

UNCAT Children and Positive Discipline Tool: 10/UNCAT/2021

# POSITIVE DISCIPLINE AND ALTERNATIVES TO CORPORAL PUNISHMENT OF CHILDREN

Child discipline and guidance are important for a child's growth, education and development. Child discipline is an inherent component of a child's educational process, which prepares the child for her or his future stage as an adult living productively and peacefully in society. There are, however, important limits on how children are disciplined.

Corporal and other cruel or degrading forms of punishment fail to recognise children as full right-holders and disrespect their inherent dignity and right to physical integrity as human beings. Child development principles advocate instead for the use of alternative measures, which are commonly referred to as "positive discipline", and consist of non-violent, solution-focused and respectful ways to discipline children.

**Under international human rights law,  
a child is every human being below the age of 18 years.**

Corporal and other cruel or degrading forms of punishment are sometimes used as a way to discipline children at home, in schools and care facilities. "Physical" or "corporal" punishment refers to any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Non-physical forms of punishments which belittle, humiliate, denigrate, scapegoat, threaten, scare or ridicule the child, may also be considered cruel and/or degrading.



The CTI '[UNCAT Implementation Tools](#)' are a series of practical tools designed to share good practices among States on the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). They offer thematic guidance and ideas for State practitioners and policymakers as they develop or revise context-specific strategies, mechanisms and procedures to prevent torture and other forms of ill-treatment or punishment, and provide remedies for victims.

Regardless of the use of physical force and/or the degree of pain or discomfort generated, the UN Committee on the Rights of the Child has considered that such punishments are a form of violence against children. The Committee has declared that corporal punishment and other cruel or degrading forms of punishment are forms of violence and States must take all appropriate legislative, administrative, social and educational measures to eliminate them.

Similarly, in its examination of States parties on their implementation of the UN Convention against Torture, the UN Committee Against Torture (CAT) has consistently raised the issue of corporal punishment, including increasingly in schools and other institutions and in the home.

“ *States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment (...).*”

UN Convention on the Rights of the Child, Article 37

## THIS TOOL IS INTENDED TO:

### Assist government policy-makers, legislators and other functionaries

➔ to better implement international human rights law and standards, through sharing knowledge and good practices of States in showcasing policies, laws and practices that end corporal punishment and other forms of cruel or degrading punishments of children.

### Illustrate a number of alternative practices

➔ to corporal punishment and other forms of cruel or degrading punishments that promote an educational rather than a punitive approach to disciplining children and which are thereby consistent both with the UN Convention against Torture, the UN Convention on the Rights of the Child and other relevant international standards.

The document covers a wide variety of settings where corporal punishment and other forms of cruel or degrading punishments is used as a way to discipline children, including home, educational and care settings. Discipline within places where children are deprived of liberty, although of major importance, is not covered in this tool.

The [checklist at the end](#) will help guide States on the steps they may take to align their policies, laws and educational practices to be in line with UN Convention Against Torture and UN Convention on the Rights of the Child.

# ALTERNATIVES TO CORPORAL PUNISHMENT: PROMOTING POSITIVE EDUCATION



Positive discipline is based on children's rights to a healthy development, protection from violence, and the value of their participation in their own learning and development. It focuses on forming positive attachments and promoting parent-child and educator-child cooperation and reciprocity. Under positive discipline, parents, caregivers and teachers use warmth, structure and good communication so that the child learns new skills to prevent recurrence of misbehaviour.

“ 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.”

UN Convention on the Rights of the Child:  
Article 28(2)

Parents, caregivers and teachers implementing the positive discipline methodology should be guided by four interdependent principles: 1) identifying long-term educational goals; 2) providing warmth and structure; 3) understanding how children think and feel; and 4) problem-solving.

