertoire. Each time it is used, an opportunity is lost to provide a non-violent model of conflict resolution. As this modelling occurs, the likelihood increases that physical aggression will be viewed as a legitimate means of responding to conflict and frustration (Buntain-Ricklefs et al., 1994). The effects of this learning are seen later in life, when the child becomes a spouse and a parent. Corporal punishment in childhood consistently predicts abuse of one’s own child or spouse in adulthood (see Table 4).

A caveat
While the literature on corporal punishment is remarkably consistent in demonstrating its link to negative developmental outcomes, this relationship is by no means a deterministic one. Clearly, mental health, aggression, violence, morality and parent–child relationships are complex phenomena, influenced by an array of interacting risk and resiliency factors. For example, there exists initial evidence that maltreated boys with a particular genotype conferring low monoamine oxidase A (MAOA) activity are at higher risk for conduct disorder than those with high MAOA activity.

While corporal punishment is consistently identified as a risk factor in children’s development, the experience of it in childhood does not guarantee that psychological difficulties will develop. In brief, what we can conclude from the literature is that: (1) corporal punishment does not enhance development, and (2) corporal punishment places children at risk for a range of negative outcomes.
CORPORAL PUNISHMENT AND CHILD COMPLIANCE

The only positive outcome of corporal punishment that has been identified in the research literature is immediate compliance (see Table 4).

Research findings

Three studies (Bean and Roberts, 1981; Day and Roberts, 1983; Roberts and Powers, 1990) used experimental designs to examine the effectiveness of spanking in eliciting child compliance. These studies have been cited as evidence that corporal punishment can have "beneficial outcomes" for children (Larzelere, 1996, 2000). However, compliance was narrowly defined in these studies as: (1) the length of time that the child would stay in a timeout chair, (2) the number of 'escapes' from the timeout chair, and (3) the ratio of compliance to non-compliance in a laboratory task. Parents were carefully trained to spank their children in a controlled and systematic way, as well as in methods of reinforcing their children’s positive behaviour. Even under these conditions, spanking was no more effective than room time-out in increasing compliance (Day and Roberts, 1983; Roberts and Powers, 1990). Moreover, an average of eight spankings was required to achieve children’s compliance (Day and Roberts, 1983). These findings suggest that the short-term effectiveness of corporal punishment is actually quite limited. It also indicates that the risk of escalation of corporal punishment to increasingly severe levels is high as the child continues to resist the parent’s use of force.

The authors of these studies state that ‘there was no support for the necessity of physical punishment’ (Day and Roberts, 1983, p. 150). They caution that parents with a history of abusing their children should not be instructed to spank (Roberts and Powers, 1990) and emphasize that alternative procedures are preferable to spanking, which they describe as ‘an aversive experience for child, mother, and therapist alike’ (Day and Roberts, 1983, p. 150).

Compliance as a developmental outcome

Several issues relative to compliance need to be considered. First, immediate compliance is not a developmental outcome, but a short-term effect. Over time, the compliance that may initially be achieved may turn to resistance and resentment, leading to the long-term outcomes that are associated with corporal punishment, such as erosion of the parent–child relationship, anxiety and aggression. Short-term compliance, then, may be achieved at the expense of healthy development.

Second, even if compliance were considered to be an important parenting outcome, corporal punishment has not been demonstrated to be more effective than other methods in eliciting child compliance. For example, there are many constructive methods for eliciting child compliance. Some of these are:
• redirecting the child’s attention
• systematic reinforcement and incentives
• prompting
• providing clear direction, appropriate to the child’s developmental level
• restructuring the environment to facilitate compliance (e.g. child-proofing)
• induction (i.e. methods that promote internalization of standards, such as explaining and reasoning)
• problem-solving approaches
• conflict resolution approaches

There also are effective methods for reducing unwanted behaviour. Some examples are:

• systematic extinction (e.g. planned ignoring, altering reinforcement contingencies)
• logical consequences
• response cost (i.e. loss of a reinforcer)
• modelling of appropriate behaviour
• induction (i.e. explanation, reasoning)
• problem-solving approaches
• conflict resolution approaches

Methods that enhance learning and do not risk the child’s physical or mental well-being certainly are preferable to reliance on physical force.

Third, compliance out of fear of pain is qualitatively very different than compliance achieved through the internalization of behavioural standards and an internal motivation to do what is right. Compliance per se is not an indicator of internalization of parental standards. It may merely be an indicator of the child’s understanding of reinforcement and punishment contingencies. If compliance is obtained through the use of force, it may be gained at the expense of a damaged relationship, fear and anxiety, and growing hostility.

AREA FOR FURTHER RESEARCH
The body of literature on corporal punishment has developed rapidly over the past thirty years as attitudes towards children have shifted. A large number of
studies have now demonstrated consistently that corporal punishment is not beneficial to children’s development and that it carries many risks. There remain, however, some areas in which further research is needed. First, systematic scientific research is urgently needed on children’s own experiences of corporal punishment. The current literature tends to define corporal punishment as hitting with hands or objects because that is its most prevalent form in North America, where most published research is carried out. We lack adequate knowledge of the experiences of children in other regions of the world. We need not only to understand the range of forms that corporal punishment takes, but also children’s views on those experiences. The vast majority of research on corporal punishment is carried out on adults and reflects the adult perspective. It is critical that we understand the physical and psychological experience of corporal punishment from the point of view of the child.

Second, we know very little about the use of corporal punishment by caregivers other than parents. The literature on school corporal punishment is sparse by comparison; that on corporal punishment by non-parental relatives, child-care providers, babysitters, health-care providers, youth care workers, siblings, and other children is almost completely lacking. As a result, prevalence estimates are very likely to be severe underestimates in many nations.

Third, we need to understand the role of corporal punishment in other areas of child health, safety and well-being. For example, we do not know how often corporal punishment leads to school drop-out and subsequent child labour. We do not know the extent to which corporal punishment is used to enforce servitude or sexual exploitation. Nor do we know how many runaways and street children left their homes because of corporal punishment. It is important that researchers begin to connect corporal punishment to larger issues affecting children in many nations.

SUMMARY AND CONCLUSIONS

Corporal punishment is a common experience in the lives of large numbers of children and youth in many nations. This situation continues despite the overwhelming evidence documenting its contribution to a range of negative developmental outcomes. No evidence exists to justify its use as an educational or disciplinary tool. Why, then, does its use continue?

Tradition and cultural beliefs are likely to be primary contributing factors to its high prevalence. A number of common beliefs exist that perpetuate the use of corporal punishment in many societies. These include the beliefs that corporal punishment: (1) is effective, (2) prevents children from getting into trouble, (3)
teaches right from wrong, (4) instills respect, and (5) is conceptually and dynamically different from physical abuse.

As the preceding review demonstrates, none of these beliefs is supported by the research literature. Even in controlled laboratory studies in which parents were systematically trained and carefully monitored, corporal punishment was shown to be unreliable in inducing immediate compliance (Bean and Roberts, 1981; Day and Roberts, 1983; Roberts and Powers, 1990). In naturalistic, longitudinal and observational studies, corporal punishment has consistently been found to predict negative outcomes. Therefore, not only is it ineffective, it is potentially harmful. Rather than keeping children out of trouble, corporal punishment is associated with aggression and antisocial behaviour. Rather than teaching right from wrong, it appears to interfere with moral internalization. Rather than instilling respect, it tends to erode parent–child relationships. And rather than being a different entity than abuse, it is a common precipitant of severe violence.

There is evidence, however, that individual and cultural belief systems that perpetuate the use of corporal punishment can be changed in a relatively short period of time. The experience of Sweden demonstrates that a combination of legislative reform and public education can have a powerful impact on cultural attitudes, as well as individual behaviour (Durrant, 2003; Durrant et al., 2003). In the 1950s, when Swedish law still permitted corporal punishment by parents, this practice was a typical part of Swedish child-rearing. At that time, all children were hit by their parents, 13% of mothers used implements on their children, and most children were beaten (Stattin et al., 1995). By the mid-1990s – following repeal of the legal defence for parents who used corporal punishment in 1957, the implementation of an explicit ban on corporal punishment in 1979 and an intensive public education campaign – parental use of corporal punishment became a rarity and the use of implements virtually unheard-of (Hindberg, 2001; Durrant and Janson, 2005 forthcoming; Janson, 2001).

These behavioural changes reflect a shift in attitudes among the Swedish public. In 1965, eight years after the Penal Code defence was repealed, 53% of Swedes believed that corporal punishment was necessary in child-rearing (SIFO, 1981). This proportion declined through the ensuing decade, reaching 26% in 1979 when the explicit ban was placed in the Civil Code. By the mid-1990s, only 11% of Swedes described themselves as ‘positively inclined’ to even mild forms of corporal punishment (SCB, 1996). Among youth and young people aged 13 to 34, this proportion was only 6%.

The effects of combining parent support and education with legislative reform are demonstrated in Sweden’s rate of child abuse fatalities, which is very
low internationally (UNICEF, 2003). In fact, between 1976 and 2000 (the most recent year for which data are available), the absolute number of children who died in Sweden due to physical abuse was four (Durrant and Janson, 2005 forthcoming).

Increasingly, other nations are following the Swedish example by taking proactive steps to eliminate corporal punishment and promote constructive methods of socializing children. At this time, thirteen nations have affirmed children’s rights to grow up in schools and families that are free of violence by banning all corporal punishment in all settings (Sweden, Finland, Norway, Austria, Denmark, Cyprus, Latvia, Croatia, Israel, Germany, Iceland, Ukraine and Romania). In two additional nations (Italy, Switzerland), Supreme Court rulings have established that corporal punishment is no longer lawful. These nations have acknowledged children’s particular physical vulnerability to adults’ use of force, as well as their rights to equal protection from assault. They also have recognized the risks that corporal punishment poses to children’s healthy development – risks that have been documented consistently across samples and methodologies.

In order to reduce the prevalence of corporal punishment of children and youth worldwide, a three-pronged initiative will be necessary. First, legal reforms must affirm children’s fundamental rights as people to full respect for their human dignity and physical integrity. Second, public education must ensure knowledge of the law and deliver a clear and consistent message that hurting children is not a constructive method of teaching them and, in fact, places them at risk of physical and psychological harm. Third, public education strategies must be developed to increase parents’ and teachers’ knowledge of child development and methods of behaviour change. It is through education and clear standards that this practice can be eliminated from the lives of the world’s children.

FOOTNOTES
1. The total exceeds 100% because some children were hit with both hands and sticks.
2. **Sweden:** ‘Children are entitled to care, security and a good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment’ (Parents’ Code, 1979/1983).
**Finland:** ‘A child shall be brought up in the spirit of understanding, security and love. He shall not be subdued, corporally punished or otherwise humiliated. His growth towards independence, responsibility and adulthood
shall be encouraged, supported and assisted’ (Child Custody and Rights of Access Act, 1983).

**Norway:** ‘The child shall not be exposed to physical violence or to treatment which can threaten his physical or mental health’ (Parent and Child Act, 1987).

**Austria:** ‘The minor child must follow the parents’ orders. In their orders and in the implementation thereof, parents must consider the age, development and personality of the child; the use of force and infliction of physical or psychological suffering are not permitted’ (Section 146a, General Civil Code, 1989).

**Denmark:** ‘A child has the right to care and security. He or she shall be treated with respect as an individual and may not be subjected to corporal punishment or other degrading treatment’ (Parental Custody and Care Act, 1997).

**Cyprus:** ‘Any unlawful or controlling behaviour which results in direct actual physical, sexual or psychological injury to any member of the family [is prohibited]’ (Violence in the Family [Prevention and Protecting Victims] Law, 1994).

