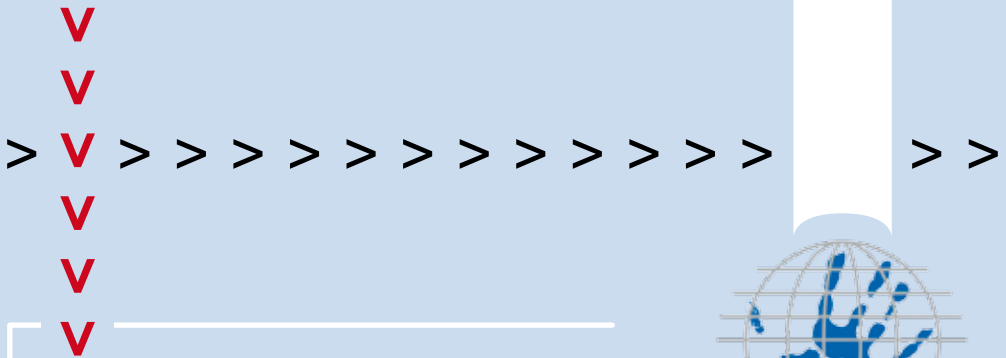


Prohibiting

all corporal punishment of children



Frequently Asked Questions



Global Initiative to
End All Corporal Punishment
of Children

When the issue of prohibiting all corporal punishment is raised, many questions arise, particularly in relation to what prohibition will mean for parents and family life. This booklet provides answers to the most frequently asked questions and dispels common misperceptions about the reasons for prohibition and its impact on families. A child-friendly version of these questions and answers is also available (see www.endcorporalpunishment.org).

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Part I: Questions about the reasons for prohibiting all corporal punishment

Does corporal punishment really hurt?

Yes, of course it does! It hurts physically and emotionally. Causing physical pain to a child is itself a breach of children's right to equal protection from assault – and adults often don't appreciate the impact on the dignity of the child, and the emotional hurt that is also caused.

Under article 12 of the UN Convention on the Rights of the Child,¹ children have a right to express their views on all matters that concern them, and to have their views given due weight. Through research being carried out all over the world, children are beginning to tell us how much corporal punishment hurts them physically and emotionally.² In 2006, the report was published of the UN Secretary-General's Study on Violence against Children, the first comprehensive global study into the nature and extent of the problem. The Independent Expert leading the Study, Professor Paulo Sérgio Pinheiro, wrote in the report:³

"Throughout the Study process, children have consistently expressed the urgent need to stop all this violence. Children testify to the hurt – not only physical, but 'the hurt inside' – which this violence causes them, compounded by adult acceptance, even approval of it.

"Governments need to accept that this is indeed an emergency, although it is not a new emergency. Children have suffered violence at the hands of adults unseen and unheard for centuries. But now that the scale and impact of violence against children is becoming visible, they cannot be kept waiting any longer for the effective protection to which they have an unqualified right."

1 The full text of the Convention is at www2.ohchr.org/english/law/crc.htm

2 For summaries of research into children's experiences and opinions, see www.endcorporalpunishment.org

3 Pinheiro, P. S. (2006), *World Report on Violence Against Children, Geneva: UN Secretary-General's Study on Violence against Children*. For more information on the Study and to download the report see www2.ohchr.org/english/bodies/crc/study.htm; for follow-up to the Study see www.crin.org/violence/

There is also an increasing volume of research into the effects of corporal punishment and it convincingly confirms its potential short- and long-term damage to individuals and society. A meta-analysis of 88 research studies published in 2002 overwhelmingly testifies to the dangers of corporal punishment. The analysis demonstrates the association between corporal punishment by parents and a number of negative effects in children, including higher levels of aggression and anti-social behaviour, poorer acquisition of moral values and poor mental health.⁴ An even more extensive review of research published in 2008 confirms the negative impact of corporal punishment on children.⁵

Large scale research in which parents have been asked about the force used when "smacking" their child found that two in five had used a different degree of force than intended.⁶ And scientific research by the Institute of Psychiatry and University College London proved that changes in brain activity when force is used in tit-for-tat situations naturally lead to escalation in the degree of force used and inaccuracy in judging how much force is being used.⁷

But in a sense these research findings are irrelevant. We would not look for research into the effects of hitting women or elderly people to justify prohibition: it is a matter of fundamental rights.

