

**Joint Statement on Physical Punishment  
of Children and Youth**

**Coalition on the Physical Punishment of Children and Youth**

**April 25, 2003**

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For additional copies please contact:  
The Director of External Development  
Children's Hospital of Eastern Ontario  
410 Smyth Road  
Ottawa, ON  
K1H 8L1  
tel.: (613)737-7600  
fax: (613)738-3216

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Canadian Child Care Federation  
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Canadian Public Health Association  
Canadian Association for Young Children

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Joan Durrant, Ph.D.; University of Manitoba  
Ron Ensom, M.S.W., RSW; CHEO, Ensom & Associates  
Susan Wingert, BHEcol., M.Sc. candidate; University of Manitoba

All who were part of the development of the joint statement appreciate the contribution to its potential benefit for children and youth made by all who welcomed and endorsed it.

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# Executive summary

## Background

The Joint Statement on Physical Punishment of Children and Youth was developed by a national partnership of organizations concerned with the well-being of children and their families. It has been formally endorsed by many Canadian organizations and individuals involved in a broad range of issues related to children and youth.

## Purpose and audience

Based on extensive research evidence, the statement provides an overview of the developmental outcomes associated with the use of physical punishment on children and youth. Scenarios depicting disciplinary situations ground the document in the realities well known to parents and caregivers. The statement will also be of interest to professionals, policy and program planners, many members of the public, and children and youth themselves. Resources are identified for those interested in learning more about effective discipline and parenting.

## Highlights of findings

The research evidence now available permits us to move beyond the debate about whether physical punishment is harmful to children and youth or is even effective as discipline.

- Few parents believe that physical punishment is effective, most believe it is unnecessary and harmful, and a majority think the most common outcome is parental guilt or regret.
- There is strong evidence that physical punishment places children at risk for physical injury, poorer mental health, impaired relationships with parents, weaker internalization of moral values, antisocial behaviour, poorer adult adjustment, and tolerance of violence in adulthood.
- There is no clear evidence of any benefit from the use of physical punishment on children.
- Parents are more likely to use physical punishment if they approve of it, experienced it themselves as children, feel anger in response to their children's behaviour, are subject to depression, or are burdened by particular forms of stress.

## Conclusion and implications

On the basis of the clear and compelling evidence—that the physical punishment of children and youth plays no useful role in their upbringing and poses only risks to their development—parents should be strongly encouraged to develop alternative and positive approaches to discipline. The implications of this evidence and this goal are examined in relation to Canadian law, human rights and actions taken by other countries.

## Recommendations

Recommendations for action in Canada include: (1) delivery of public awareness messages to inform all Canadians that physical punishment is harmful to children's development and is ineffective as discipline; (2) development of universal parenting education; and (3) provision of the same protection of children from physical assault as is given to Canadian adults and to children in a growing number of countries. Responsibility for action lies within the jurisdiction of national, provincial and territorial and local levels of government, the mandates of organizations, and the expertise of professionals who serve children and youth. The statement as a whole may be considered an urge to action by parents and caregivers—within and beyond their families.

## **Preface**

This Joint Statement on Physical Punishment of Children and Youth is dedicated to the healthy development of the children of Canada, and to those most responsible for it—their parents and caregivers.

The joint statement began as an initiative of the Children's Hospital of Eastern Ontario, and grew into a national partnership. Many organizations and individuals supported its development, and many more have endorsed it. Those whose names this document bears hope that it will be a resource for everyone committed to sharing and acting on the now persuasive evidence—that the physical punishment of children and youth plays no useful role in their upbringing and poses only risks to their development.

Every effort has been made to ensure that the information in this statement is based on research evidence and expert opinion current at the time of publication. References are provided to enable readers to verify findings and extend their own inquiry into the critical and contentious issues which have surrounded physical punishment of children and youth.

## ***Statement of purpose***

The purposes of the Joint Statement on Physical Punishment of Children and Youth are to:

- create a common understanding of the ways in which physical punishment can affect children’s development
- summarize the evidence of its risks
- identify the factors that perpetuate its use
- encourage parents<sup>a</sup> and other caregivers to choose effective approaches to discipline that do not rely on physical punishment.

## ***Audience***

This statement has been researched and written for parents and others who care for children and youth, professionals who provide services to them, those who develop policy and programs which affect children and families, interested members of the public, and children and youth themselves.

## ***What physical punishment is***

*Physical punishment is an action intended to cause physical discomfort or pain to correct a child’s behaviour, to ‘teach a lesson’, or deter the child from repeating the behaviour. The intended effect is a change in the child’s behaviour. Physical punishment may be administered with the hand or may involve the use of objects, such as rulers, belts and wooden spoons. In some cases it does not involve striking the child—for example, requiring a child to hold an uncomfortable position, kneel on hard objects, or place a foul tasting substance in her mouth.*

### ***Some other words for hitting children***

- ▶ spanking
- ▶ smacking
- ▶ slapping
- ▶ paddling
- ▶ whupping
- ▶ hiding
- ▶ whacking

There is no clear distinction between physical punishment and physical abuse. Attempts to distinguish them in terms of degree of force, parental intent or even extent of injury have not been successful<sup>1 2</sup>.

Health Canada<sup>3</sup> recognizes that “child physical abuse is usually connected to physical punishment or is confused with child discipline” (page 5).