- 1 Identifying long-term educational goals:** In order to effectively provide positive discipline, parents, caregivers and teachers need to identify the specific goals they would like the child to achieve in the long-term. Examples of possible goals may include the management of stress, improvement of communication skills and consideration of other people's feelings. These goals are the foundation on which parents, caregivers and teachers can build their responses to a child's behaviour.
- 2 Providing warmth and structure:** Research shows that children learn best when they feel respected, understood, trusted, safe and loved. They also need clear information to help them gradually understand, learn and succeed.
- 3 Understanding how children think and feel:** Learning to see and understand the world through the lens of a child helps adults provide warmth and structure in ways that are appropriate to the child's developmental level – their evolving capacities. For instance, a main task for parents of babies is to build a strong foundation of trust and attachment, whereas a main task for parents of adolescents is to support the development of a strong identity.
- 4 Problem-solving:** Problem solving helps children learn important skills. When parents, caregivers and teachers take a step back, regulate their own emotions and see the situation through a child's eyes, they will be able to approach behaviour and conflict as a problem to be solved. As children get older, they can participate in the problem-solving process.

# WAYS TO IMPLEMENT A POSITIVE DISCIPLINE APPROACH: EDUCATION, TRAINING AND AWARENESS-RAISING



“ In rejecting any justification of violence and humiliation as forms of punishment for children, the Committee is not in any sense rejecting the positive concept of discipline. The healthy development of children depends on parents and other adults for necessary guidance and direction, in line with children’s evolving capacities, to assist their growth towards responsible life in society.”

UN Committee on the Rights of the Child, General Comment No 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, para 13.

Educating society about the negative effects of corporal punishment through awareness-raising campaigns and programmes will facilitate inform society on non-violent alternatives to disciplining children. These campaigns and programmes should aim to support and guide parents, caregivers and teachers to use a positive approach to discipline children.



## **Costa Rica: Cooperation of the Government and CSOs to eradicate corporal punishment**

In 2008, Costa Rica legally banned corporal punishment in all settings by introducing the Law on the Rights of Children and Adolescents to Discipline Free from Corporal Punishment and Other Forms of Humiliating Treatment. The duty to promote non-violent discipline and recognition of children as full right-holders is further reflected in the National Policy for Childhood and Adolescence of Costa Rica. The Government and CSOs are cooperating on implementing the law and policy, through a strategic alliance between the Ministry of Health and a number of organisations. The purpose of the alliance is to implement the “[Niñez Ciudadana](#)” (Citizen’s Childhood) programme, which seeks to develop skills of teachers in the use of positive discipline in early childhood; and the “[Somos Familia](#)” (We are Family) programme, which provides support to families on discipline without violence so that children can develop their capacities in a healthy environment. In the latter programme, families receive an updated information guide, material and strategies, as well as daily activities to forge secure attachment and therefore, a strong emotional bond with their children.



## **Jamaica: Child development principles and public awareness**

The Ministry of Education, together with UNICEF, published “[Strictly positive](#)” in 2011, a resource guide based on child development principles, intended to train school staff to create and maintain environments that support positive discipline in schools. The Government aligned this training with a public educational campaign based on positive discipline methodology messages with the aim of educating the entire population on alternatives to corporal punishment. In 2012, corporal punishment was prohibited in early childhood centres. The Jamaican Government is taking steps to broaden the ban to other settings.



## **Japan: Guidelines from the Government on positive discipline**

The prohibition of corporal punishment came into force on 1 April 2020, via an amendment to the Child Abuse Prevention Law and the Child Welfare Act in 2019. In the same year, a resolution was also adopted stating that the Ministry of Health, Labour and Welfare would develop guidelines on the scope of the amendments, commit to raise awareness of the harmful effects of corporal punishment and provide parents with information on positive discipline. The guidelines were published on 20 February 2020 by the Committee on the Promotion of Parenting without Corporal Punishment.