**Latvia:** ‘A child shall not be treated cruelly, tortured or physically punished, and his or her dignity or honour shall not be violated’ (Law on Protection of the Rights of the Child, 1998).

**Croatia:** ‘Parents and other family members must not subject the child to degrading treatment, mental or physical punishment and abuse’ (Family Act, 1998).

**Israel:** The Israeli Parliament (Knesset) removed the common law defence of ‘reasonable chastisement’ in 2000. A ruling of the Supreme Court in the same year outlawed all violence in child rearing. ‘[Physical punishment] injures [the child’s] body, feelings, dignity and proper development. Such punishment distances us from our goal of a society free of violence. Accordingly, let it be known that in our society, parents are now forbidden to make use of corporal punishments or methods that demean and humiliate the child as an educational system’ (Justice D. Beinish, Supreme Court, 2000).

**Germany:** ‘Children have a right to be brought up without the use of force. Physical punishment, the causing of psychological harm and other degrading measures are forbidden’ (Civil Law, 2000).

**Iceland:** ‘It is the parents’ obligation to protect their child against any physical or mental violence and other degrading or humiliating behaviour’ (Children’s Act, 2003).

**Ukraine:** A new Family Code came into force in January 2004, banning all corporal punishment.

**Romania:** A new Law on Protection and Promotion of the Rights of the Child prohibits all corporal punishment. It came into force on 1 January 2005.

REFERENCES
Asdigian, N. L. and Straus M. A. 1997. There was an Old Woman Who Lived in a Shoe: Number of children and corporal punishment. Durham, NH, Family Research Laboratory, University of New Hampshire.


Horgan, G. 2002. It’s a Hit, Not a ‘Smack’. Belfast, Save the Children.


Corporal punishment: prevalence, predictors & implications for child behaviour & development


3. THE WAY FORWARD TO CONSTRUCTIVE CHILD DISCIPLINE

F. Clark Power and Stuart N. Hart

The case against corporal punishment as a discipline practice has been made. Established human rights standards provide the imperative for eliminating it through law reform and education, and research knowledge concerning its effects on child development argue strongly against its use. Hitting people, the deliberate infliction of physical pain, and, therefore, all corporal punishment has been recognized as directly in conflict with, and a violation of, fundamental rights to physical integrity and human dignity guaranteed by various international instruments (see particularly the United Nations Convention on the Rights of the Child, provided in Appendix A) and in the interpretations of international and national human rights monitoring bodies and mechanisms (see Chapter 1). Research on corporal punishment has found it to be counterproductive and relatively ineffective, as well as dangerous and harmful to physical, psychological and social well-being (see Chapter 2).

Additionally, it must be recognized that corporal punishment is not the only form of discipline that poses a threat to children’s welfare. Caregivers can inflict psychological damage through practices of verbal abuse and humiliation. The Convention on the Rights of the Child recognizes this in requiring that the child be protected from ‘all forms of physical or mental violence’ (Article 19). The evolving knowledge base in regard to psychological maltreatment strongly indicates that this form of discipline — as well as corporal punishment — must be avoided.1

Respecting children demands more than refraining from harmful disciplinary practices. It requires that responsible decisions be made in promoting
and applying child-rearing disciplinary practices. In making decisions about the forms of discipline, it is reasonable to give significant weight to the purposes of discipline. It is common knowledge that adults, when asked to justify the disciplinary approaches they use with children, will appeal to the aims or goals they have for the development of children. Particular emphasis is usually given to controlling or correcting behaviour in order to meet some present or future standard of behaviour or character. The specific aims and goals for child behaviour and development, justifiably, can vary significantly across regions, cultures, communities and families. This does not mean that it is futile or culturally insensitive to address the issue of common purposes.

The Convention on the Rights of the Child (United Nations General Assembly, 1989), as well as placing detailed legal obligations on the states that ratify it, provides a vision and accompanying set of standards for the goals of child behaviour, development and character that have achieved international and cross-cultural acceptance and commitment. The Convention sets forth, in the combination and interactions of its articles, expectations that the treatment of each child will meet the child’s existing basic needs for physical, psychological and spiritual well-being. It also expects and provides supportive direction for the full development of the child’s potentials and for development of pro-social skills and the characteristics necessary to be an effective member of a free society. Particularly relevant in this regard are the articles identified by the Committee on the Rights of the Child (monitoring body for the Convention) as General Principles: Articles 2, 3, 6, 12; the Convention’s proscriptions on all forms of violence and mistreatment against children, Articles 19, 34, 37; and the aims of education, Article 29. Individuals and institutions, as well as States Parties, existing in widely varying conditions, will find it helpful to use the Convention in forming goals for the being and becoming states of children and in selecting child-rearing practices that are consistent with and supportive of those goals.

A FRAMEWORK OF GUIDING PRINCIPLES FOR CONSTRUCTIVE DISCIPLINE

In this section, we offer for consideration a set of seven major principles as guidelines for the selection or construction of discipline orientations and practices. The guiding principles are first presented accompanied by clarification in the form of supportive beliefs and conditions, and identification of particularly salient and supportive standards of the Convention on the Rights of the Child. The seven guiding principles appear to have universal relevance, at individual and collective levels, for promoting pro-social skills and child development committed to and
expressing justice, fairness, compassion and integrity. They are principles for discipline that respect the child’s dignity. It is recommended that these principles, and their inherent associated meanings, be applied in analyses, selection and construction of discipline orientations and practices. We recognize that a multitude of constructive discipline orientations and practices exist, some of which are described later in this chapter. These are worthy of consideration. However, it would be presumptuous to recommend a specific practice for all cultures. Therefore, we prefer to offer principles to guide the selection of practices.

The presentation of the seven primary principles and underlying supports is followed by a section providing further ‘justification and support’ in relevant children’s rights standards (here quotations are set in italic) and knowledge of human nature and social environments. While the principles are stated in criterion form applicable at the individual child level, they all apply in work with groups of children.

PRINCIPLES FOR CONSTRUCTIVE CHILD DISCIPLINE

Box 3

The Seven Principles
1. Respect the child’s dignity
2. Develop pro-social behaviour, self-discipline and character
3. Maximize the child’s active participation
4. Respect the child’s developmental needs and quality of life
5. Respect the child’s motivation and life views
6. Assure fairness and transformative justice
7. Promote solidarity

1. Respect the child’s dignity

- The physical, psychological, social and moral integrity of each child and all children, present and future, should be protected and respected.
- Efforts to correct erroneous, antisocial, hurtful or dangerous behaviour on the part of a child should be educative in nature and validate the person as valuable and accepted.
- Adults should be the stewards not the owners of the child; they should be the protectors, guides and supporters of the child’s inherent rights and quality of life, present and future.

Reference to provisions from the Convention of the Rights of the Child:
Article 28.2: States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.

Article 23.1: a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity

Article 37(c): Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person

2. Develop pro-social behaviour, self-discipline and character
   - The potentials of human beings for pro-social behaviour should be recognized as great and best fostered by education that leads to personal integrity, self-discipline and character; requiring the adoption of pro-social values, choice-making that reflects those values, and behaviour that manifests those values.
   - Emphasis should be given to respecting and expanding capacities for choice-making, compassion, justice and fairness.
   - Support should be given to educative procedures that specifically foster: values assimilation, construction and internalization; pro-social skills; convergent and divergent thinking; non-violent problem-solving; empathy; maximum development of the child’s personality and talents; and preparation for full citizenship in a free society.

Articles 29.1(b and d): Education of the child shall be directed towards the development of respect for human rights and fundamental freedoms and the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin

3. Maximize the child’s active participation
   - The child should be a partner with adults and peers, in developmentally appropriate ways, in considering and dealing with issues, problems and opportunities of concern that are relevant to the child’s life.
   - Participation and involvement on the part of the child are necessary to achieve investment in shared pro-social values and to promote self-efficacy and respect for the child’s dignity.

Article 12.1: States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting
the child, the views of the child being given due weight in accordance with the age and maturity of the child.

4. Respect the child’s developmental needs and quality of life

- Procedures should be formulated both to resolve issues and problems and meet the needs of the child in the present setting and developmental context and to foster the child’s healthy and full development over the long term.
- Problems should be reframed as challenges and opportunities for learning, development and mastery.
- Optimism based on self-efficacy and trust should be promoted.

Article 6: States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 29(a): the education of the child shall be directed to: The development of the child’s personality, talents, and mental and physical abilities to their fullest potential.

5. Respect the child’s motivation and life views

- The behaviour of children and adults should be understood in terms of efforts to meet human needs (e.g. connectedness-interpersonal affiliation and support, competency, autonomy and self-esteem).
- Behaviour should be respected as an expression of a person’s unique combination of temperament, evolving talents, values, perspectives, styles and strategies as influenced by learning through experience.
- The capacity of human nature for development throughout the lifespan should be appreciated and used as a foundation and point of departure by all persons involved in resolving issues and promoting constructive practices.

Article 3.1: In all actions concerning the child … the best interests of the child shall be a primary consideration.

Article 12.1: States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
6. Assure fairness and transformative justice

- Equity and non-discrimination, freedom from capricious and degrading punishment or reward, application of logical and natural consequences respecting the dignity and integrity of persons, and opportunities for appeal and redress should be assured to foster respect for the ‘rule of law’, adoption of pro-social principles and values, and self-discipline.

- Restorative and rehabilitative interventions should be applied as necessary to fit offences and their negative impact.

Article 2.1: States Parties shall respect and insure the rights … [of] each child within their jurisdiction without discrimination of any kind

Article 39: States Parties shall take all appropriate measures to promote the physical and psychological recovery and social integration of a child victim

7. Promote solidarity

- The diverse and shared motivation, values, and perspectives of others should be clarified and respected for their existing and potential contributions to peaceful conflict-resolution, tolerance and mutual respect.

- Implicit membership in an expanding circle of persons who value and respect one another and who share and exhibit principles/ethics for positive human relations and behaviour should be promoted.

- The powerful influences of peer relations and cultures should be respected and incorporated in practices, where applicable.

- Partnerships between and among children and adults should be formed and activated to improve children’s psychological, social and physical environments.

- Respect for personal dignity and the rights of each and all persons should be promoted, taught and lived.

- Families, schools and communities should establish conditions supportive of constructive child-rearing principles and care.

Article 29.1(c and d): Education of the child shall be directed to … the development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples.
JUSTIFICATION AND SUPPORT FOR THE PRINCIPLES FOR CONSTRUCTIVE DISCIPLINE

The principles presented above are derived from established and evolving human and children’s rights principles and standards, and knowledge of human development and social environments. Some of the justifications for the major principles and associated underlying supportive beliefs and conditions are briefly explained here. The first principle, asserting the importance for respect for the dignity of the child, is given more lengthy consideration because of its fundamental importance.

Respect the child’s dignity

All persons have a right to and benefit from respect and support for their human dignity and full development. Satisfying this principle is to meet a ‘golden rule’ test, doing for others what you would want done to or for yourself. ‘Dignity’ refers to the state of being worthy, honoured or esteemed (Britannica, 2002). Being accepted and truly valued are conditions known to be a critical support for healthy development throughout the world (Rohner and Rohner, 1980).

To respect the dignity of any living entity implies respect for those characteristics most essential to the nature of that entity. According primacy to the imperative to respect human beings seems well justified. Downie and Telfer (1969) have asserted that ‘the attitude of respect for persons’ is ‘the paramount moral attitude’, and that ‘all other moral principles and attitudes are to be explained in terms of it’ (p. 33). Green (1982) cites as a foundation for this position Kant’s second statement of the categorical imperative: ‘Act so that you treat humanity, whether in your own person or in that of any other, always as an end and never as a means only’ (Kant, 1959, p. 47).