4 Gershoff, E. T. (2002), "Corporal punishment by parents and associated child behaviors and experiences: A meta-analytic and theoretical review", *Psychological Bulletin*, vol. 128, no. 4, pp. 539-579, available at www.endcorporalpunishment.org/pages/pdfs/Gershoff-2002.pdf

5 Gershoff, E. T. (2008), *Report on Physical Punishment in the United States: What Research Tells Us About Its Effects on Children*, Columbus, OH: Center for Effective Discipline, available at www.phoenixchildrens.com/PDFs/principles_and_practices-of_effective_discipline.pdf

6 Kirwaun, S. & Bassett, C. (2008), *Presentation to NSPCC: Physical punishment*, British Market Research Bureau/National Society for the Prevention of Cruelty to Children

7 Shergill, S. S. et al (2003), "Two eyes for an eye: The neuroscience of force escalation", *Science*, vol. 301, 11 July 2003, p. 187

Opinion polls say that most people are against a formal ban on corporal punishment. Shouldn't we listen to the people?

On this issue like others – violence against women, race discrimination – politicians have to lead, not follow public opinion. The emphasis must be on the government's absolute human rights obligation to ensure that the law provides children, like adults, with full protection of their human dignity.

Almost all the countries that have prohibited all corporal punishment have done so ahead of public opinion, and then public opinion has quickly come round to support the change. In a few years' time we will look back in wonder – and with shame – at the time when it was regarded as lawful and acceptable to hit children.

The results of polls generally depend on how crudely questions are phrased and on how much information the respondents have. If people are fully informed about the issue, the existing inequality of protection for children and the purpose of a ban, they may well support prohibition – and repeated polls have shown markedly different results when the question is asked in different ways.

I've often heard young people advocating corporal punishment, and surely we should listen to them?

It is true that children will sometimes say that being physically punished is good for them, that it teaches them how to behave, or even that it shows that their parents love them. And of course we should listen to what young people say. But adults have a responsibility not only to hear but to understand what children say to us. We have already drawn attention to the way children are beginning to tell us about the physical and emotional hurt caused by corporal punishment (see "Does corporal punishment really hurt", page 2). When they go on to say that this is somehow necessary and good, they are demonstrating not the need for corporal punishment but the process by which children are socialised into the prevailing cultural norms, absorbing the attitudes and behaviours of their parents and rationalising the hurt they have experienced.

Children have an inalienable right to respect for their human dignity and physical integrity and to equal protection from assault. It is the responsibility of governments to ensure that the law upholds these rights. It is the responsibility of parents and other adults to raise children to know about their rights and to respect them in relation to themselves and others.

Being hit as a child didn't do me any harm. Would I be where I am today if my parents hadn't disciplined me physically?

How do you know that you wouldn't have done so well if your parents had never hit you? None of us knows how we would have turned out if our parents had never hit or humiliated us. And how many people, in saying it did them no harm, are denying the hurt they experienced when the adults closest to them thought they could only teach them by inflicting pain?

Adults who hit their children in the name of discipline usually began doing so because they themselves were hit as children. Although research shows they often feel guilty about it afterwards, they continue to hit their children, especially when they are at the end of their tether. It is pointless to blame previous generations for this, because they were acting in accordance with the pervasive culture of the time. But it is wrong to resist change because we are afraid of appearing to criticise our parents. Times change and societies move on. Recognition of children as rights holders requires action to end the legality and social acceptance of violence against children, just as societies have moved to end acceptance of violence against women.

Some people say: "I was hit as a child and I turned out OK." But there are people who have endured all kinds of bad experiences while growing up who have "turned out OK" as adults – nobody would say that what they experienced was good. Often it is the way they have dealt with their experiences and turned their lives around that has helped them to be "OK", not the experiences themselves.

Parents have a right to bring up their children as they see fit. Shouldn't they be challenged only in extreme cases of child abuse?

Societies are moving on from seeing children as their parents' property to seeing them as people in their own right. As human beings, children enjoy human rights – and these do not stop at the front door of their home. Children have the same right as all other family members to protection from being hit, and it is no more invasive of privacy and family life to insist that the law protects children in the home than to insist that men stop beating their wives.

The UN Convention on the Rights of the Child upholds the importance of the family and promotes the concept of parental responsibility, with children's best interests as parents' basic concern (article 18). Some people argue, perversely, that hitting a child in the name of discipline is, in fact, in the child's best interests in the long term. But as the Committee on the Rights of the Child has stated:⁸

"... interpretation of a child's best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence and the requirement to give due weight to the child's views; it cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment, which conflict with the child's human dignity and right to physical integrity."