## South Africa: Training manuals and a national framework to promote school safety

The South African National Education Policy Act of 1996 requires schools to create an enabling education system that supports the full personal development of each child. In 2016, the Government published two training manuals under the “[National School Safety Framework](#)” to inform and train teachers on how to discipline students without violence and following a positive discipline approach. This framework appoints the National Department of Basic Education as the accountability mechanism to ensure violence is never used to discipline children.

# MOVING TOWARDS A SOCIETY FREE FROM VIOLENCE: THE BENEFITS OF FULLY BANNING CORPORAL PUNISHMENT



### Reduction of violence in society

“ All too often, we see violence rear its ugly head in the places where we are meant to feel most safe: Our homes, our workplaces, and our schools. The fact that this type of behaviour is manifested at all levels of our society indicates a larger problem – a culture of violence. The normalisation of violent punishment, particularly among our youth in their formative years of development, makes for a troubling trend; these little girls and boys grow up with a worldview that has been shaped by the acceptance of harm as punishment, and that trickles into the way they treat others, from their co-workers to their spouses to their own children. It feeds into a cycle that is passed down through generations – a cycle that needs to be broken.”

Prime Minister of Fiji, Hon. J.V. Bainimarama

A society that uses and/or tolerates corporal punishment as a way of disciplining children spreads the message, even unintentionally, that violence is an acceptable and appropriate way to resolve misbehaviour and conflicts, which in turn can create entrenched structural violence. Prohibiting corporal punishment of children – and related programmes of training, education, awareness-raising and counselling – have proven effective in reducing violent behaviours of children when they become adults and equip them with non-violent conflict resolution techniques. Such laws, policies and practices recognise that building peaceful and inclusive communities starts in childhood.



## Burkina Faso: Economic and educational interventions in the family reduce violence

Between 2014 and 2017, the Ministry of Social Action of Burkina Faso, together with Trickle Up, a local CSO, worked on a project to find out how economic and educational factors influenced the existence of violence in the family, both intimate partner violence and violence against children. The project worked over a period of one year with various families, divided into three groups. The first received financial support (e.g. access to credit at a reasonable interest rate), the second education on positive discipline, and the third, both. In the evaluation of the project it was found that the families in the first group reduced intimate partner violence but only those families in the third group reduced violence against children. This study shows the importance of the role of education in making parents aware of alternatives to violent discipline and the benefits of such changes.



## Germany: Longitudinal research shows reduction in violence if prohibited in childhood

Some years after having achieved the full prohibition of corporal punishment in Germany, the use of this practice was significantly reduced. Since children were not exposed to these traumatic experiences, there was an important decrease in the use of violence by children when reaching adolescence. Years later, a reduction in the proportion of women experiencing physical injury due to domestic violence was also observed. A survey by the German Federal Ministry of Education and Research in 2011 found that the reduction may be linked to the decrease of violent experiences during childhood which in turn leads to a more tolerant society.

### The healthy development of the child

“ 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.”

Preamble of the UN Convention on the Rights of the Child.

Societies that apply dignity based discipline have been able to reverse the negative effects of corporal punishment on the healthy development of the child. Positive parenting helps to reduce behavioural problems and increase competencies of children and adolescents such as self-esteem, coping efficacy and educational goals. This non-violent discipline decreases family conflict as well as improve family cohesion, communication and organisation.



## Canada: Positive parenting influences better adaptation to school

In 2018, the American Psychological Association conducted different studies in Canada in order to examine how positive discipline promotes a healthy development of the child and in particular, how it leads to better school performance. Parents that participated in the study observed that positive discipline and specifically, a supportive parental attitude that promotes children's autonomy and the development of their individuality influences a successful adaptation to school. In this study, children also reported a clear link between support from their parents and their results at school.



## Finland: Link between parents' support of children's autonomy and their well-being

In 2017, the American Psychological Association conducted three longitudinal studies in Finland to analyse to what extent parents support of children's autonomy enhances children's well-being across the major transitions of high school. The Association found that this support reduces depressive symptoms and increases self-esteem among adolescents.

