

Corporal Punishment of Children & Human Rights: Welcoming Children to the Family of Humanity

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Central to the realization of any group's human rights is the right to have respect for one's physical integrity and human dignity. These two dimensions of human rights are central to becoming part of the family of humanity. Unfortunately, such rights do not yet apply to the over 2 billion persons known as children, to which causing pain to the body, corporal punishment, is a regular occurrence supported by law and social custom (UNICEF, 2014).

With the adoption of the Convention on the Rights of the Child (CRC) in 1989 and its ratification by all United Nation member nations except the United States, obligations have been placed on adults to respect children's physical integrity and human dignity. Even though all states in the United States permit corporal punishment of children in the family and 19 states permit corporal punishment in public schools (Center for Effective Discipline, n.d.), progress in recognizing children's right to respect for their physical integrity and human dignity is being made around the world.

The Committee on the Rights of the Child, which monitors the implementation of the CRC, has made clear that corporal punishment of children in any context (family, school, juvenile justice) is violence and a violation of Articles 37 and 19 of the CRC.

Article 37 of the Convention requires States to ensure that "no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment." This is complemented and extended by article 19, which requires States to "take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or

abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child." There is no ambiguity: "[A]ll forms of physical or mental violence" does not leave room for any level of legalized violence against children. (U.N. Committee on the Rights of the Child, 2006, General Comment No. 8 ¶18)

By 2016, 51 nations took steps to remove legal supports for corporal punishment, such as removing "reasonable chastisement" exceptions in all contexts including the family, and another 55 countries indicated their intention to do so (Global Initiative ..., n.d.). This progress represents a major paradigm shift toward recognition and respect for the human dignity and physical integrity of children. It is a move away from an adult-centered perspective where children are property of adults to do with as they wish. This shift toward a child-centered, human rights perspective has many dimensions: Mutual respect and value replace inequality and adult dominance; long-term child development goals replace short-term behavioral control; listening to children's voices replaces ignoring their words and ideas; and the science of understanding the impacts of corporal punishment replaces the denial of harm and "for your own good" justification (Lombardo & Polonko, 2005).

A human rights approach to corporal punishment says that culture, religion, and ethnicity are not acceptable justifications for corporal punishment. Parental stress and poverty do not provide acceptable explanations. As a human right, children's freedom from corporal punishment cannot be compromised.

Seeing corporal punishment through the lens of human rights reminds adults to stop isolating children

and connects adults to their own childhoods. A human rights approach is a primary prevention tool that protects and supports children before harm comes to them. A human rights approach is an educational vehicle that helps us question the assumptions of current social and legal support for corporal punishment in the United States, even if the CRC has not yet been codified into law.

Human rights principles recognize children as an oppressed social class as well as individuals and members of families and communities with rights and responsibilities. These same principles provide parents, teachers, and other caretakers with obligations to eliminate the harm they cause to children and to provide nurturing positive environments through personal and political decisions.

A human rights approach also articulates a set of responsibilities and avenues of action (including mass education) for child caretakers, communities, and governments to exercise their individual and collective responsibility to eliminate corporal punishment from interactions with children. Only when violations of children's human dignity and physical integrity are eliminated and NOT THE NORM will children truly become part of the human family! Stated simply, a hu-

man rights approach to corporal punishment of children reflects a new social and legal norm: It's NEVER okay to HIT A CHILD.

About the Authors

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Karen A. Polonko, PhD, was Professor of Sociology at Old Dominion University. Dr. Polonko passed away in 2016. She taught courses on the sociology of child welfare, marriage and families, and violence in the world of children internationally. She is co-author of the book *The Sexual Bond* and co-editor of a special edition of *Global Bioethics*, *Children in a Changing World* as well as numerous articles and book chapters on families and children, and understanding child maltreatment, especially corporal punishment and its impacts. She was founding faculty member of *In Support of Children*, a student organization at Old Dominion University that for 25 years has advocated for ending corporal punishment and utilizing positive parenting strategies. Dr. Polonko received the Virginia Governor's Award on Child Abuse and Neglect, and the Lifetime Achievement Award of the Center for Human Rights of Children at Loyola University of Chicago.

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