### ***Some physical punishments that don't involve hitting***

- ▶ washing a child’s mouth out with soap
- ▶ requiring a child to remain motionless or in a sitting position without a chair
- ▶ forcing a child to kneel on a floor grate
- ▶ isolation in a confined space
- ▶ denying a child’s use of the toilet
- ▶ forced physical exertion
- ▶ placing hot pepper sauce in a child’s mouth
- ▶ denying access to needed water, food or sleep

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<sup>a</sup> Throughout this document, the terms ‘parent’, ‘caregiver’ and ‘adult’ are used interchangeably and include parents, guardians, grandparents and other relatives, members of caring communities, child care providers, babysitters and any other adult responsible for the care and supervision of children or youth.

### ***What physical punishment is not***

*Physical punishment should not be confused with protective physical restraint, which is the application of external control, not to punish, but to protect the child or others from physical pain and harm. Examples of protective restraint are holding a child back from a busy road, pulling a child's hand away from a hot stove, or holding a child who is hurting another.*

Physical punishment should not be confused with self-defence, which is not intended to correct behaviour, but to *protect oneself* from harm.

### ***Terms used in this document***

While 'physical discipline', 'corporal punishment' and 'spanking' are commonly used terms, 'physical punishment' will be used in this document for the following reasons.

- 'Physical discipline' confuses the concepts of *discipline* and *punishment*. Discipline encompasses a wide range of philosophies and methods properly aimed at protecting, socializing and guiding children toward self-control, independence, and respect for oneself and others. The practice of physical punishment is at odds with the concept of discipline.
- 'Corporal punishment' has a connotation of severity, and is associated with acts such as caning and belting.
- 'Spanking' connotes triviality and is associated with light taps and slaps of hands and buttocks.

'Physical punishment' includes this entire range of potentially painful and injurious acts, whatever their degree or outcome and regardless of the intent behind them.

### ***Prevalence***

To estimate the true prevalence of physical punishment is a challenge. Because physical punishment does not occur frequently throughout the day in most families, it is difficult for researchers to observe and record. As a result, estimates of its prevalence are most often based on parental reports, which are subject to errors of recall and parents' willingness to report behaviour they often regret<sup>4 5 6</sup>. Further, variation in methods of data collection—from questionnaires to telephone surveys to in-person interviews—can lead to variations in responses. Therefore, *prevalence estimates are likely to underestimate actual rates of the use of physical punishment and lead to conflicting findings.*

#### ***Myths about child rearing***

- ▶ shaking a baby will teach him not to cry
- ▶ biting a child will teach her not to bite
- ▶ hitting a child will teach him not to hit
- ▶ the threat of a spanking will encourage better eating
- ▶ spankings will speed up toilet training
- ▶ a good slap will end a tantrum
- ▶ striking a 'rebellious' teenager will prevent delinquency

***In fact, in all of these situations, physical punishment is likely to worsen the behaviour, increasing the parent's frustration and, in turn, the intensity of the punishment.***

### **National surveys of Canadian parents**

- In a 1988 survey<sup>7</sup>, 21% reported that they use physical punishment (19% occasionally, 2% often or very often).
- In a 2001 survey<sup>8</sup>, 10% reported that they use physical punishment when their children break the rules.
- In a 2002 survey<sup>9</sup>, 50% reported that they or their spouse had “inflicted light corporal punishment, like a slap” on their children; 6% reported that they or their spouse had “inflicted painful corporal punishment”.

### **Regional surveys**

- In a sample of Ontario parents<sup>10</sup>, 85% reported having slapped or spanked their children and 20% reported having hit their children with objects.
- In a sample of mothers of preschoolers in Manitoba and Ontario, 70% reported having used physical punishment; one-third of those who used it did so at least once per week<sup>5</sup>.
- In another sample of mothers of preschoolers in Manitoba, 59% reported having used physical punishment in the previous two weeks<sup>11</sup>.
- In a 1999 survey of Québec mothers<sup>12</sup>, 48% reported having physically punished their children in the 12 previous months by pinching, shaking, or hitting the child on the buttocks. Acts of severe violence such as shaking an infant, hitting a child on the face or head, punching, kicking or slapping, or hitting with an object within the previous 12 months were reported by 7% of mothers in the sample.
- In a 2000 survey of university students in Manitoba and British Columbia, 75% reported having received physical punishment as children or adolescents. Thirty-seven percent of these reported being slapped on the head, 34% being hit with an object, and 18% being whipped<sup>13</sup>.

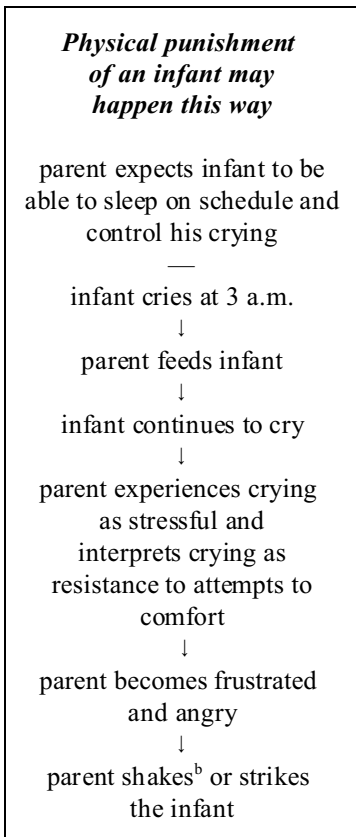
### ***Public attitudes***

*Although physical punishment is not uncommon, several studies suggest that many Canadian parents do not think that it is constructive. Only 2% of parents surveyed in 1988<sup>7</sup> believed that physical punishment is the most effective way to change children’s behaviour, while more than three-quarters believed that physical punishment is harmful to children and unnecessary.*

Similarly, the majority of a sample of mothers of preschoolers in Manitoba and Ontario believed that physical punishment is ineffective, unnecessary, and harmful<sup>5</sup>. Fewer than one-third of Canadians surveyed in Manitoba and Ontario viewed physical punishment as a reliable method of increasing obedience, learning, or respect for the parent. In fact, a majority believed the most common outcome of physical punishment is parental guilt or regret<sup>4</sup>. A survey of more than

1000 parents in the United States revealed similar findings. More than 60% believed that spanking will not lead to better self-control and is likely to lead to increased child aggression <sup>14</sup>.

