

The Links between Corporal Punishment and Gender-Based Violence



What is corporal punishment?

Corporal punishment is when a person in authority uses physical force with the intention of causing pain for disciplinary purposes. Corporal punishment of children usually includes things like slapping, spanking, beating with the hand or beating with an object like a stick or a belt. It can also involve other actions such as kicking, shaking, pinching or burning.

Corporal punishment is "any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light".

Committee on the Rights of the Child,
General Comment No 8 (2006)

Corporal punishment is prohibited in Namibian schools

Corporal punishment is not permitted in Namibian schools, although many instances of it are still reported. The **Namibian Supreme Court** ruled in 1991 that corporal punishment by organs of state, including in public schools, is a violation of children's constitutional right to human dignity.¹ The **Education Act 16 of 2001** prohibits corporal punishment in both public and private schools. The application of this prohibition to private schools was clarified by the High Court in 2016, in a case stressing that no parent or learner can overrule the prohibition by giving "consent" to corporal punishment.²

Corporal punishment of children in other settings

Corporal punishment is used in many homes. In Namibia there have been cases of excessive physical force used against children in the home, with children being seriously injured or burned and in some cases even beaten to death. Namibia's **Child Care and Protection Act 3 of 2015** says that anyone who has control of a child, including a parent, must respect the child's constitutional right to dignity. It prohibits corporal punishment in many settings: residential child care facilities, foster care, places of care, shelters, early childhood development centres, public and private schools, prison, police cells or any alternative care which results from a court order. The Act also gives the Minister of Gender Equality and Child Welfare a duty to provide education and awareness-raising programmes on the rules on corporal punishment and to promote alternative forms of discipline which have a more positive impact on children in all regions of Namibia.

Why is corporal punishment bad for children?

A recent review of studies which have been conducted during the last fifty years, involving more than 160 000 children, found that **the more children are spanked, the more likely they are to defy their parents and to exhibit anti-social behaviour, aggression, mental health problems and intellectual difficulties.** Studies of adults who were spanked as children have similarly found that these adults were more likely than other adults to suffer mental health problems and to behave in anti-social ways.³

Arguments for and against corporal punishment

For	Against
Corporal punishment is part of my religious belief and culture.	<ul style="list-style-type: none"> Other people interpret the same religious teachings to have a different meaning that does not justify the use of corporal punishment. Wife-beating was also an accepted part of many cultures in the past, but this is changing now.
There is a difference between a vicious beating and a light spanking or smack.	<ul style="list-style-type: none"> This is true, but it is difficult to judge how the punishment is perceived by the child who experiences it. Adults who administer corporal punishment are not always able to control themselves when they act in the heat of the moment. This is why serious injuries and even death have resulted from corporal punishment in Namibia.
Corporal punishment was used on me when I was a child, and I do not have any problems.	<ul style="list-style-type: none"> Different people react differently to violence and aggression. It is undeniable that Namibia as a whole is suffering unhealthy levels of violence – so something is not well with our society. Alternative forms of discipline could teach children non-violent ways of problem-solving.



Daddy told me that hitting is wrong. He beat me with his belt because I hit my little sister. I am confused.

It is widely known that corporal punishment in Namibia's schools is against the law. When teachers hit learners, the real message being communicated is that it is acceptable both to use violence and to disrespect the rule of law.

1 *Ex Parte Attorney-General, Namibia: Re: Corporal Punishment by Organs of the State* 1991 NR 178 (SC).
2 *Van Zyl v The State* (CA 25-2014) [2016] NAHCMD 246 (05 September 2016).

3 Elizabeth T Gershoff and Andrew Grogan-Kaylor, "Spanking and child outcomes: Old controversies and new meta-analyses", *Journal of Family Psychology*, Vol 30(4), June 2016.

What is gender-based violence?

Gender-based violence is violence perpetrated against women, men, girls and boys on the basis of their sex. It includes domestic violence, which is violence towards a family member or someone who is in a relationship with the abuser.