⁸ General Comment No. 8 (2006) on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)", para. 26. Available at www2.ohchr.org/english/bodies/crc/comments.htm

There is a big difference between beating a child and a loving smack. Isn't prohibiting corporal punishment taking things too far?

Beating a child may hurt physically more than a "loving smack" (but see "Does corporal punishment really hurt", page 2), but both are on a continuum of violence and both breach a child's equal right to respect and physical integrity. Societies do not draw lines and try to justify any level of violence when challenging violence against women, or against elderly people. So why should they when it comes to children?

And the dangers of making any connection between loving and hurting people should be obvious. A "loving smack" is a contradiction of the worst kind. This seemingly harmless term is a veil behind which rights violations can hide.

Some people argue that "there is a big difference between child abuse and a light smack", focusing less on the "loving" intention of the violence and more on the degree of violence used. But again, whatever the severity of the hitting, it breaches the child's right to respect for his or her physical integrity. And all hitting that is regarded as lawful reflects a violation of children's right to equal protection from assault under the law.

Law makers and governments have traditionally separated "child abuse" and "corporal punishment", but most abuse *is* corporal punishment – adults assaulting children to punish them and gain control. No such threshold is proposed in the case of violence against women, where zero-tolerance clearly conveys the message that all violence is unacceptable. But for children, adults have invented an arbitrary distinction between punitive violence which is regarded as acceptable, and "abuse" which is not. In reality, it is not possible to differentiate between child abuse and corporal punishment.

Why not define safe smacking, rather than prohibit all of it?

There is no such thing as “safe” smacking. All smacking invades a child’s physical integrity and shows disrespect for their human dignity. Many research studies have shown milder forms of corporal punishment by parents to be a risk factor for severe violence characterised as abuse, and the tendency towards escalation and personal inaccuracy in judging the amount of force used has already been discussed (see page 3).

A few countries have attempted to define acceptable ways of hitting children – at what age, on what parts of the body, with what implements and so on. This is a very disreputable exercise. We would not think of trying to define acceptable ways of assaulting women, or elderly people, or any other population group. Children have a right to equal protection from assault. If anything, children – generally smaller and more fragile than the rest of us – have a right to more protection.

My religion requires me to use corporal punishment.

Wouldn't it be discrimination to stop me using it?

Religious freedom cannot run counter to human rights. As the Committee on the Rights of the Child makes clear:⁹

"Some raise faith-based justifications for corporal punishment, suggesting that certain interpretations of religious texts not only justify its use, but provide a duty to use it. Freedom of religious belief is upheld for everyone in the International Covenant on Civil and Political Rights (Art. 18), but practice of a religion or belief must be consistent with respect for others' human dignity and physical integrity. Freedom to practise one's religion or belief may be legitimately limited in order to protect the fundamental rights and freedoms of others."

People with extreme religious views who advocate hitting children with implements and inflicting other forms of severe corporal punishment need to be condemned by mainstream religious opinion and by society as a whole. Leading faith figures are now joining the campaign for abolition of all corporal punishment, including within the family home. At the 2006 World Assembly of Religions for Peace in Kyoto, Japan, more than 800 faith leaders endorsed “a religious commitment to combat violence against children”, which urges governments to adopt laws in compliance with the Convention on the Rights of the Child and to prohibit all violence, including all corporal punishment.¹⁰

Why bring the law into this? Why not just educate parents away from using corporal punishment?

Educating parents away from something that is lawful is confusing and difficult. The assumption is that “if the law allows it then it must be OK”. Education is much more effective when the law gives the same message.

Elimination of all corporal punishment and other cruel or degrading punishment requires both education and prohibition. It is not a matter of choice. Human rights demand that children have at least the same legal protection as adults – in the family and everywhere else – now. The law in itself is a powerful educational tool, and of course law reform banning corporal punishment needs to be linked to public and parent education. A ban will motivate parents to look into positive ways of bringing up their children and motivate professionals, politicians and the media to resource and provide this education.

⁹ General Comment No. 8, para. 29

¹⁰ For further information see www.churchesfornon-violence.org

Many parents are bringing up their children in desperate conditions, and teachers and other staff are under stress from overcrowding and lack of resources. Shouldn't we wait until conditions improve before prohibiting corporal punishment, so that it doesn't just add to the stress?