Most parents would prefer to use alternative methods to teach their children, resolve conflict, and deal with their own frustration <sup>6</sup>. In a study of the educational needs of Canadian parents of young children, 91% reported that they believe information about discipline should be made available on a wide scale <sup>15</sup>. Mothers are less likely to use physical punishment when they are exposed to clear and intense messages from professionals and from the media that discourage its use <sup>16</sup>. Public education seems, therefore, a potentially powerful mechanism for decreasing caregivers' use of physical punishment and increasing their use of effective discipline strategies.

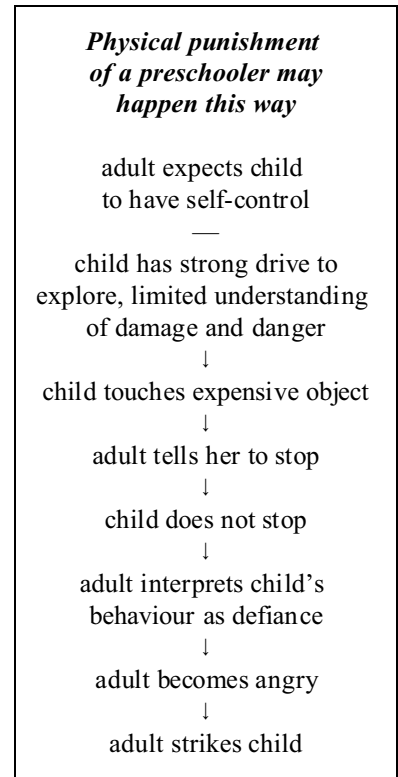


***Which children are most likely to receive physical punishment?***

Physical punishment is most commonly used with preschoolers <sup>12 17</sup> who are in a stage of high activity, exploration, and drive for independence. Children in this age group also are likely to exhibit negativism, impulsivity, and limited understanding of harm and danger. In the Québec survey, 70% of parents of three- to six-year-olds reported using physical punishment in the year preceding the study.

Of course, younger children also are physically punished <sup>17 18 19</sup>. In the Québec survey <sup>12</sup>, 49% of parents of children aged zero to two years reported physically punishing them within the previous 12 months <sup>b</sup>.

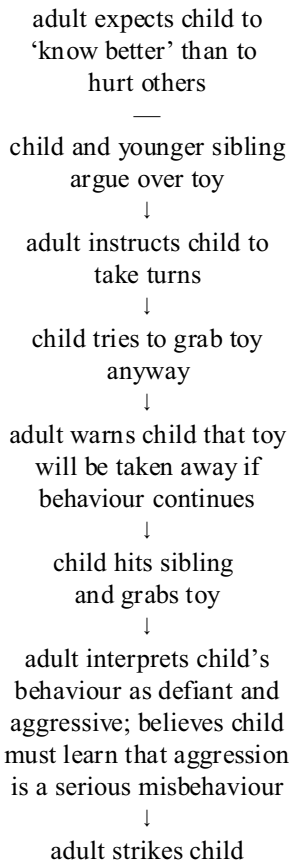
A substantial proportion of older children also experience physical punishment <sup>13 17 20</sup>. In the Québec survey, 57% of parents of 7- to 10-year olds, 37% of parents of 11- to 14-year-olds, and 19% of parents of 15- to 17-year-olds reported using physical punishment within the previous year <sup>12</sup>. Adolescents were the victims in 38% of substantiated cases of inappropriate punishment reported to Canadian child protection agencies in 1998 <sup>19</sup>.



<sup>b</sup> Physical punishment of infants and toddlers sometimes takes the form of shaking. For information on Shaken Baby Syndrome, see Joint Statement on Shaken Baby Syndrome, Health Canada, Minister of Public Works and Government Services, Ottawa, 2001.

Children are most likely to be physically punished for behaviours that can harm themselves or others. It is ironic that caregivers are most likely to strike children when they are trying to either prevent injury to the child or teach her that hitting is wrong <sup>4 21 22 23 24 25</sup>.

**Physical punishment of a school-age child may happen this way**



Boys are more likely to be physically punished than girls <sup>12 26 27 28 29 30 31</sup>, although some studies suggest this gender difference may be small <sup>32 33 34</sup>.

**What are the risk factors for use of physical punishment?**

Several factors increase the risk of use of physical punishment. The more of these risk factors present in a parent's life, the greater the likelihood the parent will use physical punishment.

**Parental anger in response to conflict with a child**

The more anger a parent feels in response to conflict with a child, the more likely it is that physical punishment will occur <sup>24 35 36</sup>.