Arguably, the essentials deserving particular respect for human beings are their needs and potentials, with emphasis on the added value they bring to the world. According to recent research on human needs (Ryan and Deci, 2000; Sheldon et al., 2001), the following primary conditions require respect and support to satisfy human nature: connectedness to other humans (i.e. affiliation and social support), competency (i.e. practical coping skills, critical thinking and problem-solving), self-determination (i.e. independence, empowerment for and towards self-management and self-direction), and self-esteem (i.e. sense of worth, being valued by others, capable of and recognized for making constructive contributions). Within this well-established set of needs, which are consistent with and derivable from long-respected theory (see for example, Maslow, 1970), competency and self-determination combine to represent rather well the added...
value humans bring to life through their unique potentials and capacities for critical thinking and choice-making (Kamii, 1991).

The Convention on the Rights of the Child in its Preamble recognizes the ‘inherent dignity’ of all members of the human family as foundational for child rights. The Convention provides obligations under international law to ensure respect for the child’s dignity in treatment of the child. This is accomplished, in part, through standards on the provision of education (Article 28.2: States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention), on the disabled (Article 23.1: a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity), and on child/juvenile justice (Article 37c: Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person).

At a more fundamental and holistic level, the Convention’s standards on the best interests of the child (Article 3), and its requirement that treatment of the child be in conformity with the entirety of the treaty, demand respect for the dignity of the child (Article 28.2).

The clarifying sub-themes for this major principle are also given attention both directly and indirectly in the Convention. Support for the physical, psychological, social and moral integrity of the child, present and future, is embedded in the statements and implications of the entire Convention. More specifically, support is inherent in the combination of articles promoting the child’s best interests (Article 3) and survival and development (Article 6), the aims of education (Article 29), and the requirement of a standard of living adequate to the child’s physical, mental, spiritual, moral and social development (Article 27, see particularly section 1). The Convention prohibits treatment of the child that would be cruel, abusive, degrading, neglectful or exploitive (see Articles 19, 34, 36 and 37), and it requires educative processes respecting the dignity and potential of the child (for examples, see Preamble paragraph 7 and the wording of Article 29 (29.1): The preparation of the child for a responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples).

The stewardship role of adults (e.g. parents, extended family, the administering and legislating community) in caring for, protecting, guiding and educating the child and promoting the child’s evolving capacities is given attention frequently within the Convention, beginning with Preamble paragraphs 5 and 6 and exemplified in its coverage of the best interests of the child (Article 3); the responsibilities, rights and duties of parents (Article 5); and provisions for care under challenging family, health or economic circumstances (Articles 20, 21, 22, 24, 25, 26 and 27).
**Develop pro-social behaviour, self-discipline and character**

‘Discipline’ is defined as ‘the training of mind and character’ in the New Lexicon Webster’s Dictionary (New Lexicon Webster’s Dictionary of the English Language, 1988), and in the Encyclopaedia Britannica (2002) as ‘training that corrects, molds, or perfects the mental faculties or moral character’. ‘Character’ is defined in the same sources as ‘the total quality of a person’s behaviour, as revealed in his [please read as gender inclusive] habits of thought and expression, his attitudes and interests, his actions, and his personal philosophy of life’ (New Lexicon Webster’s, 1988), and as ‘the complex of mental and ethical traits marking and often individualizing a person, group, or nation’ (Britannica, 2002). While the development and predictable expression of pro-social skills are generally viewed and described as major purposes of discipline, and are compatible with cited definitions of discipline and character, it is clear that character development, including self-discipline, requires and produces more. Character development as discussed here is not to be understood to prefer the definitions or programmes of one culture over another, but to encompass attributes of human development and behaviour valued by the culture of the child and universally (see Article 29.1 [b and d] below). Prevailing moral development theory, traced from Kant through to Piaget, Kohlberg and Gilligan (see Campbell and Christopher, 1996), and the Convention’s developmental and behavioural goals for children (see Preamble paragraph 7 and Article 29.1) set expectations for children to learn to appreciate and internalize universal values and to express them un-coerced in their choices and behaviours.

The supportive values and beliefs underlying this principle respect the potentials of human beings for pro-social behaviour and self-discipline, all of which can be advanced through conditions that foster development of character attributes and personal integrity relevant to the child’s culture. The major undergirding supports for development of this nature are postulated to be internalized values such as compassion, justice and fairness, and capacities for critical thinking and choice-making. The development of respect for human rights and fundamental freedoms and the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin required by the Convention (Articles 29.1b and 29.1d respectively) could not be accomplished fully without the achieving of these values and capacities. While the limits of human potential cannot be charted, the present knowledge base and the history of humanity suggest that most if not all of what humans imagine can eventually be accomplished. Existential thought and choice, the unique and, in fact, quintessential characteristic of human beings, rely on
capacities for internalized values and critical thinking (Hart, 2002). Advanced socialization theory and applications provide support for the importance of, and guidance towards, the development of character through values internalization and capacity-building (Grusec and Kuczynski, 1997).

Maximize the child’s active participation

*States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child* (Article 12.1). Article 12 of the Convention on the Rights of the Child is pivotal to establishing children as rights-bearing citizens capable of existential thought and choice: persons and not property. There can be no question that disciplinary practices, intended specifically to affect the child’s present and future behaviour and character, must respect the right of the child to express relevant views and have those views given due weight. Additionally, the Convention’s civil rights Articles 13–15 strongly support enabling the child to develop views and to apply them to relevant life conditions through accessing information and resource persons, evoking ideological choice, and choosing what will be private and public (See Hart, 2002, for further clarification).

These rights and others fit the broad theme of children’s participation that is receiving worldwide consideration and support (See UNICEF’s State of the World’s Children, 2003, devoted entirely to child participation). Participation – having your views considered and influencing conditions affecting yourself and those persons and things you value – is essential to human dignity and democratic citizenship. Knowledge of human nature and development, across cultures, and of effective disciplinary practices gives additional support to involving the child as a participating partner in developmentally appropriate ways (Cook et al., 2004). ‘Guided participation’ has been judged to have significant cross-cultural value in developing self-regulation and maturity (Rogoff, 2003). Those who have been responsible for helping children with serious behavioural problems in home, school and community settings have considered it essential to access and respect the child’s view of related factors and preferred futures, and to involve the child in making sense of problem situations and in selecting and investing in interventions and resolutions (Brooks, 2001; Gordon, 2003a, 2003b; Power et al., 1989). The moral reasoning and ethical behaviour of children have been found to advance in homes and schools by involving them in discussions of real-life dilemmas, standards construction and problem-solving (Berkowitz, 2002; Glasser, 1969, 1999, 2000; Gordon, 2003a, 2003b). The widespread support for child participation...

Respect the child’s developmental needs and quality of life

The present and future, the being and becoming states of the child, should be respected and supported. This position is intrinsic to the Convention’s statements *that every child has the inherent right to life*, and that *States Parties shall ensure to the maximum extent possible the survival and development of the child* (Article 6), and that *education of the child shall be directed to: The development of the child’s personality, talents, and mental and physical abilities to their fullest potential* (Article 29a). It is further underlined by the Convention’s repeated reference to the importance of assuring that treatment of the child should be consistent with the evolving capacities or the age and maturity of the child (See Articles 5, 12 and 14). These principles combine to argue that child disciplinary practices must take into consideration both the short- and long-term implications for the child’s quality of life and development.

An extensive history of expert opinion based on knowledge of human nature substantiates the importance of respecting relationships between periods and between dimensions of human development (Erikson, 1963, 1968; Greenspan, 1989; Goldberg et al., 1995; Maslow, 1970; Smith, 1997). Recent research on early child development indicates that abuse and neglect associated with mistreatment can limit and distort brain development (Perry, in press; Goleman, 1995) and psychosocial development (Caspi et al., 2002; Egeland and Erickson, 1987), thereby negatively influencing later development and behaviour. Children whose needs are respected, whose experiences produce trust in others and themselves and positive interpersonal relations, and who achieve practical competencies develop optimism and resiliency enhancing their future development and effectiveness across a broad range of life conditions (Garmezy and Rutter, 1983; Goleman, 1995; Rhodes and Hoey, 1994; Werner and Smith, 1992). Discipline practices that respect and support these positive conditions at each point in the child’s life appear to promote better futures for all involved.

Respect the child’s motivation and views

A child’s perspectives on life and motivations give meaning and direction to their interpretations of experiences, challenges and opportunities and guide their choices and actions. Consideration and respect for these factors in disciplinary practices is bound to improve the likelihood of positive results, whereas ignoring these factors can be harmful to the child’s development.
Each child is unique and brings added value to life. The Convention on the Rights of the Child recognizes the uniqueness and importance of each child through its emphasis on the ‘child’ rather than children in general and by proclaiming that *In all actions concerning the child … the best interests of the child shall be a primary consideration* (Article 3.1). Combined with the Convention’s requirement that appropriate respect be given to the child’s views (Article 12), inherent support is also present for giving weight to the child’s perspectives and motivations. Simultaneously, the Convention sets expectations for the development of all children towards motivation and life-views that value fundamental freedoms, peace, tolerance and friendship among all peoples, and that prepare them to be responsible citizens in a free society (see Article 29).

Information about both the uniqueness of the child and about similarities between children can help those attempting to influence the present and future behaviours and characteristics of a child. Knowledge of the influences of heredity and experience on human development and behaviour deserve appreciation and application in this regard (Pinker, 2002). The brain of a child has been called the ‘greatest mind that has ever existed and the most powerful learning machine in the universe’ (Gopnik et al., 1999, p. 1) because of the vast potential for development it represents. That potential is applied and influenced by the child in its efforts to fulfil human needs that apparently all persons share – affiliation, competency, independence and self-esteem (Ryan and Deci, 2000; Sheldon et al., 2001). At the highest levels, human needs and potentials foster motivation and life-views that promote full self-development and application of internalized universal values (Maslow, 1970; Power and Higgins, 1989). Respect for the individual child’s present characteristics and evolving developmental progress in these areas will respect the inherent dignity of the child and should serve pragmatically in selecting and implementing constructive discipline practices.

**Assure fairness and transformative justice**

The best interests of the child and society benefit when a child grows, through experience to respect and to contribute to predictability and fairness in applying standards, and to the positive transformational consequences for human behaviour. Multiple supports for this position are included in the Convention on the Rights of the Child. The Convention’s Preamble begins by affirming: *recognition of human dignity and the equal and inalienable rights of all members (including children) of the human family is the foundation of freedom, justice and peace in the world.* Thereby, justice, compatible with pursuit of freedom and peace, is established as a superordinate value and goal for all peoples and societies.
The Convention, as previously noted, is to be interpreted in a holistic fashion, with the spirit of each article and of relationships between articles respected for their relevance to each and all conditions of the child. From this standpoint, the Convention can be interpreted as arguing that justice must be applied to each and every child – without discrimination (Article 2); in the best interests of the child (Article 3); respecting the child’s dignity and privacy (Articles 28.2 and 16); with opportunity for the child’s perspectives to be heard and applied (Article 12); without abuse, degradation or exploitation (Articles 19, 32, 34 and 37); promoting the child’s recovery towards health, self-respect and dignity (Article 39), reintegration and constructive participation in society (Article 40); and ultimately preparing the child for responsible life in a free society (Article 29.1d). This combination of standards reinforces the Convention’s expectation – requirement – that justice be fair and transformative.

The history of human development and behaviour gives strong recognition to the significance of achieving justice – particularly justice that is fair and transformative. Expert opinion on moral and ethical development emphasizes the importance of fairness and justice in dealing with standards and consequences of human behaviour (Damon, 1988; Kohlberg, 1984; Lapsley, 1996; Piaget, 1965), as does philosophical and legal theory (Rawls, 1972). The roots of these values may be found in our understanding of human nature. Conflicts between people have been judged to be due to competition for gain, lack of confidence and distrust, danger to reputation, and distorted thinking. Human beings who have been inadequately socialized have a tendency to respond to these conflicts through antisocial and violent means. One of the ways to reduce these negative responses is to achieve widespread, shared respect for the ‘rule of law’ (Pinker, 2002). Commitment to the ‘rule of law’ requires achieving confidence that it will be applied equally, fairly and respectfully to all.