### Reducing costs that result from corporal punishment and investing in children

A number of governments have calculated the financial costs associated with corporal punishment.



## India: Early school dropout causes losses to the State in the long-term

In India, it was estimated in 2010 that the costs to society of children dropping out of school as a result of corporal punishment was between 1.5 to 7.4 billion USD in lost benefits to society each year.



## Pakistan: Corporal punishment leads to more school dropouts

In 2014, professors at the Teknologi University in Malaysia explored the relations of corporal punishment with school dropout and showed alarming percentages in countries such as Pakistan. In the past years, the Government has taken efforts to ban corporal punishment in schools. For instance, the enactment of the Prohibition of Corporal Punishment Act in 2017, applicable in the Islamabad Capital Territory, and the Sindh Prohibition of Corporal Punishment Act 2016. Both have extended the prohibition of corporal punishment as well as humiliating and degrading treatment to all children under 18 years of age in educational settings.



## United States of America: Reducing expenditure on treating victims of corporal punishment

In 2017, the financial costs associated with child abuse such as health care, hospitalisation, law enforcement and the judicial system were estimated at 748 billion USD. With the outlawing of corporal punishment in all settings, the Government estimated that the number of public services needed to assist and support victims of corporal punishment would reduce. Mitigating the negative consequences of corporal punishment in children's lives implies an investment for governments and societies. The funding needed to address the broad and mid/long-term harmful consequences of this traumatic practice can instead be invested elsewhere.

# DEVELOPING A COMPREHENSIVE POLICY TO PROHIBIT CORPORAL PUNISHMENT

The key inter-related elements for developing comprehensive policies and practices ending corporal punishment are:

- 1 A holistic preliminary assessment of the country situation
- 2 Engagement and participation of key stakeholders
- 3 Awareness-raising campaigns
- 4 Capacity building and knowledge transfer
- 5 Monitoring and reporting for more effective and ongoing implementation
- 6 Accountability

## 1 A holistic preliminary assessment of the country situation

Thorough research and analysis is needed prior to developing a comprehensive policy to prohibit effectively corporal punishment. This includes the gathering of information about the use of corporal punishment in the country, how it is perceived by different stakeholders and potential obstacles to replacing the practice with alternative dignity-based interventions.



## Viet Nam: Creating favourable conditions to discuss the prohibition

In Viet Nam, corporal punishment has been prohibited in school settings since 2005. Moreover, the Government has taken steps towards achieving a prohibition in all settings. In the early 2000s, the Law Research Institute, an affiliate of the Ministry of Justice in Viet Nam, together with Save the Children, conducted a study of existing domestic legislation, which helped to develop a national strategy to eradicate violence against children, including prohibiting corporal punishment in all settings. As part of this strategy, starting in 2004, the Government organised a series of activities to create favourable conditions to discuss eliminating all forms of corporal punishment and make proposals to implement the recommendations of the UN Committee on the Rights of the Child. As part of these activities, the Government organised in 2007 the National Conference on Review and Evaluation of five-years' implementation of the UN document "[A World Fit for Children](#)".

## 2 Engagement and participation of key stakeholders

Consulting and engaging different key stakeholders throughout the policy-making process has been an important part of building broad support for ending corporal punishment. As a practice often deeply embedded in cultural, historical, educational and/or social norms, bringing on board those most directly affected is necessary in order to achieve a change of vision that will endure in the long-term.

### MULTIPLE STAKEHOLDERS

#### **Baltic Sea States: Regional programme of multiple stakeholders sharing good practices**

The [Non-Violent Childhoods programme](#) has been developed and led by the Council of the Baltic Sea States Secretariat, a collaborative, multi-stakeholder planning and action to promote the implementation of a ban on corporal punishment of children in the Baltic Sea Region. Representatives from government ministries, national Parliaments, Ombudsperson offices for children, academia and CSOs have worked together collecting good practices. This has helped, inter alia, to develop reports on how to implement the ban on such matters as positive parenting.