**Parent's own experience of physical punishment as a child or youth**

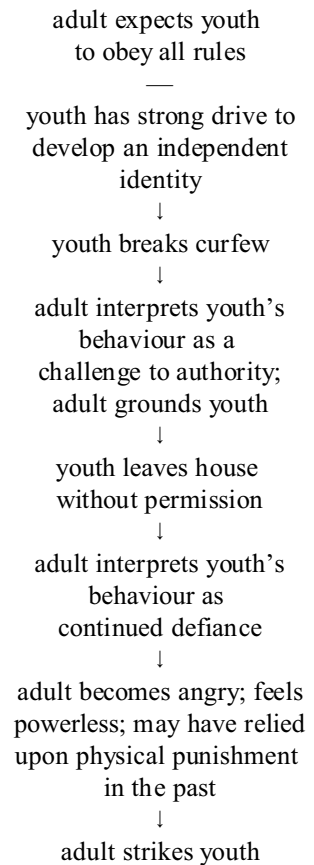
Parents who were themselves physically punished in childhood or adolescence are more likely to respond to their own children's behaviour this way than are parents who do not have a history of being physically punished <sup>6 31 37 38 39 40</sup>.

**Parental belief systems**

Parents who interpret child misbehaviour as intentional and serious—as defiance rather than a developmental stage—are more likely to use physical punishment <sup>6 11 37</sup>. *Parents'*

*approval of physical punishment is a very important factor in its use* <sup>25 40</sup>. It has been found to be more important than parental mood <sup>24</sup>, anger <sup>35 38</sup>, or childhood experience of physical punishment <sup>35</sup>. In a study examining the power of eight parental variables to predict mothers' use of physical punishment with their preschoolers, approval of its use was found to be the most powerful predictor <sup>11</sup>.

**Physical punishment of an adolescent may happen this way**



**Parent's gender**

In many studies that ask parents to describe their child rearing practices, mothers report using physical punishment more than fathers <sup>26 28 34 30 39</sup>. Other studies find no gender difference <sup>25 41 42</sup>.

When children or adults are asked to describe their childhood experiences, some studies indicate more mothers use physical punishment than do fathers<sup>43 44</sup> while other studies find no gender difference<sup>45</sup>.

### **Parent's level of education**

Studies on the relationship between parents' education and use of physical punishment have conflicting findings. In some, parents with lower levels of education report greater use of physical punishment<sup>46 47</sup>; others link lower levels of education to less use of physical punishment<sup>48</sup>; and others find no relationship<sup>49</sup> or an unclear one<sup>42</sup>.

### **Parent's age**

The relationship between parental age and use of physical punishment is unclear. In some studies, younger parents report they use physical punishment more often than older parents<sup>25 31 42 48</sup>. In other studies, older parents report higher rates<sup>46 50</sup>. Some find no relationship to parental age<sup>49</sup>.

### **Parental depression**

Depressed parents report using physical punishment more often than parents who are not depressed<sup>42 46 50</sup>.

### **Stress**

Some studies suggest that physical punishment is more frequent in families experiencing economic stress<sup>18 25 46 48 51</sup>, although other studies find no relationship<sup>49 31</sup> or an unclear one<sup>42 47</sup>. The more children in the family, the greater the likelihood the children will be physically punished<sup>47 50 52</sup>. Marital conflict or violence, relationship stress and parenting stress are associated with increased use of physical punishment<sup>18 31 34 42 46 47</sup>.

### ***When is physical punishment most likely to be used?***

*A typical situation resulting in physical punishment begins with a parent whose sense of control is threatened by a child's behaviour.* For example, when a child has difficulty with self-control, or when a child exhibits a desire for independence or a teenager tests the standards of the family and the community, a parent may perceive the behaviour as defiance. Believing that the behaviour is an intentional challenge to parental authority, the parent becomes angry. If this parent experienced physical punishment as a child, or believes that it is an appropriate means of gaining control, or feels desperate to maintain authority, physical punishment is a likely outcome.

On the other hand, a parent with knowledge of child development who has appropriate expectations for a child's behaviour is likely to interpret a drive for independence, or testing, as just that. This parent is less likely to become angry in response to the child's behaviour and is, therefore, less likely to use physical punishment. Rather, this parent will guide the child to understanding how to behave in the circumstances.

However, even a parent who understands a child's motivations and knows effective techniques for guiding behaviour will, at some time, feel frustrated and angry. This is particularly likely to happen when the parent is in a bad mood, tired, or stressed by life's demands. At such a time, a parent can respond emotionally, rather than intellectually, and strike a child. *Physical punishment is often an impulsive act, driven by emotion, rather than by reason.* In fact, the majority of parents, even many of those who think that physical punishment is acceptable, do not think that it works<sup>14</sup>. Most feel regret after striking their children<sup>4 5 6</sup>. Sometimes it is not so much punishment as retaliation.

### ***Are there risks associated with use of physical punishment?***

Many studies have been conducted on common physical punishment and its relationship to the well-being of children and youth. A landmark analysis by Gershoff<sup>53</sup> of the findings of 88 studies has demonstrated that even this form of physical punishment places their well-being at risk in a number of areas.

#### **Child injury**

*Physical punishment places children at risk of physical injury.* Most cases of child physical abuse occur during episodes of physical punishment<sup>54 55 56 57</sup>. In a 1998 national study of child maltreatment, it is estimated that more than 10,000 substantiated cases of child physical abuse in Canada took place within the context of punishment<sup>58</sup>. These constituted over two-thirds of all substantiated child physical abuse cases in that year<sup>58</sup>. Of the 10 studies of this relationship examined by Gershoff, physical punishment was found to be a risk factor for physical harm in all 10<sup>53</sup>. Although caregivers may be attempting to protect children from danger when they punish them physically, they are actually increasing the likelihood that they themselves will harm the children.

