

Forum: United Nations International Children's Emergency Fund (UNICEF)

Issue #2: Measures to address the use of corporal punishment against children

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Introduction

60% of children (of ages six to fourteen) have received corporal punishment from parents/caregivers, stated by the World Health Organization. Corporal punishment is also one of the most performed forms of discipline towards children, out of 195 countries only 59 have banned it by law stating that corporal punishment should not be used towards children. Research has shown that physical punishment can have negative effects on children's mental and emotional well-being, as well as overall development, often leading to aggressive behavior, low self-esteem, and even physical harm. In a few countries, the use of corporal punishment in schools has been banned, and there are laws in place to protect children from physical abuse in schools and homes. However, the use of corporal punishment in homes varies widely between cultures and countries, more specifically in Africa, the Middle Eastern and Central America, and it is still legal in many regions. While most people might argue that corporal punishment can be an effective way to discipline children and teach them appropriate behavior; opponents, on the other hand, argue that it is ineffective and can lead to negative outcomes such as increased aggression and mental health problems. It is recommended that parents and caregivers consider refraining from any physical forms of punishment and try a more positive approach that still sets boundaries, consequences, and effective communication with their children (AAP).

Definition of Key Terms

Corporal punishment: Using physical force on a child with the goal of making them feel pain or discomfort.

Child abuse: Child abuse is when a child is mistreated in a way that jeopardizes their physical, mental, or sexual health or ignores their fundamental needs.

Human rights: The fundamental liberties and rights to which all people are entitled, including the freedom from discrimination, torture, and enslavement as well as the right to life, liberty, and security.

Positive discipline: Positive discipline is the use of courteous, effective, non-violent ways to help children develop healthy behavior patterns.

Child protection: the methods and actions done to both prevent and address child abuse, exploitation, and neglect.

Negative discipline: Human rights source states “Under negative discipline, penalties are used to force the workers to obey rules and regulations. In other words, workers try to adhere to rules and regulations out of fear of warnings, penalties and other forms of punishment.”

General Overview

Children who are subjected to corporal punishment suffer violation to their basic human rights, which consequently have detrimental effects on their mental and physical well-being over time. Notably, cultures or religions that perceive the use of physical discipline as appropriate possess this problem more

than anywhere else. Given this predicament, UNICEF has been committed to advocating positive forms of discipline practices that avoid all types of violent acts such as flogging (the act of beating a person's back with a wip or mace) against minors. Accordingly, it calls on nations around the globe to enact laws and strictly enforce them, ensuring utmost protection from violence for all children. Raising awareness through campaigns, building the capacity of parents and caregivers in alternative discipline techniques, and providing support resources are some effective measures that can be taken to address the use of corporal punishment on children. As stated earlier, corporal punishment is most commonly done in countries with cultures that strongly believe in physical toughness and the ability to withstand pain. Children are most likely to be abused or neglected by parents and/or caregivers. AIFS states, "child abuse and neglect rarely occurs in isolation, and many children may experience chronic and multiple types of abuse and neglect". Continuing with AIFS, According to *the statistics* "Research suggests that both mothers and fathers may physically abuse children. Findings from the ABS Personal Safety Survey (2005) indicated that of participants who had experienced physical abuse before the age of 15, 55.6% experienced abuse from their father/stepfather and 25.9% experienced abuse from their mother/stepmother. A further 13.7% experienced abuse from another known person and the remainder were family friends, other relatives, or strangers" this shows that fathers are more likely to abuse their children when younger in the teenage years instead of mothers and other known persons. Instead of punishing abusers after the fact, nations should address the root causes of child abuse and corporal punishment.

Major Parties Involved and Their Views

France

Since 2019, France has advocated the protection of children and became the 56th country to ban physical punishment in all aspects. Article 371-1 of the Civil Code includes that corporal punishment towards children is fully banned, even within the home. This applies to schools, day-care and penal institutions, all under the same article. Since the law prohibits all forms of physical forms of discipline, parents that commit such acts can face criminal charges and penalties. This is due to France's belief on children's mental and emotional development, as oftentimes physical punishment can easily transform into abuse.

England

England has yet to make changes when it comes to corporal punishment, the government refuses to acknowledge and ban physical punishment towards children. The government even takes it a step further and states that parents should be fully responsible for the way they discipline their children. In 2022, a poll in England surfaced with around 3000 adults, 68% of them stating that corporal punishment was unethical and abuse towards children. Until 2023 there is only a law stating that parents are allowed to resort to corporal punishment if it's "reasonable" while anything over would be considered illegal (*R v Hopley* [1860] 2F&F 202).