### MEDICAL PROFESSIONALS

#### **Ghana: Involvement of medical professionals in sensitising about positive discipline**

Medical professionals, including paediatricians and psychologists, are playing a significant role in Ghana in the process of eliminating the use of corporal punishment: they provide concrete testimonies and reports of the harm suffered by child victims, including the long-term consequences for their mental health; and they identify children who have been victims of violence and help them to report the abuse. In this context, medical professionals at the Koforidua Regional Hospital in Ghana provide regular sensitisation events to parents to encourage them to use a positive approach when disciplining their children.

### HUMAN RIGHTS INSTITUTIONS

#### **Poland: Initiative of the Ombudsperson to inform about the prohibition**

In Poland, the Ombudsperson for Children's Rights helped to raise awareness that children have a right to protection from corporal punishment, including through an information campaign called "[React. You've got the right](#)", launched in 2013. In follow-up to this campaign, the Ombudsperson developed information material guiding citizens on how to react when they notice signs or acts of violence against children. The campaign achieved positive results and received a special award as a valuable and effective campaign.

“ *The achievement I am proudest of is having championed and secured the effective ban on the physical punishment of children in the Republic of Ireland. As of 11 December 2015, a person who administers corporal punishment to a child will no longer be able to rely on the archaic common law defence of “reasonable chastisement,” which dates back to 1860.*”

Independent member in the Upper House of the Irish Parliament from 2011-2016, Honourable Jillian van Turnhout.

#### **Estonia: Parents involved in the development of positive discipline programmes**

Experience in Estonia shows that positive discipline programmes that engage parents and educators can be very effective in transforming persistent attitudes and norms that condone violence against children. For instance, participatory research involving parents revealed that the community-based programme through childcare, child protection and family support improved parenting and communication skills as well as enabled parents to develop strategies for problem solving and managing conflict.



## CIVIL SOCIETY



### **Fiji: Government partners with civil society on child protection law**

Fiji's Constitution of 2013 provides that "every person has the right to security of the person, which includes the right to be free from any form of violence from any source, at home, school, work or in any other place." The Government of Fiji has been working in close partnership with CSOs through the Children's Coordinating Committee, which represents all major Government departments and CSOs working on child rights and policy in the country. Together, they drafted the Child Protection Bill that includes protection against corporal punishment.

## POLITICIANS AND RELIGIOUS LEADERS



### **Israel: Minister of Education's argumentation that Judaism doesn't support corporal punishment led to reform**

Public officials can also influence and enrich national debates on banning corporal punishment. In 1993, the Minister of Education in Israel published an article entitled "Judaism and Child-Beating" which, based on various rabbinical interpretations of the Torah, argued that Judaism did not support corporal punishment and could even oppose it. Corporal punishment was finally prohibited in law in Israel in 2000. The interpretation of religion by different key public figures such as the Minister of Education played an essential role in the discussions leading to the achievement of the full elimination of the practice in the country.



### **Mauritania: Religious leaders actively involved in ending corporal punishment**

Religious leaders in Mauritania had an active position in the campaign to ban corporal punishment. In particular, thanks to a "fatwa" (a ruling on a point in Islamic law) issued by them prohibiting physical and verbal violence against children in the home and in the educational system. The fatwa was the result of a 2009 study, conducted by the Religious Leaders' Network for Child Rights in Mauritania, assessing whether corporal punishment was allowed under Islam. UNICEF collaborated with this Network in order to disseminate the study in a regional workshop. This partnership followed the recommendation of the UN Secretary-General's Study on Violence against Children, [which urged close collaboration](#) with faith communities and religious leaders in the struggle to end violence against children.