*The more strongly caregivers approve of physical punishment, the more harshly they administer it<sup>10 59 60</sup>. And the more often caregivers use even mild physical punishment, the more likely they are to inflict severe violence<sup>61</sup>.* In the Québec study<sup>12</sup>, children who experienced minor physical violence (e.g., pinching, shaking, spanking) were seven times more likely to experience severe violence (e.g., punching, kicking, hitting with an object) than those who had not been subjected to minor physical violence. Therefore, physical punishment is likely to escalate into injurious violence in the lives of many children.

#### **Parent-child relationship**

Deliberately inflicted pain can lead to fear, anxiety, insecurity and anger in a child<sup>6 18 62</sup>, eroding the parent-child relationship as he learns to avoid his parent<sup>63 64 65 66</sup>. Indeed, all of the 13 studies in Gershoff's analysis that addressed this question revealed that *physical punishment is linked to*

#### ***Four ways in which physical punishment can escalate to injury***

1. Caregiver believes that physical punishment works; when the child does not respond, the caregiver increases the intensity of the punishment.
2. Caregiver may have a disciplinary intent, but her frustration, anger or stress increases the level of force beyond what was intended.
3. Caregiver feels powerless and desperate to regain control.
4. Caregiver's motive is not only punitive, but retaliatory.

*impaired parent-child relationships*<sup>53</sup>. Even at two years of age, children who are physically punished are more likely to distance themselves from their mothers than those who are not physically punished<sup>62</sup>. Over time, parent-child communication may be impaired such that by adolescence, a youth with this earlier experience would be less likely to turn to her parents for advice.

### **Child mental health**

*Physical punishment is a risk factor for poorer child mental health* as demonstrated in all 12 studies of this relationship in Gershoff's analysis<sup>53</sup>. It is associated with depression<sup>67 68</sup>, unhappiness and anxiety<sup>46 69</sup>, and feelings of hopelessness in children and youth<sup>70</sup>.

#### ***How does physical punishment contribute to child behaviour problems?***

1. Physical punishment serves as a model, rather than an inhibitor, of aggression.
2. Physical punishment may interfere with the development of trust in the relationship with the parent, reducing the child's desire to comply.
3. If compliance is controlled by physical punishment, the child's internal motive to comply in the punisher's absence is weakened.
4. Fear of physical punishment focuses the child's attention on consequences to himself, rather than the consequences of his behaviour for others.

### **Child reasoning and problem solving**

*Children who receive physical punishment are less likely to internalize moral values* than children who are not physically punished. This relationship was found in 13 of 15 studies examined by Gershoff<sup>53</sup>. Physical punishment is associated with lower levels of resistance to temptation, lower levels of altruistic behaviour, and lower levels of empathy and moral judgment<sup>71</sup>. This could be because it relies on external controls, rather than building on internal ones. Physical punishment may focus the child's attention on the consequences of his behaviour for himself, rather than on how it affects others<sup>72</sup>. The erosion of the parent-child relationship associated with physical punishment may also decrease children's motivation to internalize their parents' values<sup>53 73</sup>.

### **Child behaviour**

Given the above findings, it is not surprising that *physical punishment has been associated consistently with increased levels of aggression in children and youth*. In her analysis of 27 studies of this relationship, Gershoff found that physical punishment was associated with increased child aggression in all 27<sup>53</sup>. Children who receive physical punishment have an increased tendency to act out<sup>74 75</sup>, attack their siblings<sup>76 77</sup>, hit their parents<sup>76 78 79</sup>, and retaliate aggressively against peers<sup>80</sup>. Another study<sup>81</sup> demonstrated that physical punishment of 13-year-old boys predisposes them to physically assaulting their girlfriends several years later.

Physical punishment has been associated with increased antisocial behaviour in children and youth (e.g., bullying, lying, lack of remorse) in 11 of 12 studies of this relationship<sup>53</sup>. While many parents believe that physical punishment will keep their children out of trouble, *delinquency and antisocial behaviour have been found to increase over the long term in children who are physically punished*<sup>20 82 83</sup>.

*Parents who use physical punishment to teach their children not to hit or bully others are actually more likely to increase their children's aggression and antisocial behaviour over the long term.*

### **Adult adjustment**

*Childhood experience of physical punishment is related to negative outcomes long into adulthood.* Since decreased levels of moral internalization and increased levels of aggression are among these outcomes, it is not surprising that physical punishment in childhood has been linked to the development of adult antisocial behaviour. Physical punishment was consistently associated with higher levels of adult aggression (4 of 4 studies), criminal and antisocial behaviour (4 of 5 studies), and abuse of one's own child or spouse (5 of 5 studies) in Gershoff's analysis<sup>53</sup>. Childhood experience of physical punishment also was found to be associated with poorer adult mental health (e.g., depression, alcoholism) in all of the eight studies in this analysis<sup>53</sup>. In a study of Ontario residents, those who reported having been slapped or spanked as children, but not physically or sexually abused, had an increased lifetime rate of anxiety disorders and alcohol use or dependence<sup>84</sup>.

### **Adult definitions of violence**

*Another long-term effect of physical punishment that is evident in adulthood is greater tolerance of violence.* For example, the strongest predictor of adult approval of a particular punishment is having experienced that punishment as a child<sup>85</sup>. The rate of approval of common (e.g., shaking, hitting with a belt) and severe (e.g., burning, tying up) physical punishments is two to three times greater among those who have experienced them than among those who have not<sup>85</sup>. Even among those who have been severely punished (e.g., punched, choked), the majority do not consider these acts to have been abusive<sup>40 86 87 88 89</sup>.