**Promote solidarity**

Respect for diverse and shared perspectives and motivations enables individuals to be cooperative and constructive members of groups that provide support for individual and collective needs, including resolving conflicts and enhancing development and quality of life. Mutual respect and social solidarity are promoted by the Convention on the Rights of the Child in many of its standards; for example, the views of the child and the child’s freedom of thought, conscience and religion are identified specifically as to be respected (Articles 12 and 13), and the child is to be prepared for a responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples (Article 29.1d). Additionally, the child’s identity, including nationality,
name, and family relations are to be preserved (Article 8), and the child is to be educated to support development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own (Article 29.1c).

Social solidarity and mutual respect, as promoted by individual articles and the Convention as a whole, provide a context for child discipline that can help socialize the child towards responsible behaviour. The Convention, as would be expected, represents rather well the accumulated wisdom related to its principles. Knowledge of human nature underlines the importance of expanding a person’s implicit membership to larger and larger circles of persons who share ethical and moral values and who are ready to protect and support the best interests of one another. By so doing, conflicts between persons are more susceptible to pro-social solutions rather than antisocial and violent action (Pinker, 2002). The provision of mediation, mentoring and directives by respected persons has been proven to be a powerful influence on human behaviour (Blass, 2000; Bandura, 1986; Feurstein and Hoffman, 1982). The behaviour of peers in strong and even relatively weak social configurations is recognized to be a strong influence on the values and related behaviours of individuals, particularly young persons (Asche, 1951; Harris, 1998; Yablonsky, 1997; Zimbardo et al., 2000), and to help overcome prejudices and conflicts when superordinate or pre-eminent goals are shared (Sherif, 1988). Among the most successful interventions for children with antisocial behaviour are those that apply the supporting, guiding and correcting influences of a coordinated social community (Henggeler et al., 1998). Theory and extant knowledge indicate that the moral development of persons is advanced by their coming to appreciate the values of the group of which they are a member, by recognizing that these values represent a social contract, and by internalizing these values so that the group, in a sense, is always with one even when physically not present (Kohlberg, 1981; Power et al., 1989).

CONSTRUCTIVE DISCIPLINE AROUND THE WORLD

A framework of principles has been presented for selecting constructive discipline practices. Throughout the world, the various evolving cultures have formulated and practiced forms of child discipline that are constructive and compatible to varying degrees with these principles and associated standards and orientations. This section provides descriptions of some examples of these constructive orientations and practices. The examples are illustrative but not intended to be
considered fully representative of the practices of the hundreds and thousands of existing cultures.

Constructive discipline in different parts of the world: some particulars

A panel of five international experts on child discipline and socialization issues was invited to identify and describe some of the constructive discipline practices applied in their regions of the world, practices that would be compatible with the ‘Principles for Constructive Discipline’ presented above. Additionally, they were asked to identify some of the personal/character qualities given priority for the development of young persons in their region. The panel includes Benedito Rodrigues dos Santos (Brazil), Nora Katona (Hungary), Shirley Mabusela (South Africa), Elizabeth Protacio-de Castro (Philippines) and Hassan Qasem Kahn (Yemen).

Child development qualities valued

Analyses of the material provided by the panel members helped identify a variety of desired child attributes. The panel agreed on a list of valued child attributes:

- patience and self-control
- generosity and kindness
- braveness
- imagination and creativity
- commitment and industriousness
- self-esteem
- choice-making competence, including problem-solving and decision-making competence
- capacity for deep thought, contemplation, reasoning and critical thinking
- moral and ethical understanding, appreciation and behaviour
- pro-social skills competency
- ability and willingness to judge one’s own behaviour in accordance with standards and commitments, to identify causes and consequences of one’s own behaviour, to be concerned about the effects of one’s own behaviour on others, and to repair or rectify wrongs resulting from one’s own behaviour.
- ability to express feelings honestly and communicate constructively and non-aggressively
- ability to find personal and collective meaning and relevance in events directly and indirectly experienced
• ability to participate in the construction of rules and establishment of consequences for behaviour
• respect for others and their views, including those of different generations, gender, sexual orientation and racial-ethnic background
• respect for and ability to promote harmony in multicultural relations
• capacity for constructive group membership, to be in a partnership with others (adults/elders, peers) in support of common purposes, to discuss and resolve conflicts cooperatively, and to work to consensus with others regarding important issues and standards

The similarities between valued personal attribute items agreed to as important by the international panel and those that have been identified through ethnographic and child development research are striking. This finding suggests that there are universals worthy of recognition and consideration as goals for discipline intended to help rear children in ways that respect the child’s and society’s best interests.³

CONSTRUCTIVE DISCIPLINE PRACTICES
As indicated above, the international experts were asked to describe some of the constructive discipline practices given emphasis in their regions. They were not asked nor expected to provide an exhaustive compendium of constructive discipline practices fully representative of the large number of widely diverse cultures within their regions (an impossible task), nor to limit their descriptions to practices unique to their regions. Here are the highlights of their contributions. Italics are used to draw attention to selected points.

In the following section, Hassan Qasem Khan of the Yemen Psychological Association, who is also a Member of the NGO Advisory Panel for the United Nations Study of Violence Against Children, provides a number of insights drawing on his experiences in and knowledge of Arab cultures in the Middle East, particularly the culture of Yemen.

Education is the basic purpose of child discipline. Spiritual cognition is seen as the primary guide for voluntary acts of behaviour. Constructive discipline has its roots in the Koran, the Sunah (Prophet Ahadiat teachings) and the writings of ancient Arab-Islamic scholars. The relationship of parents to children is that of trustees of a gift from God and not owners. Parents, teachers and other caregivers
have responsibility for the child’s discipline (education). The internalization of good beliefs and repetition of desired actions are the paths to good habits. Violent discipline, especially for children, is considered harmful; it corrupts the child’s morals, promotes feelings of repression, decreases happiness and activity, and leads to problematic behaviour. Among the many constructive discipline (education) methods applied are the following:

- **Selection and availability of good models:** This method promotes imitation and learning by observation of good models. Parents, educators and other caregivers are encouraged to be good models by practising appropriate desired behaviours in front of the child. They are also encouraged to orient and guide the child towards selected good models among peers and classmates and among social, historical and religious figures. Models can be experienced by illustrations, demonstrations and role-playing. Imitation and behavioural change towards good character traits (e.g. generosity, braveness, kindness) can be strengthened through rewards.

- **Cognitive thinking/learning and contemplation:** This method emphasizes the value of reasonable thinking towards spiritual enlightenment and insightful cognition. Internal conversations for reasoning, problem-solving and creation are promoted. Support is to be provided for enhancement of concentration, perception, imagination, self-esteem, will, free choice and communication with others.

- **Collective participation learning:** The child is encouraged to select appropriate (constructive) partners and to participate in active learning. Collective participation learning should involve defining objectives, selecting procedures, carrying out actions, and monitoring and assessing progress and results. Physical, psychological, social and spiritual growth should be the goals of these experiences.

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It is important to consider the nature, construction and application of a set of alternative consequences for misbehaviour within the context of positive disciplining measures. **Children’s participation in the construction of the ground rules in which consequences are clearly set can prevent the breaking of them by the**
Measures applied to a child or adolescent should give due consideration to the child's capacity to comprehend and comply with the rules, to the circumstances and to the gravity of the transgression. Therefore, the application of selected measures to children and adolescents who have recognized vulnerabilities and disabilities should be suited to their conditions. In no case and under no pretext whatsoever will the rendering of forced labour be permitted. These perspectives are consistent with and expressions of Article 112 of the Brazilian Statute of the Child and Adolescent ECA (Children’s Act). Here, four constructive alternative consequences frameworks are presented:

- **The admonitory dialogue:** This is a calm and firm dialogue with children and teenagers to elaborate on their undesired action, practice or behaviour. The conversation should help them acknowledge the failure of an accomplishment in a previously set agreement; reflect on the causes and the consequences – for themselves, their families, communities and the society at large – of their actions; and renew their commitment to the ground rules. Its purpose is deeper than just repressing children’s transgressions; it is to produce change in children’s behaviour. The admonitory dialogue should not bear verbal threat or emotional suppression; it should convey an attitude of love and care for the children. Sometimes, after recidivism, this type of dialogue may take a kind, earnest tone of disapproval and cautionary advice or warning. This type of dialogue is used by Brazilian educated upper-middle-class sectors and by some schools as a part of their child-rearing practices. ‘Admonition’ is also a measure prescribed by the Brazilian Statute of the Child and Adolescent – ECA (Children’s Act) to sanction children’s mild transgressions of the law. As a legal measure, it can only be applied by the juvenile courts and it may only be employed when ‘there is proof of materiality and sufficient indication of authorship’ (Article 114). The admonition ‘will be verbal and will be expressed in writing and signed’ (Article 115).

- **The reparation of damages and rectification of wrongs:** Having children repair any damages they have caused and make amends for wrongdoings seems to be one of the most efficient non-violent methods for the preventive discipline of children. Parents are responsible for a child’s upbringing and can have children apologize for misbehaviour, clean up a mess, repair something or see to the reimbursement for the damage. This type of pedagogy is used in Brazil mainly by the
educated upper-middle class. The ‘obligation to repair the damage’ is also a legal measure, prescribed by the Brazilian Statute of the Child and Adolescent (ECA [1990]) that may be applied to juvenile offenders who commit minor infractions. This measure has the potential to teach children and teenagers to become aware of the consequences of their transgressions of previously agreed norms and of the symbolic, emotional and moral (or material) cost of repairing damages and rectifying wrongs. The children should be persuaded to make amends and repairs and not forced to do so.

- **The restriction of privileges**: Reduction of playtime, not allowing children to watch a favourite TV show, earlier curfew, or prohibiting time spent with friends while repairing damages caused or making amends are some of the restrictions of privileges used by many parents in Brazil. This measure can teach children to weigh the pros and cons of following or breaking the agreements (ground rules). Under no circumstances should these restrictions affect children’s fundamental rights, such as to eat and not to be submitted to forced labour. The use of this measure is not as widely endorsed as the two others mentioned above because of its repressive character. Therefore, the above two measures should be given preference.

- **The rendering of services to the community**: This consists of doing voluntary work for short periods of time at public-assistance institutions, such as hospitals and schools, as well as in community and governmental programmes. This is a legal measure that may be applied to young people who commit infractions to the laws. It is highly valued among progressive educators because of its transformative pedagogical potential. According to the Statute of the Child and Adolescent, in the application of the rendering of community services, ‘the tasks will be designated according to the aptitudes of the adolescent and should be carried out during a maximum period of eight hours per week, on Saturdays, Sundays and holidays or on working days, in such a way as not to hamper attendance at school or normal working hours’ (ECA, Article 117).

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constructive discipline, emphasizing school environments but with inherent and sometimes specifically identified relevance for practices at home.

The most important factor in dealing with discipline problems is prevention. Most discipline problems arise from the breaking of rules that are made within the school/family (e.g. everyone has to be at the table for supper) itself or are universal moral norms (don’t take others’ belongings without asking permission first). The following are key steps to take in establishing a direction towards desired behaviour.

- Have only a few and relatively simple rules.
- Have only rules that can be kept – that are realistic and practical.