## CHILDREN



### **Mongolia: Children initiated the process of change with the release of a report and subsequent campaign**

In Mongolia, children's participation was central in the advocacy to legislate against corporal punishment. Children were at the forefront of research, awareness-raising campaigns and other advocacy initiatives to eliminate this practice. The campaign for the legal change in Mongolia was initiated in 2006 with the release of a report produced with and by children in schools and institutions where they shared their experiences of being punished. The report had a significant impact on discussions, leading to the full ban of the practice in 2016.



### **Peru: Children monitoring the implementation of the prohibition**

Children have also been at the forefront of monitoring the implementation of legislation prohibiting corporal punishment, as was the case in Peru. In 2017, the Ombudsperson together with CSOs, organised two workshops in Lima, with wide participation of children, to monitor progress since the ban of corporal punishment in 2015. As an outcome of the discussions, a document compiled testimony of children, including the settings where the practice of corporal punishment persists, and reflecting on progress, remaining challenges as well as suggestions to fully implement the law.

### 3 Awareness-raising campaigns

Awareness-raising campaigns – by governments and/or civil society and other stakeholders – can be prepared prior to and/or after the adoption of the law prohibiting corporal punishment. If launched earlier, such campaigns are normally aimed at raising awareness and generating agreement by stakeholders about the need to adopt a ban. If conducted later, they are essential to publicise the prohibition and to educate society on alternatives to discipline children without violence. In both situations, practice has shown that it is important to emphasise that the ban is not meant to be punitive against parents but rather to give them the tools to discipline children without recourse to violence and through positive parenting.



#### Croatia: A campaign promoting non-violent behaviours at schools

After prohibiting the use of corporal punishment in all settings in 1999, the Government of Croatia, together with UNICEF, implemented the “[safe and enabling school environment programme](#)”. The programme aimed to encourage non-violent discipline in schools through a campaign and a capacity building programme. The campaign promoted a change of behaviour by raising awareness on the effects of physical and verbal violence on the child and suggested a change towards a non-violent space in the classroom. UNICEF conducted an external evaluation in 2012 which revealed that the project was effective in raising awareness on the importance of creating a non-violent space in schools.



#### Sri Lanka: Television advertisements discouraged the use of corporal punishment

In 2018, the National Child Protection Authority of Sri Lanka, a governmental institution with the purpose, amongst other things, of advising the Government on policies and laws on prevention of child abuse, produced a series of television advertisements discouraging the use of corporal punishment. The advertisements touched issues such as: “why corporal punishment is not good for your child”, “disciplining toddlers and pre-schoolers” and the importance of promoting dialogue between children and caregivers in general. The National Child Protection Authority also produced posters on alternatives to corporal punishment, which were disseminated through the national newspaper. Thanks to this program, there has been a significant reduction in parental use of corporal punishment.

### 4 Capacity building and knowledge transfer

“ Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. (...)”

Article 16 UN Convention Against Torture 1.

Effective capacity building programmes for parents, caregivers, teachers and society in general have a two-fold objective: a) to communicate what the law is intended to achieve; and b) to guide different stakeholders in implementing alternatives to corporal punishment. This combination has been shown to be the most effective way to achieve a complete elimination of corporal punishment. Programmes encouraging a change of mindset and behaviour have also been useful in promoting alternatives to corporal punishment even if the State has not yet legally banned the practice.



## **Afghanistan: Training programmes for teachers to encourage the discipline without violence at school**

In 2003, the Government of Afghanistan, together with UNICEF and Save the Children, developed two training modules for teachers and health workers to emphasise the importance of using non-violent methods of discipline in schools and in the home. The module for teachers was incorporated into the “[National Teacher Training Programme](#)” which, among other objectives, was intended to build an understanding of the development of child psychology and to explain positive discipline skills to put in practice in the classroom. In 2008, Afghanistan prohibited corporal punishment in schools under article 39 of the Education Act.