*Clearly, seriously abusive behaviour can be perceived as normal if it is part of one's early personal experience*<sup>54 90</sup>. Personal definitions of normal and abusive discipline are then carried into parenting practice, where they will influence the likelihood of the cycle of maltreatment continuing<sup>8 33 40 91</sup>. It is important to note, however, that risk is not destiny. Many adults who were physically punished as children commit themselves to never striking their own children.

### ***Does physical punishment have any benefits?***

Research findings on the association between physical punishment and immediate compliance are unclear. Of five studies that examined this relationship, three found that physical punishment can result in short-term compliance<sup>53</sup>. However, its effectiveness in increasing compliance is questionable. In one of these studies, for example, an average of eight spankings was required in a short period to achieve children's compliance<sup>92</sup>. This suggests not only that the short-term effectiveness of physical punishment is limited, but that the risk of its escalation is high. The studies summarized above that have examined the relationship of physical punishment to child reasoning and problem solving demonstrate that this practice is not associated with long-term compliance.

### ***Summary of the risks and benefits of physical punishment***

Research findings on physical punishment are remarkably consistent. *They link its use to many negative developmental outcomes in children. As well, no positive long-term developmental outcomes have been identified by the research on physical punishment.* It is a risk factor for physical injury of a child and erosion of the parent-child relationship, as well as for poorer psychological adjustment and increased levels of aggression throughout life. Furthermore, it perpetuates the use of violence by the next generation.

### ***What can parents and caregivers do instead?***

An important goal of parenting is to provide children with a repertoire of problem-solving skills and the competence and confidence to use them throughout their lives. *The choices that parents make in disciplinary situations provide powerful models to children of aggression or self-control, retaliation or problem-solving, intimidation or communication, bullying or empathy.* These choices provide children with a set of enabling or disabling responses for contending with everyday challenges in child care settings, schools, neighbourhoods and in sports.

Because physical punishment is at best ineffective in teaching socially appropriate behaviour—and potentially physically and emotionally harmful—caregivers should be strongly encouraged to develop alternative, positive approaches to discipline. In 1995, the United Nations Committee on the Rights of the Child recommended that Canada launch educational campaigns to decrease public support for physical punishment<sup>93</sup>.

In order to build their caregiving competence, parents can:

- ▶ improve their problem-solving skills
- ▶ understand the child's point of view
- ▶ learn more about normal developmental stages
- ▶ learn effective ways of communicating with children
- ▶ model and reinforce positive behaviours
- ▶ develop skills to prevent parent-child conflict
- ▶ recognize anger triggers and form strategies for managing them
- ▶ reduce personal and family stress.

A list of resources representing a wide range of child rearing philosophies and approaches is provided in Appendix A.

#### ***Methods of guiding young children's behaviour***

- ▶ *restructuring* the environment so that the child can explore safely
- ▶ *distracting* the child from dangerous objects
- ▶ *modeling* appropriate behaviour
- ▶ *explaining* and teaching
- ▶ *supervising* the child
- ▶ *reinforcing* desired behaviour
- ▶ *preparing* the child for transitions
- ▶ *planning* for challenging situations
- ▶ *establishing expectations and limits* ahead of time

#### ***Methods of guiding behaviour of older children and youth***

- ▶ *communicating* expectations clearly
- ▶ *recognizing* positive behaviour
- ▶ *respecting* the child's growing need for independence
- ▶ *modeling* negotiation and problem-solving
- ▶ *explaining* the reasons for rules and limits
- ▶ *listening* to the child's perspective
- ▶ *helping* the child to find ways to express himself
- ▶ *teaching* fairness and justice

### ***What is the legal status of physical punishment in Canada? °***

The legal status of physical punishment in Canada varies by jurisdiction and statute. Provincial and territorial legislation defines and provides for intervention in all forms of child abuse; and it variously limits the use of physical punishment in certain child-serving programs which fall under provincial and territorial jurisdiction. Federal legislation defines and establishes penalties for criminal offences for all provinces and territories.

#### **Provincial and territorial legislation**

Child welfare laws in all provinces and territories define child physical abuse similarly. Their definitions are based on actual harm or risk of harm arising from a parent's or caregiver's behaviour toward a child. Child welfare laws in British Columbia, Manitoba and Ontario specifically forbid physical punishment by foster parents. Ontario prohibits physical punishment of all children receiving services from a child protection agency or other service provider licensed or approved by the province.

Child care legislation prohibits physical punishment in provincially-licensed child care programs in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia, Prince Edward Island, Newfoundland, Northwest Territories, Yukon and Nunavut.

Education acts have abolished physical punishment from the schools of British Columbia, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland, Yukon, Northwest Territories and Nunavut. Where physical punishment is not prohibited by provincial education acts, many school boards expressly forbid it by policy in their schools.

The Québec Civil Code no longer defines a "right of correction". Although reference to it was removed from the Civil Code in 1994, there is some uncertainty as to whether this reform means that the right of correction itself was abolished<sup>94</sup>. However, a number of rulings have stated that the right of correction is no longer recognized in Quebec's civil law—"The right of discipline granted to parents over their children no longer explicitly admits this right of physical correction, even when moderate and reasonable"<sup>95</sup> cited in<sup>94</sup>.

Policy in many other child-serving organizations prohibits physical punishment, even where it is not prohibited by law (Appendix B).

#### **Federal legislation**

The use of physical force against another person is an assault under the Criminal Code of Canada. All citizens are technically protected from assault under Canadian law. However, section 43 of the Criminal Code protects "persons in authority" (parents, teachers, persons standing in the place

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° The information in this section was accurate at publication but is subject to change.

of parents) from criminal prosecution if their use of physical force against a child is deemed “reasonable” and “by way of correction”. Section 43 applies across Canada <sup>d</sup>.