Australia

Corporal punishment towards children is lawful under Criminal Code Act 1924 (s 50) which allows parents and caregivers to resort to physical disciplinary methods in any force as long as it fits the circumstances and is reasonable. Around 61% of children in Australia. Many Doctors and Physicians are

advocating for the ban of use of corporal punishment as there is a thin line between discipline and abuse, Dr. Susan Moloney even states that subjects of physical punishment would have greater mental issues, like depression anxiety, etc. in the future.

Timeline of Events

Date	Description of event
1969-1974	The Schools Action Union, a child led union, made up of teenagers and pre-teens in Britain. Their goal was to shape freedom of speech, outlawing school uniforms and corporal punishment, among other issues.
1979	Sweden becomes the first nation to ban all forms of physical punishment towards children by all parents/caretakers.
1989	The Convention on the Rights of the Child. Essentially discussed the civil, health and cultural rights of children. Articles talk about most rights that children have and what to follow and allow, most of them stating that children need to be protected from all forms of physical and mental violence (Article 19 (1))
1990	The African Charter on the Rights and Welfare of the Child was adopted by the Organization of African Unity. They address issues that are essential to children and their development in Africa.
2001	Say Yes for the Children. A campaign created by UNICEF, which seeks to improve and protect children. Some of their 10 principles is to care for every child, educate every child and to put an end to

the harm and exploitation of children

2009 The Rights of Children to Free and Compulsory Education Act, specifically section 17 prohibits any physical punishment or harassment towards children in the setting of the home and education.

UN involvement, Relevant Resolutions, Treaties and Events

When it comes to the protection of children's rights and the elimination of all forms of violence against them, including corporal punishment, the UN has been very active and has established numerous resolutions, treaties and legitimate rights to implement this problem to improve constructive discipline strategies

The United Nations General Assembly ratified the Convention on the Rights of the Child (CRC) in 1989, making it one of the most important decisions on the protection of children's rights. Every child has the right to protection against physical and psychological abuse. Furthermore, it obliges states to protect children from all forms of violence through laws, regulations and educational policies

The United Nations Secretary-General's Global Survey on Violence Against Children, launched in 2003, is another important action against this issue. The purpose of the study was to better understand the type, severity, and causes of child violence, including corporal punishment, in addition to actions to prevent

and address child maltreatment, such as disciplinary strategies promoting effectiveness.

Several treaties have also been signed to protect children's rights and promote effective methods of discipline. Child abuse, including physical and psychological abuse, is prohibited in the 2000 Optional Protocol to the Convention on the Rights of the Child which covers trafficking of children, child prostitution and child pornography.

In addition, several activities have been held to promote constructive disciplinary techniques and raise awareness about the harmful effects of corporal punishment on children. Celebrated on October 2, International Day of Violence, aimed at promoting non-violence and the promotion of nonviolent conflict resolution was one such occasion in particular, it is to raise public awareness of the importance of preventing corporal punishment.

As a key UN agency, UNICEF has played a key role in advancing effective methods of disciplining and protecting children from all forms of violence, including corporal punishment among others.

Evaluation of Previous Attempts to Resolve the Issue

The Convention on the rights of the child. UNICEF has a role in its implementation and monitoring the process, as well as being able to provide advice, to submit reports and be present in reviews. Other committees and organizations like OHCHR and the Council of Europe have supported this

convention through reports and raising public awareness and important information on it. UNICEF has worked and supported various governments to implement this convention through laws and policies that can enhance their countries' development. They shed light on perspectives of different types of situations regarding those children and women whose voices are unheard of. This convention makes sure to protect children from all forms of punishment/harassment, as the line from discipline and abuse is dangerously thin.

Another attempt to solve this issue was the "Global Partnership to End Violence against Children" by the United Nations. World Leaders made a commitment to abolish any and all forms of violence towards children by 2030. This partnership will sustain the political will to stop child violence and address measures to reduce it. This organization works with various countries and other organizations to strengthen their overall impact towards kids, often through funds, reports, etc. Agencies like UNICEF and UNODC have shed light on the partnership UN has done and have spread awareness along with objectives and guidance.

Possible Solutions

Eliminating corporal punishment calls for a multipronged approach which includes legal reform, cognizance elevating, and merchandising of fantastic disciplinary practices. Two feasible solutions that may be used to perform this right here is the solution to this problem.

Law reform: One of the few approaches to eliminate corporal punishment is law reform. The government ought to enact laws that explicitly restrict

corporal punishment and ensure that those legal guidelines are strictly enforced. In addition to banning corporal punishment in schools and different establishments, the law has to protect kids from violence and abuse in their own families, and regulation enforcement must additionally study the way to apprehend and respond to cases of corporal punishment.

Promoting Positive Discipline Practices: Promoting disciplinary practices is another effective way to eliminate corporal punishment. Provide mother, father, and caregivers with assets for discipline techniques other than bodily violence. This can be executed through public recognition campaigns, training packages, and workshops. Schools can also play a position in providing free positive disciplinary practices by imparting training in alternative disciplinary strategies for instructors and growing safe and supportive surroundings for college kids.