## **Spain: Providing resources to parents to educate their children without violence before and after the enactment of the law**

Before the enactment of the full prohibition of corporal punishment in Spain in 2007, Save the Children developed a training programme for parents within the campaign “[Educa, no pegues](#)” (Educate, don’t hit) to provide them with resources to educate children without violence and to help parents feel supported and more confident when implementing positive discipline. Soon after the launch of the campaign, around 70 organisations and public institutions, including the Ministry of Social Welfare, were also participating. Every training session was conducted by a professional in positive discipline methodology and focused on issues such as “the child as subject of rights” and “the importance of a healthy psychological development during childhood”. The Spanish experience showed it is important the legal reform comes with educational programmes on alternatives to corporal punishment in order to be effective.

### **5 Monitoring and reporting for more effective and ongoing implementation**

Systematic monitoring and reporting of the situation of corporal punishment of children in a country, including the collection of sufficient, reliable and disaggregated data, has helped States evaluate implementation and identify challenges and areas for greater inputs. National Human Rights Institutions (NHRIs) have an important role to play in monitoring implementation and ought to incorporate children’s rights within their national action plans. Likewise, good State practices include visits to institutions and centres for children (such as orphanages, group homes, unaccompanied child asylum-seeker centres, or residential centres, juvenile justice facilities, etc.) by national preventive mechanisms set up by States parties to the Optional Protocol to the Convention against Torture (OPCAT) or other independent monitoring bodies.



## **Lebanon: E-helpline for children victims of violence to report their cases**

In 2012, the Government of Lebanon, together with World Vision and the local CSO Himaya, introduced a e-helpline for children victims of violence to report their situations with a team of professionals without delay. This e-helpline, still operative today, consists of a reporting mechanism that provides online technical support, as well as referrals and counselling, for children victims of violence. Experience demonstrates that e-helplines are an effective tool to collect information on cases of violence against children, to bring them to the attention of relevant authorities and to provide psychological support to child victims of violence.

## 6 Accountability

States should provide remedies for the violation of children's rights, including those provoked by the use of corporal punishment against children. Accountability mechanisms should be independent, child-friendly and accessible for children. Generally speaking, there are four types of accountability, each with different capacity for enforcement: judicial, quasi-judicial, administrative and social accountability.



### Colombia: Administrative and judicial accountability accompanying legal reform

In 2006, Colombia adopted the [Childhood and Adolescence Code](#) allowing children and adolescents, through their legal representatives, to submit complaints to the competent authorities. This Code sets two kinds of proceedings to redress a child's damaged rights: 1) administrative, consisting of all actions carried out by authorities such as the family defender or the police inspector, and 2) judicial, a proceeding conducted by the Family Judge with the purpose of adopting measures to protect children and adolescents who have had their rights violated.



### Nepal: Social accountability with and for children

In Nepal, social accountability is carried out through children's clubs within Child-Friendly Local Governance (CFLG) bodies established by the Ministry of Federal Affairs and Local Development in 2007. Through public hearings organised by the CFLGs, children provide recommendations and guidance to the Government in realising and mainstreaming the rights of children into the local government system, structure and policies. The success of the CFLG led to the Government of Nepal to launch a National Strategy on Child Friendly Local Governance, still in place today. The adoption of this National Strategy included the allocation of 15% of the local capital block to be dedicated to children, especially the most marginalized, which allows the implementation of the recommendations provided by children through the CFLGs.



### Panama: Quasi-judicial accountability connecting the national to the international level

In 2011, Panama's Ombudsperson set up an [Observatory of the Rights of Children and Adolescents](#) for ongoing follow-up of the UN Treaty Bodies' recommendations. Among other purposes, the Observatory is the primary domestic link supporting access to the international communications procedures as accountability mechanisms to redress violations of children's rights.

# ADOPTING LEGISLATION PROHIBITING CORPORAL PUNISHMENT



“ 1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”

Article 2 UN Convention against Torture

A solid legal basis is essential to clarify the law and is recommended to remove any justification for and permission of corporal punishment.