In December 1999, section 43 was challenged in the Ontario Superior Court on constitutional grounds related to three sections of the Canadian Charter of Rights and Freedoms <sup>see 96 97 98 99</sup>. The Court recognized the “growing body of evidence that even mild forms of corporal punishment do no good and may cause harm” (page 28). The Court’s decision noted that experts from both sides agreed that: (1) “hitting a child under two is wrong and harmful ... has no value and can destroy a child’s sense of security and self-esteem,” (2) physical punishment of teenagers “is not helpful and potentially harmful,” (3) “corporal punishment using objects such as belts, rulers, etc. is potentially harmful both physically and emotionally and should not be tolerated,” (4) “physical punishment should never involve a slap or blow to the head,” (5) “corporal punishment which causes injury is child abuse” <sup>100</sup> (page 5). It was noted in the decision that not a single expert witness advocated or recommended physical punishment as a form of discipline.

Despite these findings, the Court ruled in July 2000 that section 43 is constitutional. This decision was upheld on appeal to the Ontario Court of Appeal in January 2002. The Supreme Court of Canada has granted leave to appeal this decision. At every court challenge of section 43, the Government of Canada has argued that this section is constitutional and should remain in the Criminal Code.

### **Legal confusion**

*The contradictions between criminal law definitions of assault and provincial and territorial law definitions of child abuse are the source of considerable confusion and conflict among the public and professionals in Canada.* For example, a provincial or territorial child welfare authority may investigate a report of parental physical abuse of a child, conclude that she is at risk in her family, and apprehend her. When this happens, police may lay a charge of assault. However, section 43 provides parents with a legal defence against such a charge. This has led to situations which seem to defy logic, in which the definition of “a child in need of protection” in provincial and territorial law leads to the child’s apprehension, but the protection afforded to parents under section 43 of the Criminal Code leads to their being acquitted of assault.

Other laws further contribute to the permission versus prohibition confusion surrounding physical punishment. To extend the example above, when the apprehended child is placed in foster care in some provinces and territories, her foster parents would by law, or by policy of the responsible child welfare agency, be forbidden from using physical punishment on her even though section 43 would still provide a defence for them if they did use it. If the foster parents use physical punishment on their biological children but spare her, all of the children receive mixed, confusing and stigmatizing messages. All involved in this situation—the child, the foster parents’ biological

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<sup>d</sup> Other defences are provided in the Criminal Code for those who must, in the circumstances, use force to protect a person or property, such as in the case of self-defence or necessary care. Section 43 applies only to force used for the purpose of “correction” of a child.

children, the foster parents themselves and the child welfare professionals involved—are challenged in these perplexing situations to try to make sense of the permission versus prohibition confusion. If the child were subsequently adopted, her adoptive parents, like other parents, would not be forbidden by provincial or territorial statute or by child welfare agency policy from using physical punishment on her. Section 43 would, as always, provide her adoptive parents with a defence if they were to assault her. This inconsistency sends a very confusing message to parents and caregivers—and children and youth—regarding young people’s rights to security and legal protection from physical assault.

### ***Physical punishment and human rights***

The United Nations Convention on the Rights of the Child was ratified by Canada in 1991. Article 3 of the Convention states that:

... in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Under the terms of the convention, the best interests of the child clearly include protection against assault <sup>96</sup>. By ratifying the convention, Canada undertook to put into place “all appropriate legislative, administrative, social and education measures to protect the child from all forms of physical or mental violence” (Article 19). Such measures include provision of violence prevention, support and treatment programs. Article 28 obligates Canada to “ensure that school discipline is administered in a manner consistent with the child’s human dignity”.

The international Committee on the Rights of the Child, the treaty body that monitors nations’ implementation of the convention’s principles “has stressed that corporal punishment of children is incompatible with the Convention” <sup>101</sup>. It has recommended that ratifying nations review all relevant legislation to ensure that all forms of violence against children, however mild, are prohibited. With regard to Canada specifically, the committee has recommended “that the physical punishment of children in families be prohibited” and that “education campaigns be launched with a view to changing attitudes in society on the use of physical punishment in the family” <sup>93</sup>.

The Supreme Court of Quebec has ruled that the Québec Charter of Human Rights and Freedoms grants protection against “interferences with the fundamental attributes of a human being which violate the respect to which every person is entitled simply because he or she is a human being” <sup>95</sup> cited in <sup>94</sup>. Furthermore, a report of the Québec Commission on the Rights of People and the Rights of Youth <sup>94</sup> states that “corporal punishment violates the child’s dignity, partly due to the humiliation he or she is likely to feel, but mainly due to the lack of respect inherent in the act” (page 8).

In his submission to the United Nations General Assembly, the Special Rapporteur of the Commission on Human Rights noted that physical punishment is inconsistent with the Universal Declaration of Human Rights and called upon states “to take adequate measures, in particular legal and educational ones, to ensure that the right to physical and mental integrity of children is well protected in the public and in the private spheres”<sup>102</sup>.

### ***How have other countries addressed the issue?***

Increasingly, countries are taking proactive measures to ensure children’s rights to protection. Over recent decades, a number of nations have removed the defence of “lawful chastisement” or “reasonable force” from their criminal laws to give children the same protection from assault as adults. For example, Sweden repealed its defence in 1957, Finland in 1969, Norway in 1972, and Austria in 1977. Some nations have never had such a defence in their laws<sup>103</sup>.