This argument is a tacit admission of an obvious truth: corporal punishment is often an outlet for adults' pent-up feelings rather than an attempt to educate children. In many homes and institutions adults urgently need more resources and support, but however real adults' problems may be, venting them on children cannot be justifiable. Children's protection should not wait on improvements in the adult world, any more than protection of women from violence should have had to await improvement of men's conditions.

In any case, hitting children is ineffective in relieving stress. Adults who hit out in temper often feel guilty; those who hit dispassionately find they have angry and resentful children to cope with. Life in homes and institutions where corporal punishment has been abandoned in favour of positive discipline is much less stressful for all.

In conflict-ridden countries, adults working with children, including parents and teachers, are themselves victims of violence and humiliation. They agree on protecting children's rights, but question who is fighting for their rights. Clearly, these breaches of rights must be addressed but children should not have to wait until adults are able to enjoy their own rights. All people have rights to respect for their dignity and physical integrity and to equal protection under the law – and children are people too.

This is a white, Euro-centric issue. Corporal punishment is a part of my culture and childrearing tradition. Isn't it discriminatory to outlaw it?

The idea that hitting children can be a matter of cultural pride is unacceptable. In any event, the hitting of children seems to be a white tradition, exported to many parts of the world through slavery, colonialism and some missionary teaching. It appears that the only cultures where children are rarely or never physically punished are small, hunter-gatherer societies, arguably among the most "natural" of all human cultures, though now rapidly vanishing under the impact of urbanisation.

But human rights are universal, and children the world over have the right to live lives free from all forms of violence. All cultures have a responsibility to disown corporal punishment, just as they have disowned other breaches of human rights which formed a part of their traditions. The UN Convention on the Rights of the Child upholds all children's rights to protection from all forms of physical or mental violence, without discrimination on grounds of race, culture, tradition or religion. There are movements to end corporal punishment of children in all continents. School and judicial beatings have been outlawed in many states in all regions of the world.

Why is it so difficult to give up hitting children?

If adults, including politicians, found this issue easy, we would have accepted long ago that children have exactly the same rights as the rest of us to respect for their human dignity and physical integrity and to equal protection under the law. In fact we would be likely to accept that children, who start off very small and very fragile, have a right to more protection than adults.

There seem to be a number of reasons for the difficulty adults find in giving up what they still perceive of as a "right" to hit and hurt children in the name of "discipline" or control:

- (i) Personal experience. Most people everywhere were hit as children by their own parents. Most parents have hit their own

children. None of us likes to think badly of our parents, or of our own parenting, and this makes it challenging for many people, including politicians and opinion leaders, and even those working in child protection, to perceive of corporal punishment as the fundamental issue of equality and human rights that it is. This is not a matter of blame – parents have acted in accordance with social expectations – but the time has come to move on to positive, non-violent relationships with children. In aiming to eliminate corporal punishment, we are simply extending to children the full protection from assault and other cruel or degrading punishment which we as adults take for granted for ourselves.

- (ii) Adults often hit children because they are angry, or stressed, or at the end of their tether. Many adults know, in their heart of hearts, that the hitting is an emotional response to what is happening rather than a rational decision to “discipline” the child. The more this happens, the more hitting a child becomes an automatic way of dealing with troublesome behaviour. It is not easy to change automatic behaviours. But they can be changed. As governments invest in public education and awareness raising about positive, non-violent ways of bringing up children, parents will develop a whole range of ways to deal with behaviour they don’t like without feeling the need to assault their children.
- (iii) Lack of knowledge about alternatives. Law reform should be accompanied by education of parents, children and society generally about the very many positive and non-violent ways that adults can relate to children. But it is important to remember that we don’t have to wait until adults know how to bring up children without hitting them before prohibiting corporal punishment by law, any more than we have to wait until men know how to treat women properly before enacting legislation on domestic violence.

Part II: Questions about the impact of prohibiting all corporal punishment

If parents are forced to give up using corporal punishment, won't children end up spoilt and undisciplined, with no respect for anyone or anything?

No! Discipline is not the same as punishment. Real discipline is not based on force. It grows from understanding, mutual respect and tolerance. Babies start off completely dependent, and as they grow, they rely on adults – especially their parents – to guide and support them towards self-disciplined maturity. Corporal punishment tells children nothing about how they should behave. On the contrary, hitting children is a lesson in bad behaviour. It teaches children that their parents find it acceptable to use violence to sort out problems or conflicts.