To enhance rule-abiding behaviour, school rules should be revised on the first day of school every year. This should be done under the leadership of the class/form teachers in each class. In Hungary, it is generally the case that on the first day of school from three to five class periods are used for this purpose. The consequences of breaking rules, as well as the rules themselves, are discussed in detail. It is not unusual to have so-called ‘class-rules’ that are only binding for the given group/class. Usually the rules are collectively agreed upon by consensus and posted; often the students themselves make a poster proclaiming the rules.

‘Punishment’ takes the form of bearing the consequence of misbehaviour, usually by rectifying the damage done. For example, if a window is broken the students have to take it to be mended (with the cooperation of the parent, depending on the child’s age).

Strong school–home cooperation is emphasized by the fact that all school-aged children and youth have a continuous report card. It is in the form of a booklet that contains all the marks and evaluations received during the school year in the child’s different subjects. One half of this booklet serves the purpose of written communication between parents and teachers. Thus there are no small notes to be sent home (and forgotten to be handed over). Of course this only functions well if the family itself functions well.

In the case of moral norms the importance of families in the socialization process must be emphasized. The school deems it important to aid the socialization process – especially in fulfilling its role in harmonizing different cultural norms. As a part of this effort the Law on Education provides one class period per week for the class/form teacher to communicate with students in the class without having any specific curricular objectives and subject matter to be taught and tested. Of course, this class period has its own educational and peda-
The aim of these class periods is also to react to, and provide opportunity to discuss, current events in school/class life that raise specific issues. These classes on the whole are meant to enhance socio-emotional and moral development. Depending on teacher preparation, these classes can be very effective if tailored to suit the needs of the given group (e.g. using psychodrama elements to discuss conflicts and to enhance social skills, using team-building exercises). Effectiveness depends in part on appreciating and being true to the purposes of these classes, and on avoiding moralizing and preaching and the tendency to use this time to do administrative work. In senior high school (ages 17 to 18), the national curriculum also provides an opportunity for moral–ethics classes.

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Modelling good and non-violent behaviour by respected adults

In Asian cultures, where the family is of primary importance, respect for and obedience to significant adults (e.g. parents, guardians, elders) is deeply inculcated in children through the socialization process. The constructive authority and model strength of the adult and the likelihood of imitation by the child are enhanced by the following conditions:

- The adult’s authority is derived from his/her characteristics as a reasonable, responsible, loving, caring and ‘good’ person.
- Mutual respect and a sense of partnership are established between the adult and child as human beings – the adult does not exert raw power over the child.
- The child recognizes that the adult is a person of integrity to whom the child can look to for guidance.
- Adults emphasize ‘character education and pro-social skills’ as the overriding goals of child-rearing.
- Adults behave honestly as imperfect humans who exhibit humane behaviour.
- Adults practise what they preach and model good, non-violent behaviour.
• Adults apply natural and logical consequences to issues and problems.
• In extreme cases of child behaviour problems, adults are creative, firm and loving in applying strong authority.
• Respect for, support from, and involvement of extended family exist.

Family meetings and intergenerational dialogue
Family meetings and intergenerational dialogue can be considered as mutual problem-solving strategies. In the Asian context, collective decision-making processes between and among members of the extended family, possibly across two or even three generations, have proven to be particularly effective. Family meetings and intergenerational dialogue, although held irregularly and in relatively casual and informal ways, are constructive ways of dealing with conflict and instilling collective discipline in the family, and they can become an institutionalized part of the socialization process. In Asian contexts, preference is given to dispute resolution undertaken through intermediaries, thus older family members are allowed to and expected to intervene in the process.

The following elements have been found to be important in resolving conflicts through family meetings and intergenerational dialogue:

• **Communication.** Good communication is the key to conflict resolution. Constructive conditions must be created in the family to insure involved parties are open and willing to hear and talk things out. Certain communication skills are necessary for this to happen, including *active listening* (the process of understanding what is communicated both verbally and non-verbally), *appreciative inquiry* (asking questions in sensitive ways to reveal deeper meanings, implications and relevant existing assets and strengths) and *non-aggressive telling* (saying things in a non-offensive way). Genuine dialogue – incorporating mutual respect (despite differences and misunderstandings), openness and patience – is a hallmark of good communication. It is particularly constructive and effective if indirect and informal communications take place that enable the various parties to talk things out in creative ways that respect human dignity and do not threaten loss of face.

• **Negotiation, mediation and problem-solving.** Negotiation is the process by which involved parties with opposing needs seek to meet those needs amicably. Involved parties must appreciate the importance of presenting positions in a manner that can be understood and accepted.
Experts recognize that parents are less likely to have violent children if they take the time to explain and negotiate rules with them and listen to their children’s views. Negotiation skills are crucial in the formulation and implementation of rules of conduct and good behaviour within the family.

Mediation is a form of negotiation that involves a third party who can help opposing parties focus on the problem, understand each other, communicate effectively and come up with a decision that will benefit all. The third party is usually an older person and a good facilitator, who is respected by opposing parties and perceived as fair and unbiased. Use of intermediaries is a very common and effective practice in Asia. Sometimes older siblings assume this role.

Good negotiation entails focusing on solving the problem rather than locating blame, trying to respond to other people’s real needs rather than their stated position on issues, and generating as many options as possible. Decisions imposed on children by persons in authority increase the probability of conflict. When parents/significant adults and children come together to talk about the problem – the various options or possible solutions and the ‘pros and cons’ of each – they are more likely to come up with a choice that is appropriate for the situation and to which they can commit. Thus children should be given more options – including the option to choose between given consequences. Even very young children can be given a choice, while older children could solve the problem themselves with support and guidance from parents and other significant adults.

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The new democratic government of South Africa ratified the UN Convention on the Rights of the Child (UNCRC) on 16 June 1995. The *Constitution of South Africa, adopted in 1996, is based on the following values: human dignity, achievement of equality, advancement of human rights and freedoms, non-racialism and non-sexism, and supremacy of the constitution and the rule of law*. South Africa had previously ratified the African Charter on the Rights and Welfare of the Child (entered into force 29 November 1999), which supported many of the rights of the...
Convention and set expectations for the child to grow to fulfil responsibilities that would increase solidarity, respect for and realization of values, and contributions to the welfare of others. South Africa’s legislature and its Constitutional Court have taken action that bans corporal punishment in the schools. The values and standards of the UNCRC, the African Charter, the South African Constitution, and actions of the South Africa’s legislature and Constitutional Court are relevant and apply in developing and selecting constructive discipline practices.

Guidebooks have been produced for education in South Africa that provide direction for constructive discipline practices, much of which is applicable to both home and school environments (Department of Education, 2000; Porteus et al., 2001). These guides make it clear that certain conditions are necessary as foundations for constructive discipline. Among these conditions are the following.

- Our understanding of children should include an appreciation of their needs, of their various developmental stages, and of the fact that they are human and thus have rights and responsibilities that are consonant with their evolving capacities.
- Our understanding of education should include an appreciation that effective education can and must take place without corporal punishment.
- Our understanding of learning should appreciate the wide range of constructive, non-coercive ways children are motivated, and the importance of their participation in determining conditions and practices to be applied.
- Our understanding of children’s behaviour should appreciate the importance of seeking and achieving explanations for the child’s behaviour, to guide determinations of the appropriate constructive corrections.
- Our understanding of what it means to be human should appreciate that we all deserve to be treated with respect and dignity, free of unfair discrimination and all forms of violence.

The guidebooks provide additional detailed information on a variety of constructive orientations worthy of exploration. Discipline is explained as a proactive and constructive approach through which children ‘learn to exercise self-control, respect others and accept the consequences of their actions’ (Department of Education, 2001, p. 9). Whole school approaches, democratic practices, and community building are encouraged. Educators are asked to judge their own practices against the following qualities of positive disciplinary practices: presents learners with
possible alternatives – focuses on positive behaviour; focuses on rewarding learners for effort as well as good behaviour; learners attempt to keep rules because they have been discussed and agreed upon; is respectful, dignified as well as physically and verbally non-violent; the consequences of breaking a rule are directly related to the learner’s behaviour; time-out, if used, is open-ended and managed by the learner, who determines his/her readiness to gain self-control; practices are based on an understanding of the individual and his/her needs, abilities, circumstances and developmental stages; redirects behaviour by selectively ignoring minor misbehaviour, using reflection on an incident through give-and-take discussions; mistakes are regarded as an opportunity to learn; learners are treated with empathy and are given the opportunity to express healthy remorse; behaviour, not learners, is the focus (Department of Education, 2001, pp. 10–12)

Some of the conditions or practices likely to facilitate movement towards constructive discipline practices were identified in recent discussions with three teachers working in quite different school environments. The following recommendations, fully consistent with the expectations set above, are derived from these discussions.

- **Learners should be taught about the logical and natural consequences of their behaviour.**

- **Learners and their parents should be involved as participants in decisions about codes of conduct and associated practices.**

- **Learners should be treated in ways likely to develop positive dispositions towards social contracts.**

**INDIGENOUS CULTURAL PRACTICES**

Indigenous peoples (i.e. Aboriginal, First Nations, Native, Tribal peoples) live in all regions of the world. The constructive discipline and socializing orientations and practices that they employ can be enlightening. A thorough exploration of the large number and wide variety of Indigenous peoples’ practices, though well-deserved, has not been possible for this publication; however, descriptions have been acquired of some of the practices in India and British Columbia, through the assistance of experts in those areas. They are presented here.

**Anastasia Pinto** is an expert on Indigenous peoples in India. She directs the Centre for Organization Research and Education (CORE)/World Coalition for Indigenous Children and Youth in India, an Indigenous Peoples’ rights organization working on the Convention on the Rights of the Child and its optional protocols and the
participation of Indigenous children and youth. Here, she describes some of prac-
tices and orientations of Indigenous peoples found in the north-eastern region of
India. This area is the home of over two hundred Indigenous and Tribal peoples
who have been insulated from the dominant cultures of the region by virtue of
distinct racial and cultural characteristics, geographical distance from sub-conti-
nental India, and difficult mountainous terrain.

Among the Meitei, child-rearing occupies a central position in the lives and activi-
ties of the people. The paramount need for the child is considered to be protection,
recognizing him/her as vulnerable, dependent and precious. This overrides all
other considerations of the child in the society. Child-rearing and socialization
are conducted not in isolation but in community. The aim is to integrate the child
into the larger organism of the extended family and society. Example is seen as
the prime motivator and facilitator of learning, whether of values or of conduct. A
badly brought-up child draws concern and reprehension for the adults considered
his or her caregivers and guides. The child’s mistakes or misconduct are viewed as
being due to the shortcomings of the adults around him or her, who are considered
responsible rather than the child. Criticism and correction are therefore directed
primarily at the responsible adults rather than at the child. Children are included
in the larger society, where directly and indirectly they are exposed to folk tales
and family and community histories, knowledge about consequences of unwise or
mistaken actions, and to actions and events that excite admiration and emulation,
all of which serve as critical learning. Errors committed by children are seen as
risks to the child rather than offences by the child. This unambiguous view informs
the attitude toward, and all action directed at the child regarding such mistakes.
Discipline and punishment are, therefore, very sparingly and rarely imposed, even
in the form of verbal chastisement. When verbal correction is administered, it is
coupled with terms of endearment, affection and respect (e.g. abema ‘young lady’
or thoibi, ‘great one’; boys as ibungo or ‘young gentleman’ or pakhang, ‘young
warrior’) and compliments about the child’s wisdom and goodness. This is done
in order to make certain that the child feels secure and loved, and to reinforce
the child’s self-image, self-respect, and determination to be uncompromising in
choosing good behaviour. Older persons will frequently tell the child about their
own misdemeanours of a similar kind and their consequences if unchecked. Even
a small sign of regret or repentance is welcomed as a commitment to refrain from
the mistake or to improve conduct, and trust is immediately reinstated.