A growing number of countries are taking further steps to clarify their positions and their laws on physical punishment. Since 1979, *11 nations have explicitly abolished all forms of physical punishment* by parents and all other caregivers (Appendix C). The purposes of these laws have been: (1) to recognize in law children’s rights to dignity and physical integrity; (2) to set a clear standard of behaviour for caregivers and thereby to shift attitudes; (3) to establish a framework for parent education and support; and (4) to facilitate earlier and less intrusive intervention when child protection is required.

The effect of Sweden’s efforts is particularly informative. Following its 1957 repeal of the criminal defence to assault of a child, Sweden in 1979 became the first nation to explicitly ban physical punishment. This ban was accompanied by a national education campaign. Today, there is little public support for physical punishment. Sweden’s unequivocal declaration against physical punishment has led neither to an increase in long-term out-of-home care for children nor to a higher rate of prosecution of child physical assault cases<sup>104</sup>. Over recent decades, serious assaults against children have become uncommon, and fatal child abuse has become extremely rare<sup>104 105</sup>. Children and youth are being socialized at least as well today as they were before the physical punishment ban was passed<sup>106</sup>.

*At least 90 nations on all continents have legally abolished physical punishment from their school systems.* They have recognized it is an ineffective way to educate children and that it can cause physical and emotional harm (Appendix D).

Numerous professional organizations around the world have declared their opposition to physical punishment (Appendix B). Many work actively to assist parents and other caregivers to learn about child development and build repertoires of effective discipline strategies. Many also advocate for legislative reform.

## ***Recommendations***

1. Public awareness strategies must be developed to inform all Canadians about the risks associated with physical punishment.
  - 1.1 *A clear message* should be given consistently by governments at the national, provincial and territorial and local levels to all parents and caregivers, that hurting children and youth is not an acceptable method of managing their behaviour.
  - 1.2 *Universally available parenting education* programs should be offered to all parents and caregivers to provide guidance with regard to dealing effectively with children's and youths' behaviour, the normal stages of child development, parent-child conflict, and other key issues. National, provincial and territorial governments share responsibility for leadership—the shaping of policy and provision of resources—to assure that universal parenting education is provided across Canada.
  - 1.3 *Targeted prevention strategies* should be implemented for parents and parents-to-be in pre-natal classes, foster and adoptive parent preparation programs, and orientation programs for new Canadians. Information about physical punishment and effective discipline should be part of the curricula of babysitting courses, child and youth worker training programs, early childhood care and education studies, teacher training, and elementary and high school family studies and civics classes.
2. Provincial and territorial ministries which deliver education, health and social services are mandated and positioned to raise awareness and provide specific education about the physical punishment of children and effective approaches to discipline. Opportunities for this are present in a host of programs and services already in place, such as: elementary, high school and adult/continuing education; health services (hospitals, public/community health, health-related disciplines); and parent/family support programs, child welfare and social assistance.
3. Organizations that serve children and families or provide relevant professional education have policy and service responsibilities regarding physical punishment of children and youth.
  - 3.1 Child- and family-serving organizations should develop and proclaim clear positions regarding physical punishment.
  - 3.2 Professionals should help parents and caregivers understand the risks of physical punishment and assist them in replacing its use with effective disciplinary strategies.
  - 3.3 Professional training should include information about children's physical, psychological and social development, risk factors for and of physical punishment, and effective methods of guiding and socializing children.

4. Child welfare eligibility and investigative protocols must be reviewed and sufficiently resourced to ensure that they facilitate early supportive/preventive intervention and services.
  - 4.1 Intervention should be proactive and educational and begin earlier in the violence escalation cycle.
  - 4.2 An aim of early intervention should be to build parenting competence to reduce the need for removal of children from their families and for criminal prosecution of parents.
5. The physical punishment of children can no longer be justified by the Criminal Code of Canada.
  - 5.1 Children in Canada must be given the same protection from physical assault as that given to Canadian adults and to children in a growing number of countries. Our children's rights to physical integrity and dignity must be recognized in our law.
  - 5.2 Canadian laws must be consistent in communicating a clear standard of caregiving, and consistent with Canada's 1991 ratification of the United Nations Convention on the Rights of the Child.
  - 5.3 The law should not contradict the growing and persuasive body of research evidence that physical punishment has no benefit and poses only risk to children and youth. The effectiveness of public education messages to this effect will be limited as long as they are undermined by the Criminal Code.
6. Reliable baseline and ongoing data should be collected at the national level on Canadians' attitudes toward and use of physical punishment, so that the impact of public awareness and education strategies can be assessed. This too should be a shared responsibility of the national, provincial and territorial governments.

### ***Conclusion***

Physical punishment has been consistently demonstrated to be an ineffective and potentially harmful method of managing children's behaviour. It places them at risk of physical injury and interferes with parents' and caregivers' goals of healthy psychological adjustment, socialization, moral internalization, non-violence, and positive adult-child relationships. Its use is a violation of children's rights to physical integrity and dignity.

In order to reduce the prevalence of physical punishment of children and youth, three broad national initiatives must be undertaken. First, public awareness campaigns must deliver a clear message consistently and persistently that hurting children as punishment is unacceptable and places them at risk of physical and psychological harm. Second, public education strategies must be launched to increase Canadians' knowledge of child development and effective parenting, and

existing programs supported. Third, the Criminal Code of Canada must provide the same protection to children from physical assault as it gives to adults; and the Government of Canada must meet its obligations under the United Nations Convention on the Rights of the Child.