Hitting children also sends a confusing message to children that although they shouldn’t hit other children or adults and adults shouldn’t hit other adults, it is OK for adults, who are bigger and stronger, to hit children, who are usually smaller and more vulnerable. Children learn from what their parents do, not just from what they say.

And respect should not be confused with fear. “Good” behaviour due to fear of being punished means that a child is avoiding punishment, not showing respect. Children learn to truly respect people and things when they appreciate their intrinsic worth. When parents hit their children in the name of discipline, children learn to “behave” only to avoid punishment, and they learn that violence is an acceptable way to handle disputes. But when parents show respect for their children’s and others’ human dignity and integrity, children learn respect. When parents discipline their children in positive, non-violent ways, children learn that conflict can be resolved without undermining this respect.

Corporal punishment and other cruel and degrading forms of punishment are no substitute for positive forms of discipline. Far from spoiling children, these are designed to ensure that they learn to think

about others and about the consequences of their actions. States have an obligation to support positive parenting. There are many materials available promoting positive parenting and education without violence, which can be adapted and translated for use in every country.

If corporal punishment is banned, won't that lead to children being treated in more horrible ways – emotional abuse, humiliation or locking them up?

Children have a right to protection not only from corporal punishment, but also from all other forms of cruel or degrading punishment or treatment. Law reform needs to be linked to awareness raising and promotion of positive, non-violent relationships with children. Parents want their children to have the best possible start in life. Parents who hit their children do not feel good about it – they generally feel upset and guilty. Most of them would welcome advice on how to prevent and solve conflicts with their children without using any kind of violence, physical or emotional. Moving on from hitting and humiliating children to regarding them as people and rights-holders alongside the rest of us improves family life for everyone.

Doesn't criminalising corporal punishment mean that thousands of parents will be prosecuted and many more children will be placed in state care?

The point of a law banning all corporal punishment is not to put more parents in jail. It is about fulfilling children's rights and moving societies on to positive non-violent relationships with children. There is no evidence of increased prosecution of parents from the growing number of countries where corporal punishment is criminalised.

Banning corporal punishment fulfils states' human rights obligations to children. Its first purpose is educational – to send a clear message into the privacy of the home that it is no more acceptable or lawful to hit a child than to hit anyone else. Guidance to all those involved in child protection, including the police and prosecuting authorities, should ensure that implementation of the law is focused on the best interests

of the child. Prosecution and other formal interventions are unlikely to benefit children unless they are the only way to achieve necessary protection from significant harm.

In its General Comment No. 8, the Committee on the Rights of the Child explains the issue of prosecution in the context of prohibiting corporal punishment by parents:¹¹

"The principle of equal protection of children and adults from assault, including within the family, does not mean that all cases of corporal punishment of children by their parents that come to light should lead to prosecution of parents. The de minimis principle – that the law does not concern itself with trivial matters – ensures that minor assaults between adults only come to court in very exceptional circumstances; the same will be true of minor assaults on children. States need to develop effective reporting and referral mechanisms. While all reports of violence against children should be appropriately investigated and their protection from significant harm assured, the aim should be to stop parents from using violent or other cruel or degrading punishments through supportive and educational, not punitive, interventions.

"Children's dependent status and the unique intimacy of family relations demand that decisions to prosecute parents, or to formally intervene in the family in other ways, should be taken with very great care. Prosecuting parents is in most cases unlikely to be in their children's best interests. It is the Committee's view that prosecution and other formal interventions (for example, to remove the child or remove the perpetrator) should only proceed when they are regarded both as necessary to protect the child from significant harm and as being in the best interests of the affected child. The affected child's views should be given due weight, according to his or her age and maturity."

¹¹ General Comment No. 8, paras. 40 and 41

Isn't it OK for parents to smack their children to stop them from hurting themselves?

This is nonsensical: smacking is not protecting! Can you imagine advising parents that when their children are in danger they should hit them? Of course not.