Among the larger body of Indigenous peoples of north-eastern India,
children and young people spend considerable portions of their lives with peers,
discreetly supervised by adults who rarely intervene except when requested or
necessary because of associated risks. Adolescents traditionally move to gender-specific youth dormitories among many Indigenous peoples, such as the Oraon. A village adult of high standing supervises the activities and behaviour of dormitory members. Peer pressure and peer socialization are the normal forms of discipline in the dormitories. Young people are each allotted a mentor among the older youth who gently guides them into the practices and norms of good behaviour appropriate for their age and status in the dormitory and in the larger society. Infractions of a minor sort are treated as pranks and with good humour, but the initiator is given to understand that these are tolerated only occasionally and as a childish joke. In order to achieve status among peers, the criteria are maturity in conduct, skill in the knowledge and techniques being learned, and uprightness and generosity in values. Nonconformity is dealt with in several different ways, depending on associated circumstances. A person showing unusual talent or ability to become a Shaman may be recommended for study that could lead to apprenticeship. A person’s slight infractions usually are left to peers to work around, accommodate or correct. Behaviour potentially damaging to the community of young people may be handled by the elders through summoning the young person to present his/her side of the case, first in a private hearing, then with peers in the dormitory, followed by disciplinary action acceptable to the injured parties, offender, and agreed upon by the group. Penalties for further misdeeds are clearly communicated to the offender. Reparation for damage caused is preferred over merely punitive consequences. Repeated and dangerous offences may lead to separation from the group, dormitory or village until reform is achieved. Crime and violent behaviour are almost unknown where these traditional ways have been respected.

William A. White/Xalemuxw/Kasalid is an expert on working with traditionally trained elders in the areas of south-eastern British Columbia. He is the Aboriginal Liaison Officer of the University of Victoria, Victoria, British Columbia. Here, he describes the central child-rearing values and ways of the Coast Salish, who are Aboriginals native to British Columbia, a people he knows particularly well.

Coast Salish children are believed to be ‘sacred’ gifts of the Creator – in some cases to be replacements for recently deceased parents/grandparents, giving them special value. The children, as well as their parents, are recognized as reflections of their ancestors, as part of the family, community, and ultimately the natural and supernatural worlds – all are connected. Child-rearing and treatment extend from this foundation. Coast Salish ceremonial life – which includes receiving an ancestral name, a Sxwaixwe Mask, Shulmuxstes Rattle, and participation in mourning cycles – increases the importance of preparing ‘places of safety and knowing’ for the community, especially the young.
A Coast Salish child from a very early age learns to be a careful observer to be quiet in the presence of elders, as is true of and expected for most adults; to respect old people; and ultimately to prepare for his or her own participation in the world of ceremony, ritual and rites associated with transformation (see Rogoff, 2003, for clarification of the child development benefits of extended periods of observation by the child). The old people believe that children should have a working knowledge of traditional values – such as respect for the old, sharing, cooperation, good listening skills and being kind – by the time they are 9 years old.

Tribal institutions, buttressed by values and ceremonies, provide for the child ‘order and stability’, in which advice from traditional elders repeatedly contradicts ‘the myth of the inferiority of Indian culture’ (Kew, 1980). A child raised in a traditional way, under the guidance of relatives, in accordance with the teachings/values found within the longhouse and the Shaker Church may, by 4 years of age, fully understand the importance of being quiet and of learning to be a careful observer while old people are speaking (Amoss, 1978). Children will learn important lessons through these processes and through the manner in which elders (sulalewq) speak to their parents and older cousins and the way older relatives work in unison to help others. They learn that they exist within a family and then a community, they belong and are not alone, and they have an obligation to help. Shaker Church ceremonies, Winter Dance activities and the observation of parents as they interact with others all strengthen the sense of being together in moving, eating, singing, being serious and laughing. Traditionally, children have been encouraged to quietly interact, expected to keep still, like their parents, and to wait for the elders to speak about the business at hand. Much is learned by a child through observation when accompanying parents or relatives to traditional ceremonies; for example, at Winter Dance gatherings about one thousand people attend. Songs acquired, names provided, families moving together to support each other all represent the visible reminders of a family’s cultural strengths and of their value within the community (Johnson and Bernick, 1986). Families stricken by poverty, discrimination and some of the many other social ills within our communities are helped by these systems, which serve to protect and honour each other.

A child raised in this environment develops strong listening skills, including the ability to differentiate between tones used to teach, to guide behaviour. The application of these values is at least fifteen to twenty generations old, and when the old people speak the children learn the world is a safe place, and, when it is not, the community moves together to move out of the period of darkness. They are told, ‘You will carry these teachings long after we are gone’. The words and
advice from old people are meant to reinforce connectedness to each other, to the community and, depending on the nature of the gathering, connections to the ancestors and the worlds of the supernatural.

Old people (the Elders) believe a child should be raised without harsh criticism or physical trauma; that if a child is truly loved he or she will not see being asked to keep still/quiet as a hardship and will grow up to be a strong and reliable protector and participant, ready to apply love and tenderness to others, and best equipped to deal with transition. Young children in a strong traditional family are constantly held, stroked, and told how important they are and how much they are loved. Extended family members, in addition to parents, hold children while an adult is speaking to others – the children learn to trust them and to view the holding as an indication of love and of being special. Traditional families provide times for children to ask questions; however, when the family is with others they are encouraged to learn the value of quietly listening. In this way, children themselves learn the value of being a significant part of the family even if they are not the central focus of the discussion. Children who are taught their significance in the family also learn not to interfere with other children or people who do not act the same way they do. They may find it difficult to understand why some children speak too much, within the public school system for example, or are noisy in the presence of adults. If the behaviour of other children is starkly different from theirs, they are encouraged to play with their own family. One of the most fundamental goals for the maturing young person is to understand the importance of choosing his or her associates – their social peers.

Coast Salish traditional culture and the safety and inclusion of its children have been endangered by external societal oppression, promoting individualism and competition, and by social racism. This has resulted in increased social breakdown, higher incidences of suicide and dropping out of school, high unemployment, joblessness, alcoholism, drug abuse and teen pregnancies. Special efforts have been made recently, and are ongoing, to include the voices and views of young people in discussions with elders, to establish renewed appreciation and application of the strengths of their traditions and people, and to create safety and belonging.6

GUIDANCE ON CONSTRUCTIVE CHILD DISCIPLINE PRACTICES AND RESOURCES

One of the arguments often raised by adults when encouraged to abandon the threat or use of physical or psychological violence as disciplinary practices is that they have not been provided with better methods. This is not a viable response.
In the above section a sample of constructive discipline orientations and practices from quite different regions and cultures of the world are presented by experts. They are generally consistent with widely recognized and strongly supported principles for child rights development and discipline. They are not unusual nor do they stand alone in this regard.

Guidance on constructive discipline practices is available and being expanded and supplemented from a variety of sources and in quite diverse forms. In some cases, the source thoughtfully places child discipline in historical and/or cultural contexts and describes proven or promising changes in child discipline towards attitudes and practices respecting children’s dignity and rights. The Swedish experience in efforts to end all violence against children, with emphasis on ending corporal punishment, is well documented and can be instructive to governments, NGOs, schools, families and professionals (Hindberg, 2001). The child’s right 'not to be beaten’, the importance of changes in laws and attitudes, and the benefits of authoritative child-rearing (rather than authoritarian, permissive or indifferent child-rearing) are among the topics addressed. Directed towards similar ends, the International Save the Children Alliance has recently produced a manual that provides practical guidance to help programmes advocate for legal and educational change to end the practice of physical and psychological punishment of children in the home, in schools and in all other environments (International Save the Children Alliance, 2005).

Conferences, workshops and research continue to be undertaken to eliminate physical and psychological punishment and to give direction to constructive discipline practices. Save the Children South and Central Asia has published the findings and conclusions of its recent workshop in Japir, India, to promote positive discipline techniques in families, schools and institutions. The workshop applied a child rights social ecology framework and situational analyses. The report presents key learnings, objectives for advocacy and practical implementation, and action plans (Bhandari and Karkara, 2004). Other recent workshops in the South-East, East Asia and Pacific region (SEAP) by the International Save the Children Alliance have produced helpful region-specific clarification of national challenges, and resource and information needs for addressing corporal punishment and for the development of strategies to deal with both physical and emotional punishment of children (International Save the Children Alliance SEAP Region, 2003, 2004).

As previously noted, a good deal of research on corporal punishment has been accomplished that helps clarify its nature and the reasons for abandoning it as a practice (see Chapter 2). While this research history is of great value, much of the work it includes has been done in advanced and developed
nations and without directly and intentionally incorporating child-rights orientations. More recently, guidance has been provided for rights-based approaches to related research, and to research that includes child participation. Within the paradigm for this research are to be found respect for the views of children, for the right of children to have their characteristics and experiences researched in a proper manner, for the application of rigorous ethical strategy, for the incorporation of systematic and practical scientific methods including a series of detailed research tools, and for relevance to strategic planning and advocacy (See Ennew and Plateau, 2004, for details). The model for this rights-based orientation to research is the ‘Twelve-Step Process’,7 which ‘is being implemented in up to thirteen countries in the SEAP region between the end of 2004 and the end of 2005 to research the physical and emotional punishment of children’ (Ennew and Plateau, 2005, p. 4).

A large and increasing base of information and resources on a wealth of proven and promising constructive discipline orientations, programmes, practices and techniques presently exists in accessible form. One of the best sources of evolving information to guide constructive discipline is the website of the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), which presents information on worldwide progress towards legally prohibiting all forms of corporal punishment of children in all settings, including in the home, and on human rights and corporal punishment. To provide guidance on good practices, the website includes links to a wide range of internet resources on positive discipline and frequently updates these links. In Appendix B, 'Internet Resources for Parents and Teachers on Discipline without Corporal Punishment', forty-six of those websites are identified and briefly described.

CONCLUSION

Corporal punishment breaches fundamental human rights. It has been found to be a threat to the healthy development and welfare of children and their societies; it is neither effective nor necessary. The case against corporal punishment in schools and homes rests solidly on human rights and the results of empirical research on human development. Constructive, non-violent child discipline is needed. It should be formulated and applied in a manner that respects the human dignity and rights of the child and child development knowledge. Primarily, child discipline should be an intentional educational process that promotes pro-social behaviour, self-discipline and character development. Positive, non-violent ways of discipline and child-rearing are being promoted and applied in all regions and cultures. Supportive information, resources and
guidance on achieving constructive discipline and child-rearing are available. They should be promoted and made readily accessible to families, schools and communities throughout the world.

FOOTNOTES

1. Psychological maltreatment (i.e. emotional abuse and neglect, mental injury) is broadly defined as: ‘A repeated pattern or extreme incident(s) of conditions that convey the message that the child is worthless, flawed, unloved, endangered, or valuable only in meeting someone else’s needs.’ Five major forms have been substantiated and detailed through research and expert opinion: spurning (hostile rejecting/degrading), terrorizing, isolating, exploiting/corrupting, and denying emotional responsiveness (ignoring). Destructive developmental impact associated with psychological maltreatment has been established for intrapersonal thoughts, feelings and behaviours; emotional-problem symptoms; social and antisocial functioning; learning problems, and physical health. A high level of international agreement appears to be forming on the nature of psychological maltreatment (Binggeli et al., 2001; Glaser, 2002; Kairys and Johnson, 2002; Khamis, 2000; National Clearing House on Family Violence – Canada Health, n.d.; Singapore Ministry of Community Development and Sports, 2002).