Sustainable Development Goal (SDG)

SDG 16 “Peace, Justice and Strong Institutions” is a call to action to end violence, corruption, and injustice worldwide. The goal is to create a world where justice and fair trials are accessible to all, corruption is reduced and violence, especially against children, is eradicated. Children are one of the most vulnerable groups in society and often suffer physical, mental and sexual abuse; exploitation, trafficking, and torture. These forms of violence not only harm children, but also adversely affect their physical and mental development and their ability to lead fulfilling lives. The goal of SDG 16.2 is to end all forms of violence, exploitation, trafficking, and torture against children. To achieve this, it is important to promote children's rights, improve access to education and health care, and raise awareness of the importance of child protection. It is also

significant to build a sound legal framework to protect children from violence and hold perpetrators accountable for their actions.

Bibliography

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3. France Passes Full Legal Ban on Corporal Punishment in All Settings | ChildHub - Child Protection Hub. (2019, July 3). <https://childhub.org/en/child-protection-online-library/france-passes-full-legal-ban-corporal-punishment-all-settings>
4. "Physical Punishment Legislation." Australian Institute of Family Studies, aifs.gov.au/resources/resource-sheets/physical-punishment-legislation#:~:text=Physical%20punishment%20by%20a%20parent%20towards%20a%20child%20remains%20lawful
5. Poulsen, Angelika. "Corporal Punishment of Children in the Home in Australia: A Review of the Research Reveals the Need for Data and Knowledge." *Children Australia*, vol. 44, no. 03, Cambridge UP, Sept. 2019, pp. 110–20. <https://doi.org/10.1017/cha.2019.17>.

6. UNICEF's role in promoting and supporting the Convention on the Rights of the Child. (n.d.). UNICEF. <https://www.unicef.org/child-rights-convention/unicef-role>

7. Who abuses children? (n.d.). Australian Institute of Family Studies. <https://aifs.gov.au/resources/policy-and-practice-papers/who-abuses-children>

Appendix

- I. aifs.gov.au/resources/resource-sheets/physical-punishment-legislation#:~:text=Physical%20punishment%20by%20a%20parent%20towards%20a%20child%20remains%20lawful
 - A. Summarizes what corporal punishment is and its context within Australia, contains Australia's legal policy against corporal punishment and the effects of corporal punishment.

- II. <https://www.cambridge.org/core/journals/children-australia/article/abs/corporal-punishment-of-children-in-the-home-in-australia-a-review-of-the-research-reveals-the-need-for-data-and-knowledge/A641F0702F95F36423A9C80F5391ADB0>
 - A. This article examines the possible negative effects of corporal punishment on kids' health and raises awareness about the

absence of reliable information on this subject in Australian households. It exhorts scholars and decision-makers to carry out additional research and address this facet of family violence.

III. <https://aifs.gov.au/resources/policy-and-practice-papers/who-abuses-children>

A. This fact sheet summarizes the current evidence on perpetrators of child abuse or neglect. Research into effective prevention strategies requires overcoming misunderstandings to develop a deeper understanding of individuals who abuse children. According to facts, parents and/or other caregivers are often children abuse or gross neglect, except child abuse. Parents engage in physical abuse, while fathers are more likely to be guilty of severe and deadly abuse. Most neglect cases are blamed on the biological parents because they are primarily a parental issue.

IV. <https://childhub.org/en/child-protection-online-library/france-passes-full-legal-ban-corporal-punishment-all-settings>

A. France has joined the ranks of 55 other countries by passing a law that fully prohibits corporal punishment of children in all settings. Save the Children expresses congratulations to the organizations involved in this significant achievement.

V. <https://endcorporalpunishment.org/reports-on-every-state-and-territory/france/>

A. Officially declares corporal punishment is unlawful in all settings anywhere in the world.

VI. <https://www.unicef.org/child-rights-convention/unicef-role>

A. UNICEF is committed to maintaining the rights of all children, especially the most vulnerable ones, as the primary UN agency charged with defending children's rights. Having a global footprint and more than 70 years of expertise UNICEF aims to promote the acceptance and implementation of the Convention on the Rights of the Child, laws, policies, and understandings of children's rights in strength of all levels of society by doing so, supporting child care systems, and amplifying marginalized voices.

VII. <https://www.hrw.org/reports/2008/us0808/3.htm>

A. Corporal punishment in US public schools typically involves hitting students on their buttocks and upper thighs with a wooden paddle. The punishment is administered by school officials, usually principals or teachers, and often without a required adult witness present. The paddles used vary in size and may be modified to cause more pain.

Students are typically positioned in a submissive manner, bending over with their hands on a desk or chair, while being hit. The number of blows varies depending on the school district's policy, and students may be subjected to consecutive or accelerating punishments.