## Sweden: An educational rather than punitive approach to the legal prohibition

In 1979, Sweden became the first country to fully ban corporal punishment. The debates and reforms that led to the prohibition took place over a period of 50 years. In 1957 the Penal Code provision that protected parents from physical assault charges in disciplinary cases was removed. This was extremely significant because, for the first time, children received the same legal protection from assault as adults. In 1977, the Government appointed a Commission on Children's Rights with the objective of reviewing and modifying the Parents Code, to explicitly prohibit corporal punishment. The proposal was supported by 98% of Parliamentary members and was enacted by Parliament in 1979. The fact that the ban added no criminal penalties for assault beyond those already in place in the Penal Code was key to receive such a high percentage of support in Parliament. This reform was aimed at educating the Swedish public on the need to use non-violent strategies to discipline children, rather than as a tool for prosecuting parents.



## Turkmenistan: Protection of the dignity of the child central in the reason of the prohibition

Turkmenistan prohibited corporal punishment in 2002. Article 24 of the Law on Guarantees of the Rights of the Child states that “humiliation of the dignity of the child, corporal punishment, other physical abuse harmful for the child's mental or physical health are inadmissible.” Moreover, the Family Code of 2012 states in article 85.2) that “humiliation of the dignity of the child, intimidation, corporal punishment, other physical abuse harmful for the child's mental or physical health are inadmissible.”



## Greece: Prohibition after a resolution of an intergovernmental institution

In Greece, the prohibition of corporal punishment was achieved in 2006 following a [resolution by the European Committee of Social Rights](#). In the resolution, the Committee found that Greece was violating article 17 of the European Social Charter (on right of children and young persons to social, legal and economic protection) due to the absence of an explicit legal prohibition of corporal punishment of children in the home, secondary schools and other childcare institutions.

# THINGS TO CONSIDER: DEVELOPING A COMPREHENSIVE LAW AND/OR POLICY TO EFFECTIVELY PROHIBIT CORPORAL PUNISHMENT



Developing a comprehensive law and/or policy to effectively prohibit corporal punishment in all settings involves promoting an educational and non-punitive approach to discipline as well as informing and providing parents, teachers and caregivers with the relevant tools and skills to implement alternatives to violent discipline. Relevant stakeholders must be engaged in the process and effective monitoring and accountability mechanisms should be in place/set up.

1.

What laws or policies already exist that prohibit corporal punishment (stocktaking exercise) or otherwise protect children from violence (such as laws covering education, domestic violence, child protection, criminal law, anti-torture laws, etc.)?

2.

Which stakeholders are to be engaged during the policy-making process? How will they be consulted?

3.

What communication strategies will be used (both pre- and post-adoption of policy or law), when will they be implemented (timeframes), and who will be the target audiences?

4.

What are the plans for capacity building programmes: who will roll out the programmes (authority), who will be trained (recipients), timeframes, costs?

5.

What arrangements will be made for monitoring and evaluating the effective implementation of the law or policy, making sure to identify challenges and areas for improvement?

6.

Which accountability mechanisms already exist in national laws? Are additional mechanisms needed, or can existing mechanisms be delegated responsibility to redress child rights violations? What should be the main characteristics of these mechanisms?

7.

What financial, human or technical resources are needed to implement the policy and/or law?

8.

Which partners are available to support the process, and how will they be engaged?

## Additional resources

- Global Initiative to End All Corporal Punishment of Children. [Ending corporal punishment of children: A short guide to effective law reform.](#)
- Save the Children; Global Initiative to End All Corporal Punishment of Children; The United Nations Secretary-General's Study on Violence against Children. Raising Children Without Violence is Possible: How Positive Discipline Leads to Change and Benefits Society. [Video of a high-level interactive event.](#)
- FCG Swedish Development AB. Balogun, Paul. Smulders, Ans. Lindström, Johanna. [Impact Evaluation of the Positive Discipline in Everyday Parenting Programme.](#)
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