2. As of 31 December 2004, 192 out of 194 countries have ratified the Convention on the Rights of the Child.

3. ‘Human universals’, concepts and constructs that are given attention by virtually all cultures, have been identified by ethnographers (Brown, 1991, 2000). Some of them appear to be both compatible with the Convention on the Rights of the Child and relevant to child-discipline practices: choice-making (choosing alternatives) and decision-making, consultation and mediation to deal with conflict, empathy, fairness, good and bad distinguished, law (rights and obligations, rules of membership), moral sentiments, reciprocity, redress of wrongs, sanctions for crimes against the collectivity, self as subject and object, self-control and self as responsible, self-image, true and false distinguished, proscribed forms of violence (the full list is simply presented in Pinker, 2002, pp. 435–39). Additionally, the Search Institute (Minneapolis, Minnesota; www.search-institute.org) has produced a set of forty developmental assets – things kids need to be successful, through an integration and synthesis of research examining developmental experiences understood to prevent and reduce high-risk behaviours, promote thriving by enhancing optimal developmental outcomes, and overcome adversity to function successfully. These ‘external’
and ‘internal’ assets have been found to have a protective and promotional significance across racial and ethnic groups (personal communication from Marc Mannes, Search-Institute, 27 February 2004; Association of Alaskan School Boards, 1998; Benson et al., 1998; Benson et al., 2003; Scales et al., 2000). Virtually all the forty assets have relevance for constructive child discipline, socialization and development.

4. Please note this understanding of silence is not the same as for the culture or family which espouses children should be seen and not heard. Children who learn to use silence, to observe, are best equipped to work with ‘intuition’ and later skills identified in some parts of the world as ‘prophecy’

5. This may be a challenge in the modern world, especially if in public school the child is trained to speak often and gradually learns that the individual is the most important part of the social fabric.

6. The International Institute for Child Rights and Development (2004; University of Victoria, Victoria, BC, Canada; www.uvic.ca/iicrd) has created a number of supportive programmes of this nature. They are captured in a new videotape called *Echoing of the Elders: Teachings for Coast Salish Youth, which* depicts how young people can find and be introduced to mechanisms which assist with coping and shows the ways in which old people provide places of safety and belonging. The video is intended for use by elders and youth in other communities to assist in their dialogue.

7. The ’Twelve-Step Process’ is based on work carried out over more than a decade by Save the Children, UNICEF and (in Asia) the Regional Working Group on Child Labour.

REFERENCES


——. 2005. ‘I Cry When I Am Hit’: The right to be properly researched. Bangkok, Thailand, Save the Children Alliance SEAP.


APPENDIX A: UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

PREAMBLE
The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,
Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in Articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in Article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, ‘the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth’,

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,
Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1
For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

Article 2
1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.

Article 3
1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

**Article 4**
States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

**Article 5**
States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

**Article 6**
1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

**Article 7**
1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

**Article 8**
1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

**Article 9**

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child’s place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child’s best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

**Article 10**

1. In accordance with the obligation of States Parties under Article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances, personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under Article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11
1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12
1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13
1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child’s choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or
(b) For the protection of national security or of public order (ordre public), or of public health or morals.

**Article 14**

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

**Article 15**

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

**Article 16**

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

**Article 17**

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:
(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of Article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children’s books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Articles 13 and 18.

Article 18
1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19
1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

**Article 20**

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, *inter alia*, foster placement, *kafalah* of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child’s upbringing and to the child’s ethnic, religious, cultural and linguistic background.

**Article 21**

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child’s status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child’s care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child’s country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22
1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23
1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child’s condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child’s achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;
(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation, and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25
States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26
1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27
1. States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child’s development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

**Article 28**

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

   (a) Make primary education compulsory and available free to all;

   (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

   (c) Make higher education accessible to all on the basis of capacity by every appropriate means;

   (d) Make educational and vocational information and guidance available and accessible to all children;

   (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

**Article 29**

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child’s personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child’s parents and his or her own cultural identity, language and values; for the national values of the country in which the child is living and the country from which he or she may originate; and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or Article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

**Article 30**

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.
APPENDIX A: UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Article 31
1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child, and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32
1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33
States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34
States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:
(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

**Article 35**
States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

**Article 36**
States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare.

**Article 37**
States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

**Article 38**
1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

**Article 39**
States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

**Article 40**
1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses, and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law and in particular:
(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes; and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41
Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State Party; or

(b) International law in force for that State.

PART II

Article 42
States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43
1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and
shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two-thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

**Article 44**

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

**Article 45**

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children’s Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children’s Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children’s Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children’s Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee’s observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to Articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.
APPENDIX A: UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

PART III

Article 46
The present Convention shall be open for signature by all States.

Article 47
The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48
The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49
1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50
1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one-third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

**Article 51**

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

**Article 52**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

**Article 53**

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

**Article 54**

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.
APPENDIX B:  
INTERNET RESOURCES FOR PARENTS AND TEACHERS ON DISCIPLINE WITHOUT CORPORAL PUNISHMENT

The internet provides a wealth of advice and articles on parenting and teaching children and young people without resorting to corporal punishment. The following websites represent a selection of the wide range of materials available, from the promotion of non-violent and/or non-punitive parenting and teaching in their own right to more comprehensive recommendations in which positive approaches to behaviour play a significant part.

The Alliance for Transforming the Lives of Children (www.atlc.org) is an interdisciplinary group of experts and parents promoting ways of parenting that are non-punitive and that protect children from all physical and emotional violence. The main principles of this approach are outlined in the article ‘Proclamation and blueprint for transforming the lives of children: principles and actions for creating the foundations for optimal physical, emotional, intellectual, social, and spiritual development’, available on the website.

The American Academy of Pediatrics (www.aap.org) has produced a useful policy paper, ‘Guidance for effective discipline’, aimed at paediatricians working with families. The paper recommends a developmental approach to discipline based on a positive, supportive and loving relationship between parents and children, the encouraging use of positive reinforcement strategies and the avoidance of punishment.
AskDrSears.com (www.askdrsears.com) is a website put together by a family of paediatricians that provides advice and articles on a range of issues relating to the health of infants, toddlers' and children. The ‘Discipline and behaviour’ section contains over forty articles on dealing with toddlers and children's difficult behaviour without resorting to corporal punishment. Topics include ‘Top ten discipline principles’ and ‘What is discipline’ and an extended article on spanking with headings ‘10 reasons not to hit your child’, ‘8 admonitions to parents who choose to spank’ and ‘Signs you need professional help about discipline’.

Attachment Parenting International (www.attachmentparenting.org) promotes a style of parenting aimed at preventing violence through the empathic care of infants and young children and based on eight ‘ideals’, one of which is positive discipline. Resources available on the website include a useful FAQ section ‘About discipline’ and various articles on positive discipline.

The website of the Aware Parenting Institute (www.awareparenting.com) promotes an approach to parenting advocated by the developmental psychologist Aletha Solter, based on attachment-style parenting, non-punitive discipline, and the prevention and healing of stress and trauma. Discipline is based on recognizing and understanding the child’s needs and feelings and developing non-violent communication with the child, rather than on any system of rewards and punishments. Articles available on the website include ‘Principles of aware parenting’, ‘Twenty alternatives to punishment’ and ‘Breaking the cycle of violence – an interview with Aletha Solter’.

Behaviour UK (www.behaviouruk.com) is a UK-based resource aimed at teachers in primary and secondary schools. The team has developed the Interactive Conduct File software, which is recommended as part of the discipline/behaviour framework of any school. It aims to enable students to think about, reflect on and address their own behaviour, based on the psychological approaches of behaviour therapy and reality therapy. The website offers free sample software and contains a number of useful articles on positive discipline and classroom management, including ‘Creating a good “behaviour climate” in a school’, ‘Managing difficult groups in school’, and ‘Circle time can promote positive behaviour within a junior school’.

The Canadian Society for the Prevention of Cruelty to Children publishes articles against the physical punishment of children and promotes positive parenting on its website Empathic Parenting (www.empathicparenting.org). This approach
APPENDIX B: INTERNET RESOURCES FOR PARENTS AND TEACHERS ON DISCIPLINE WITHOUT CORPORAL PUNISHMENT

is founded on the ability of the parent to identify the child’s feelings and to behave in ways that take those feelings into account. Useful articles include ‘Physical punishment in the home’ and ‘Spanking: a shortcut to nowhere . . .’, both written by the psychologist Penelope Leach.

The website of the Center for Effective Discipline (www.stophitting.com) includes information on discipline and the law, and a summary of relevant laws in each state of the USA. The National Coalition to Abolish Corporal Punishment in Schools, which shares the site, provides many resources, including ‘10 guidelines for raising a well-behaved child’, ‘28 ways to teach non-violence, kindness, and peacefulness to children’, ‘Spanking: facts and fiction’, ‘Arguments against corporal punishment’ and ‘School corporal punishment alternatives’.

Child and Family Canada (www.cfc-efc.ca) contains an extensive collection of articles on parenting and family life, including over fifty on the subject of discipline, from a number of organizations. It recommends the use of positive discipline and the exclusion of physical punishment from methods used in parenting. Some of the key areas addressed are: ways of handling parental rage; approaches to managing the behaviour of children — from toddlers to teenagers; the importance of respecting the child’s feelings and making children feel good about themselves; and communicating with children in loving and respectful ways. Among the articles are ‘Parenting teens: are we having fun yet?’, ‘Tips for parenting children with challenging behaviour’, ‘Coping with tricky times: conflict resolution in adult/child relationships’, ‘Children and difficult behavior’, and ‘Children and the stress of parenting’. Many resources are available in French and English.

The Children are unbeatable! Alliance (www.childrenareunbeatable.org.uk) is an alliance of more than 350 organizations and projects that campaigns for smacking to be legally banned. It promotes positive discipline that: is based on the loving relationship between children and parents; assumes that children want to behave well; focuses on and expects good behaviour; makes sure children understand what this is and why; and rewards children for acceptable behaviour and motivates them to keep on trying. The website contains a list of booklets, leaflets and other resources available from a variety of organizations. The full text of the booklet Hitting People is Wrong, which includes information on the principles of positive discipline, is available on the website of the Children’s Rights Information Network (www.crin.org).
Classroom Management Online (www.classroommanagementonline.com) is an online distance learning course on classroom management and the prevention and handling of disruptive behaviour, run by Professor Howard Seeman of City University, New York, and based on his book Preventing Classroom Discipline Problems. The website is available in English, Spanish, German, Italian, French and Portuguese. There is also a website dedicated to the handbook and the CD/video version of the programme (www.panix.com/~pro-ed/), which has been used throughout the USA and Canada and in many other countries worldwide, including Japan, Ghana, Mexico, Malaysia and Kuwait. The website contains free questionnaires for teaching staff and free online help for specific concerns. The approach to discipline is non-punitive, stressing rewards and prevention and distinguishing between discipline problems and education problems.

Education World (www.educationworld.com) is a USA-based website providing an extensive collection of resources related to child development and discipline, aimed mainly at teachers. Articles include interviews with various authors of books on positive discipline and classroom management techniques. A range of topics related to discipline and behaviour are discussed, including ‘Carrots or sticks? Alfie Kohn on rewards and punishment’, ‘Creating a climate for learning: Effective classroom management’, and ‘How responsive classroom practices work’. There is a database of almost 100 classroom-management resources for teachers, and useful links to other sites.

Eli Newberger is a paediatrician and author of The Men They Will Become: The nature and nurture of male character, a book about raising boys and strengthening character. Chapter 6, ‘Discipline and punishment’ is available on his website (http://elinewberger.com). It presents a critical view of the effects of corporal punishment on boys, explores some of the available alternatives to such punishment, and explains an approach called Inductive Discipline, which is centred on the basic relationship of love between parent/caregiver and child, and involves the distinction between feelings and behaviour and the importance of reason in setting rules that boys accept.