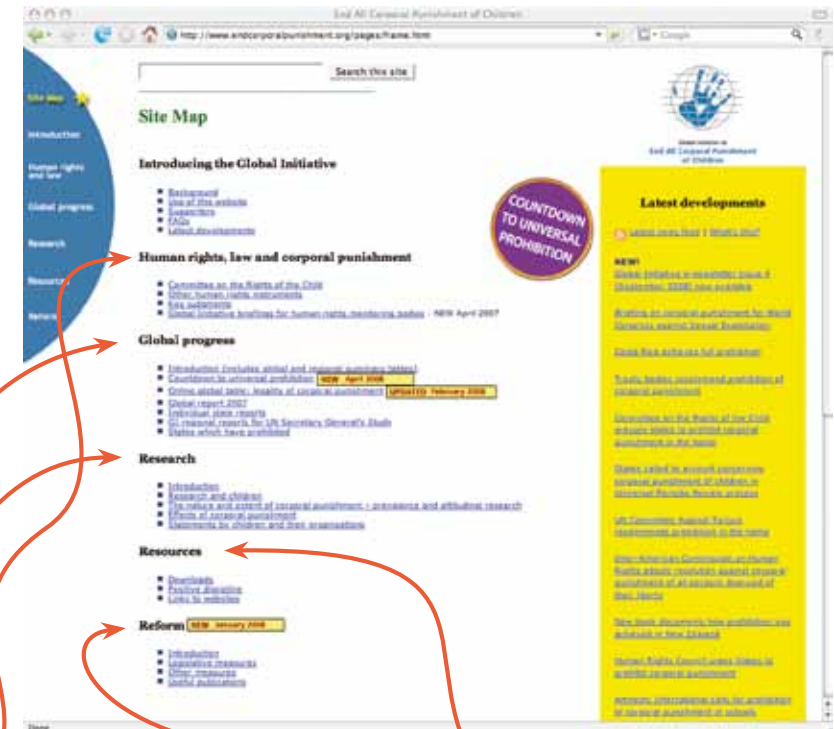
Parents have to use physical actions to protect children – especially babies and young children – all the time. It is a natural part of parenting. If a child is crawling towards a fire, or running into a dangerous road, parents naturally use physical means to stop them – by grabbing them, picking them up, and showing them and telling them about the danger. But causing them pain by hitting them completely undermines the message that they must learn to keep themselves safe and that, until they can do so, their parents will keep them safe. As the Committee on the Rights of the Child explains:¹²

"... parenting and caring for children, especially babies and young children, demand frequent physical actions and interventions to protect them. This is quite distinct from the deliberate and punitive use of force to cause some degree of pain, discomfort or humiliation. As adults, we know for ourselves the difference between a protective physical action and a punitive assault; it is no more difficult to make a distinction in relation to actions involving children."

There is a very clear distinction between using force to protect children and using it to punish and deliberately hurt them. The law in all states, explicitly or implicitly, allows for the use of non-punitive and necessary force to protect people. Removing the right to use force for punishment does not interfere with this at all.

¹² General Comment No. 8, para. 14

Detailed information on all aspects of prohibiting corporal punishment is available on the Global Initiative website:



Human rights, law and corporal punishment

including the work of the Committee on the Rights of the Child and other human rights treaty monitoring bodies, and information on national high level court judgments

Global progress

including regional and global reports and individual reports on each state and territory, on the legality of corporal punishment in the home, schools, penal systems and alternative care settings; information on each state which has achieved full prohibition

Research

prevalence research, research into children's own views and experiences, and research into the effects of corporal punishment

Resources

a range of internet and other resources to support the promotion of positive, non-violent relationships with children, for teachers, parents and other carers; information on campaigns against corporal punishment worldwide, and downloads of GI reports

Reform

online resources to support law reform, including examples of legislation and other measures supporting prohibition from states which have achieved full prohibition, and information on national and international campaigns

The Global Initiative to End All Corporal Punishment of Children

The Global Initiative promotes and supports action by states worldwide to fulfil children's right to protection from corporal punishment in all settings – the family home, schools, juvenile justice systems, alternative care and situations of employment. It was launched in Geneva in 2001. It aims to act as a catalyst to encourage more action and progress towards ending all corporal punishment in all continents; to encourage governments and other organisations to “own” the issue and work actively on it; and to support national campaigns with relevant information and assistance. The context for all its work is implementation of the Convention on the Rights of the Child. Ending all corporal punishment is fundamental to improving the status of children and realising their rights to respect for their human dignity and physical integrity and to equal protection under the law.

The aims of the Global Initiative are to:

- forge a strong alliance of human rights agencies, key individuals and international and national non-governmental organisations against corporal punishment;
- make corporal punishment of children visible by building a global map of its prevalence and legal status, ensuring that children's views are heard and charting progress towards ending it;
- lobby governments systematically to ban all forms of violence including corporal punishment and to develop public education programmes;
- promote awareness-raising of children's right to protection and public education on positive, non-violent forms of discipline for children;
- provide detailed technical assistance to support states with these reforms.

For further information, see www.endcorporalpunishment.org.