What is the connection between corporal punishment and gender-based violence?

Corporal punishment can be a form of domestic violence against children. For example, in a 2012 Namibian High Court case, a father's corporal punishment of his child was described by the court as a "severe beating". The Court issued a final protection order directing the father not to commit any further acts of domestic violence against his children.⁴

Even when corporal punishment is more moderate, it passes on a message that violence is acceptable, particularly when it is used by a strong person against a weaker one. Some men, when asked why they beat their wives or partners, talk about the need to "discipline" them – making the link between corporal punishment and gender-based violence very clear.

Namibia's 2013 Demographic and Health Survey found that 28% of women and 22% of men surveyed thought that wife-beating was justified in at least one of five suggested situations: if the woman burns the food, argues with her husband, goes out without telling him, neglects the children or refuses sex.⁵ This shows that domestic violence is perceived by many people in Namibia as an acceptable form of punishment for perceived wrongdoing by a woman – in the same way that many parents consider it justifiable to beat a child who misbehaves.

Children who are treated with aggression are more likely to behave with aggression. Studies have found that corporal punishment in childhood is the strongest predictor of adolescent aggression eight years later.

Corporal punishment also teaches children that violence is acceptable in family relationships. A Namibian study of imprisoned perpetrators of gender-based violence found that significant numbers of these perpetrators had observed or experienced parental violence in the home during their childhoods. Research in other countries also shows strong associations between corporal punishment as a child and the tendency to abuse a spouse or child later in life.

One study found that corporal punishment in adolescence was associated with an increased probability that the child would use violence against a spouse later in life, or experience elevated levels of marital conflict. A child who has less opportunity to observe non-violent methods of conflict resolution is more likely to struggle to deal with conflict in acceptable ways as an adult.

Another study found parents who suffered corporal punishment as children are more likely to physically abuse their own children – with this association increasing with higher levels of corporal punishment.⁶



Corporal punishment is inconsistent with the Convention of the Rights of the Child

"Addressing the widespread acceptance or tolerance of corporal punishment of children and eliminating it, in the family, schools and other settings, is not only an obligation of States parties under the Convention. It is also a key strategy for reducing and preventing all forms of violence in societies."

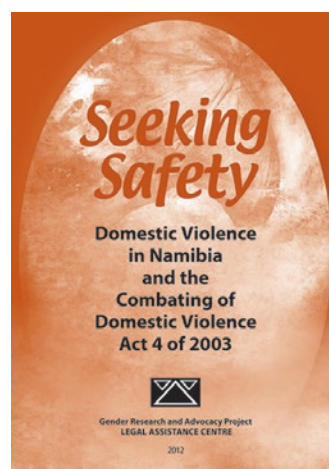
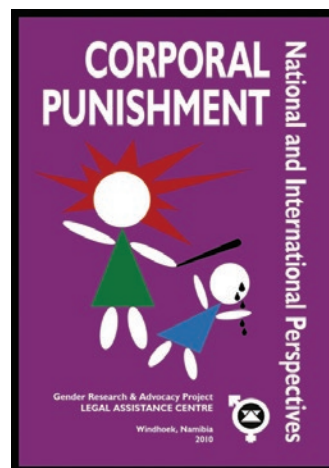
Committee on the Rights of the Child, General Comment No 8 (2006)



Disciplining children with violence perpetuates the cycle of violence in Namibia.

Let us teach children that all forms of violence are wrong.

Other Legal Assistance Centre publications on corporal punishment and gender-based violence are available at www.lac.org.na. The research reports and briefs shown below are key examples.



4 *FN v SM* (CA 77/2011) [2012] NAHC 226 (8 August 2012).
 5 Ministry of Health and Social Services & Namibia Statistics Agency, *Namibia Demographic and Health Survey 2013*.
 6 For more information on these studies, see Legal Assistance Centre, *Corporal Punishment: National and International Perspectives*, 2010 (available at www.lac.org.na).

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