Family Works Inc. (www.familyworksin.com) has developed the Parenting Wisely programme, an interactive CD-ROM programme designed for parents of children aged 8–18 years, including versions for young children, teenagers, and those in foster and residential care. The programmes, which have been used in the UK, the USA, Canada and the Caribbean, illustrate how to deal with stressful situations with children without the use of physical punishment. The website
contains extensive information on research that supports the approach, as well as samples of the interactive parenting software itself.

**Fight Crime: Invest in Kids** ([www.fightcrime.org](http://www.fightcrime.org)) is the website of a group of law-enforcement officials, victims of violence, and academics in the USA, who provide training in parenting skills without resorting to corporal punishment. The approach is based on research which shows that the use of these skills in high-risk families helps to prevent abuse and neglect and reduces adult violent crime. Resources available on the website include the report 'New Hope for Preventing Child Abuse and Neglect: Proven solutions to save lives and prevent crime'.

**The Forbidden Issue** ([www.alice-miller.com](http://www.alice-miller.com)) is the website of Alice Miller, author of *For Your Own Good: The roots of violence in child-rearing* and many other books about the damage which physical punishment does to children. Resources on the website include summaries of these books as well as articles on non-punitive methods of parenting, including ‘The roots of violence’, ‘Spanking is counterproductive and dangerous’ and ‘Every smack is a humiliation’.

**Gentle Christian Mothers** ([www.gentlemothering.com](http://www.gentlemothering.com)) provides a Christian perspective on non-violent parenting, based on attachment parenting. Resources available include the articles ‘Discipline for toddlers’ and ‘Choosing not to spank’.

The website of the **Global Initiative to End All Corporal Punishment of Children** ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) contains information on worldwide progress towards legally prohibiting all forms of corporal punishment of children in all settings, including in the home, and on human rights and corporal punishment, as well as a section of links to a wide range of internet resources on positive discipline.

The website of **Gordon Training International** ([www.gordontraining.com](http://www.gordontraining.com)) provides information about Thomas Gordon’s Parent Effectiveness Training along with a selection of free resources, including ‘What every parent should know’. The schools section provides information on Teacher Effectiveness Training and a number of articles promoting non-punitive disciplinary techniques, including ‘What every teacher should know’ and ‘Listen Up! Helping children deal with difficult emotions’.

The website of the **Institute for Peace and Justice** ([www.ipj-ppj.org](http://www.ipj-ppj.org)) includes the Parenting for Peace and Justice Network, an interfaith association of families
seeking well-being, wholeness, peace and justice for themselves and others, and opposing corporal punishment. It also includes the Families Against Violence Advocacy Network, which promotes non-violent discipline and publishes books and other resources for parents, including a family pledge and a manifesto, and resources for schools.

The developmental neuropsychologist James W. Prescott (www.violence.de) believes that the causes of violence in society lie in physical punishment and the denial of physical pleasure in childhood. The website includes information on research supporting this position and articles promoting non-violent parenting, including ‘Body pleasure and the origins of violence’ and ‘Child abuse in America: Slaughter of the innocents’. Articles are available in English, German, French and Dutch.

Kelly’s Attachment Parenting (www.kellymom.com) was set up by a parent to provide evidence-based information on attachment parenting. The website contains a number of articles relating to non-violent, non-punitive parenting, a page of links to other attachment parenting websites, and details of a forthcoming book on gentle discipline. Useful articles include ‘Parenting toddlers’.

The Kirklees Parenting Support Forum (www.kirklees.gov.uk/community/health-care/childrenandfamilies/parentsupport/madressahs.shtml), based in Kirklees in the UK, has produced a booklet outlining a Muslim perspective on non-violent parenting and describes how such an approach is supported by Islam.

Marvin Marshall (www.MarvinMarshall.com) has developed The Raise Responsibility System, aimed at parents and teachers, for disciplining children without using rewards and punishments. The system is based founded on teaching and understanding four developmental levels of behaviour and enabling children to make guided choices. Useful articles on the website include: ‘How to discipline without stress, punishments or rewards and promote responsibility’, ‘How to create a learning community’, ‘Rethinking our thinking on discipline: empower rather than overpower’ and ‘Promoting learning: rules vs. expectations’.

The National Association for Prevention of Child Abuse and Neglect in Australia (www.napcan.org.au) has produced a number of resources for parents, including ‘Children and discipline’, ‘Use words that help not hurt’, ‘30 ways to boost a child’s confidence’ and ‘Alternatives to hitting children – or any other kind of physical punishment’.
The National Family and Parenting Institute (www.nfpi.org) is an independent charity in the UK which supports parents in bringing up children without using physical punishment, although it does not explicitly condemn smacking. The parents’ section (www.e-parents.org), which provides advice and information to parents and promotes non-violent discipline, includes ‘The Behaviour Directory’, a useful web-based review of support and advice materials from many sources, all of which promote alternatives to smacking and shouting.

The National Society for the Prevention of Cruelty to Children (www.nspcc.org.uk), in the UK, campaigns for non-violent approaches to parenting and in 2002 organized the UK’s first large-scale public education campaign against corporal punishment. Resources available on the website include: ‘Toddler tips: for parents by parents’, ‘Not naughty but normal’, ‘Encouraging better behaviour: A practical guide to positive parenting’ and ‘Listening to children’. The NSPCC also provides reports and resources for teachers and has produced guidance for professionals on positive discipline, ‘Encouraging positive discipline’.


The New South Wales Centre for Parenting and Research (www.parenting.nsw.gov.au) has produced a number of useful articles on disciplining without using physical punishment, including: ‘Positive discipline’, ‘Discipline: where do I start?’, ‘Discipline for toddlers: getting a handle on toddler behaviour’ and ‘You can’t make me! Developing responsibility (in teenagers)’.

The New South Wales Commission for Children and Young People (www.kids.nsw.gov.au) provides information sheets for parents, including ‘Listening to children’ and ‘Raising children’.

The Northwest Regional Educational Laboratory in the USA (www.nwrel.org) has produced a research perspective on improving school and classroom discipline as part of its School Improvement Research Series. ‘Schoolwide and Classroom Discipline’ reports on findings from research studies that have identified effective
classroom- and school-level disciplinary practices, and recommends that corporal punishment be avoided.

The NoSpanking Page (www.neverhitachild.org) contains a list of links to articles on the internet that promote positive, non-punitive discipline, and an introductory article by Murray A. Straus, ‘Hitting a child is wrong and a child never, ever, under any circumstances should be hit’.

Parenting of Adolescents (http://parentingteens.about.com) provides a range of advice from parent Denise Witmer on positive discipline methods, as well as articles on effective communication styles, for parents of teenagers.

Parenting without Punishing (www.nopunish.net) is the website of Norm Lee, who campaigns against corporal punishment and who has developed the New Non-Punitive Parenting Paradigm (NN-PPP), based on principles of respect for children as thinking and feeling human beings with full membership in the family and on Democratic Discipline. Resources available include the full text of Lee’s book Parenting without Punishing.

Positive Discipline.com (www.positivediscipline.com) contains resources for parents and teachers based on the work of Jane Nelsen, a speaker and writer on bringing up children without using corporal punishment. Resources for parents include the fact sheet ‘What is positive discipline?’; and articles ‘Positive discipline guidelines’, ‘18 ways to avoid power struggles’ and 'How do you motivate a teen?’ Articles for teachers include: ‘Positive time out’, ‘No more logical consequences’, ‘Planting seeds of change through positive discipline’ and ‘The spin-offs of positive discipline’.

The Positive Discipline Resource Center (http://joanneaz_2.tripod.com/positivedisciplineresourcecenter) is a Christian-orientated website offering resources on dealing with children’s behaviour without using corporal punishment. It includes a section on recommended books and the articles ‘Proactive and responsive discipline’ and ‘A study of “The Rod” scriptures: Do Christians have to spank?’

Positive Parenting On-line (www.positiveparenting.com) provides parenting advice and articles on alternatives to corporal punishment for parents, teachers and other caregivers, including: ‘9 things to do instead of spanking’, ‘Deciding to spare the rod’ and ‘10 keys to successful parenting’. 
APPENDIX B: INTERNET RESOURCES FOR PARENTS AND TEACHERS ON DISCIPLINE WITHOUT CORPORAL PUNISHMENT

Project NoSpank (www.nospank.net) is the website of Parents and Teachers Against Violence in Education, run by Jordan Riak in the USA. It includes an extensive collection of articles on all aspects of corporal punishment of children, including: ‘Spanking teaches wrong lessons’, ‘How children really react to control’, ‘Effects of spanking – a brief summary’ and ‘An alternative to spanking?’. Many articles are available in English, French and Spanish. The Christian section of Project NoSpank, Christians for Non-Violent Parenting (www.nospank.net/cnpindex.htm) includes information on recommended books, Christian resources for positive parenting, and links to other websites opposing corporal punishment from a Christian perspective. Articles include ‘The Bible and positive parenting: highlights from excellent articles’.

Raising Kids (www.raisingkids.co.uk) is a UK-based website promoting non-punitive ways of disciplining children, through advice from experts and tips from parents, all of which include the advice never to smack the child. Useful articles include ‘Tantrum taming tips’ and ‘1–4 yrs: Bully or attention-seeker?’

Save the Children UK (www.savethechildren.org.uk) promotes ways of dealing with children’s behaviour without resorting to corporal punishment, aimed at parents and other caregivers. Its approach to positive discipline is based on good communication and the rights of children to express themselves, learn and develop, while also recognizing that parents have the right to set limits on acceptable behaviour. Resources available on the web include the booklet ‘We can work it out: parenting with confidence’.

In Brazil, the ‘Spanking is Non-Educational’ campaign (www.usp.br/ip/laboratorios/lacri/nonviolent.htm), based at the University of São Paulo and led by Dr Maria Amélia Azevedo and Dr Viviane Nogueira de Azevedo Guerra, aims to abolish corporal punishment of children and create a non-violent pedagogy in family upbringing. The website includes information on historical and empirical research, and an ongoing study course covering research, legal reform and educational awareness.

UNICEF (www.unicef.org) has developed online guidance on child protection for teachers that includes the development of proper classroom discipline – see the article ‘Child protection: discipline and violence’. Other useful resources include: ‘Co-operative learning’, ‘Beliefs about a constructive learning environment’ and ‘Interpersonal skills for learning’.
The Whole Family Attachment Parenting Association (http://members.tripod.com/~JudyArnall/index.html) is a Canadian website with information about attachment parenting, based on positive non-violent discipline, and links to other relevant sites.
‘To discipline or punish through physical harm is clearly a violation of the most basic of human rights... In at least 60 states, beating children with sticks, belts and other implements, and deliberately humiliating them in other ways, remains an authorized part of the school system. Research on corporal punishment has found it to be counterproductive and relatively ineffective, as well as dangerous and harmful to physical, psychological and social well-being. It is an irony that many states have developed child protection laws and systems – yet simultaneously, continue to allow violence to be inflicted upon children’ (Paulo Sérgio Pinheiro).

‘The UN Committee on the Rights of the Child has consistently recommended that States Parties to the Convention on the Rights of the Child prohibit corporal punishment and other forms of violence against children in institutions, in schools, and in the homes. The past 25 years have shown that the elimination of corporal punishment is not easy to achieve’ (Jaap E. Doek).

This publication provides a comprehensive approach, including the main steps to be considered in the process of eliminating corporal punishment, and provides much-needed tools to accomplish this goal. It clearly shows the human rights imperative and describes several aspects of the negative consequences and implications that are caused. It details practical steps for more constructive and effective child discipline practices, and ongoing supports, for long-term change.

This book has been produced in cooperation with the International Institute for Child Rights and Development (IICRD), a leader in community-based, national, regional and international applications of the United Nations Convention on the Rights of the Child (CRC).