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Statement submitted by Defence for Children International, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



Statement

Corporal punishment of girls: a women's issue

Corporal punishment — violence inflicted by parents, teachers, carers and others in the name of “discipline” — is the most common form of violence against girls and is experienced by enormous numbers of girls in States in all regions. For example, a 2010 United Nations Children’s Fund study in more than 30 low- and middle-income countries across the world found that on average 75 per cent of girls and boys experienced physical punishment and/or psychological aggression in the home and 17 per cent on average experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement). A study in five African countries, which revealed a very high prevalence of violence against girls, found that hitting, beating and forced hard work were the most widespread forms of violence against girls and that most of the physical violence experienced by girls was corporal punishment.

In addition to violating girls’ right to freedom from violence, corporal punishment violates their right to life, health, development, education and participation. School corporal punishment can have a particularly severe effect on girls’ right to education. Data from the United States of America show that almost 50,000 girls were “paddled” (hit on the buttocks with a wooden paddle) in school between 2006 and 2007, with African-American girls more than twice as likely as white girls to be paddled.

Corporal punishment is directly linked to other forms of gender-based violence. It is particularly closely related to domestic violence against women and is used to control and regulate girls’ behaviour, much as intimate partner violence aims to control women’s behaviour. Childhood experience of corporal punishment for girls is often the beginning of a life of violent victimization by authority figures and family members. The perpetrators of corporal punishment and domestic violence may be the same, and a home in which some degree or kind of violence against children is condoned is one in which other kinds of violence are more likely to be accepted.

On a societal level, too, the legal acceptance of corporal punishment directly hinders the prevention of violence against women and contributes to a tolerance of violence in family relationships. Prohibiting corporal punishment is an essential part of the overall societal transformation required to eliminate violence against women and girls. It helps societies to move away from the view that it is acceptable to use violence to control and punish others, including family members. Where this view is not only unchallenged but also enshrined in law, it will remain accepted — and violence against women and children will continue.

States cannot claim to be fulfilling their human rights obligations to protect women and girls from violence, including in the private sphere, while failing to address the most common form of violence against girls. By failing to prohibit corporal punishment, States not only allow violence against girls and boys to continue, they also demonstrate their lack of genuine commitment to women’s rights by failing to take this most basic of steps in preventing violence in the family home and elsewhere.

Prohibition of corporal punishment of children: progress and delay

As at November 2012, girls and boys are protected in legislation from all corporal punishment, including in their homes, in 33 States worldwide. Many other States are committed to enacting a prohibition. School corporal punishment is prohibited in 117 States, and corporal punishment is prohibited in penal institutions in 121 States.

Progress is accelerating in all regions. The number of States prohibiting corporal punishment in all settings, including the home, has tripled since 2000, when children had full protection in only 11 States, and more than doubled since 2006 (16 States). Intergovernmental organizations in Europe and South Asia are campaigning for the prohibition of all corporal punishment across their regions.

However, too many States continue to ignore their human rights obligations. Corporal punishment remains legally sanctioned in some settings of children's lives in the majority of States worldwide: girls and boys can legally be assaulted by family members, teachers, carers and others. Judicial sentences of corporal punishment for children are lawful in 41 States; where sentencing is based on Sharia law, women and girls from the age of puberty can be ordered to undergo cruel punishment, including flogging. Corporal punishment is lawful in schools in 81 States and in group care settings, such as orphanages, in 146 States. In 165 States, the violent punishment of girls is legally sanctioned in their own homes.

Human rights imperative to prohibit and eliminate corporal punishment

The Committee on the Rights of the Child has consistently made it clear that the Convention on the Rights of the Child requires the prohibition of all corporal punishment in all settings — the home, schools, penal systems and alternative care settings. In its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee consolidated and confirmed these obligations, and it systematically recommends prohibition in its concluding observations.

The monitoring bodies of other international treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and of regional human rights instruments increasingly recommend the prohibition of corporal punishment, and the issue is regularly raised in the universal periodic review of States' overall human rights records.

States' determination to prevent and eliminate all forms of violence against women and girls is emphasized in the Beijing Declaration and Platform for Action. The review of the Platform for Action five years later stated that Governments should treat all forms of violence against women and girls of all ages as a criminal offence punishable by law.

Importance of explicitly addressing the corporal punishment of children

Challenging corporal punishment is rarely included in the global challenge to all violence against women and girls and is ignored in many reports and resolutions on "all forms" of violence against women and girls. The near-universal social

acceptance of corporal punishment of children means that when it is not explicitly addressed, it inevitably remains invisible, just as the lack of a gender perspective makes many forms of violence against women invisible. Silence on the issue of violence against women and girls colludes with its legal and social acceptance.

Reluctance to address the issue may stem in part from the fact that corporal punishment of children is perpetrated by both men and women, in particular in the home, where women remain the primary carers for most young children. However, addressing violence in societies necessitates confronting this reality. Far from being a distraction from other forms of violence, addressing corporal punishment is central in eliminating and preventing all types of violence against women and girls in the family home and elsewhere.

Recommendations

We recommend that the widespread legality and social acceptance of violent punishment of girls be explicitly addressed during the fifty-seventh session of the Commission for the Status of Women and that States' responsibility under international law to prohibit and eliminate it in the family home and elsewhere be highlighted.
