



## Newsletter 36 February 2017



Global Initiative to  
**End All Corporal Punishment  
of Children**

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Welcome to the quarterly e-newsletter from the Global Initiative to End All Corporal Punishment of Children. We hope you find this update useful; please share it with your networks and if you have any comments, contributions or feedback, email us at [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

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### *In memory of Dr Karen Polonko*

*The Global Initiative was deeply saddened at the passing of the great Dr Karen Polonko, who dedicated her life to improving the lives of children everywhere, including advocating to end all corporal punishment of children. Read more about Karen's work and achievements in her [obituary](#).*

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## Global news and developments

### Two more states prohibit all corporal punishment!

On 25 October 2016, the Slovenian National Assembly passed Law No. 542-08/16-9/2.6 Amending and Supplementing the Law on Prevention of Family Violence (ZPND-A) which prohibits violence in the family, including corporal punishment. Article 4 explicitly prohibits corporal punishment of children, which it defines as (unofficial translation): “any physical, cruel or degrading punishment of

children or any other act with the intention to punish children, containing elements of physical, psychological or sexual violence or neglect as an educational method.”

On 14 February 2017, the Lithuanian Parliament – the Seimas – unanimously passed amendments to the Law on the Fundamentals of Protection of the Rights of the Child 1996, prohibiting all corporal punishment of children; the amended article 10.2 now states (unofficial translation): “Children have the right to be protected from of all forms of violence, including corporal punishment, by their parents, other legal representatives, persons living with them or other persons.” Corporal punishment is defined as “any punishment in which physical force is used to cause physical pain, even on a small scale, or otherwise to physically torture a child.”

These reforms bring to 52 the number of states worldwide that have fully prohibited all corporal punishment of children; 31 Council of Europe member states and 22 European Union states have now achieved this fundamental reform for children. Read more about the reforms in [Slovenia](#) and [Lithuania](#).

### **New General Comment on child rights during adolescence**

In its [General Comment No. 20 on the implementation of the rights of the child during adolescence](#), published in December 2016, the Committee on the Rights of the Child refers States parties to recommendations made in general comments No. 13 (2011) on the right of the child to freedom from all forms of violence and No. 18 (2014) on harmful practices for “comprehensive legislative, administrative, social and educational measures to bring an end to all forms of violence, including a legal prohibition on corporal punishment in all settings...” (paragraph 49).

### **African newsletter out now!**

The latest edition of the African e-newsletter from the Global Initiative was published in February 2017, reporting on regional developments and national action to end corporal punishment, and including news from the UN and regional human rights systems. Read the newsletter in [English](#) and [French](#) and sign up to [receive future editions](#).

### **Steps towards prohibition**

**Ecuador:** A bill is under discussion in Parliament which would prohibit all corporal punishment. In January 2017, the bill was at Committee stage – the Committee

must prepare a report ahead of the second (and last) reading.

**Malaysia:** Amendments to the Child Act in 2016 removed the provisions allowing whipping of children, but they did not amend the Criminal Procedure Code which still allows it.

**Pakistan:** Corporal punishment was prohibited in all settings including the home in **Gilgit-Baltistan** with the passing of the Prohibition of Corporal Punishment against Children Act in August 2016. On 30 January 2017, the regional assembly of **Sindh** passed the Prohibition of Corporal Punishment Act, applicable in work places, all educational institutions (including madressas) and childcare institutions (including foster care and rehabilitation centres). On 20 February 2017, the Pakistani Senate also passed the Prohibition of Corporal Punishment Act, which prohibits in alternative care, some day care, schools, and the juvenile justice system in **Islamabad Capital Territory**.

**USA:** Bills have been introduced in **Colorado** and **Texas** aiming to ban corporal punishment in schools. In **Kentucky**, a Bill has been introduced aiming to prohibit corporal punishment in district schools and church-operated child care. In **Montana**, a Bill has been introduced to explicitly prohibit corporal punishment in foster homes.

### Other positive news

**Kazakhstan:** In November 2016, the Parliament of Kazakhstan and UNICEF held a two-day international conference "[Child-friendly Kazakhstan](#)" focused on implementing recommendations of the Committee on the Rights of the Child. The outcome agreement on next steps to address the recommendations includes law reform to prohibit all corporal punishment – a Bill is expected to be drafted and introduced into Parliament this year.

**Togo:** [Plan International Togo](#) and the [Togolese National Coalition on Education For All](#) (CNT/EPT) are working towards the adoption of a national strategy to implement legal prohibition of corporal punishment in Togo, achieved in 2007. In January 2017, the Global Initiative participated in a workshop held by both organisations in Lomé, where the strategy was discussed and developed, including through the sharing of good practices and defining of key messages to be used in the upcoming national campaign.

**But...**

**France:** On 26 January 2017, the Constitutional Council [annulled](#) several provisions of the Equality and Citizenship Law passed in December 2016, including article 222 prohibiting the use of “corporal violence” against children, on the basis that it has no direct or indirect link with the original text of the Bill. The impact the provision might have had [remains unclear](#).

**Russia:** A Bill decriminalising domestic violence was passed by the Senate on 1 February 2017 and promulgated by the President on 7 February 2017. Lawmaker Yelena Mizulina who introduced the bill says Russian parents should have the right to hit their children. [Read more](#).

**USA:** In Nebraska, a bill is being examined that aims to repeal the prohibition of school corporal punishment and allow the use of physical force if students are violent.

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## Advocacy resources

### New resources from the Global Initiative

#### [\*Ending legalised violence against children: Global progress to December 2016:\*](#)

The Global Initiative is delighted to present our annual global report tracking progress towards universal prohibition of corporal punishment to December 2016. Marking the 10th anniversary of the UN World Report on Violence against Children, this report celebrates the significant progress made in the last decade – particularly the major achievements of 2016, a big year in the journey to end all corporal punishment – and highlights the shortcomings. Designed to encourage and support advocacy, it sets out what still needs to be done to end all corporal punishment of children, and how to do it.

#### [\*Ending corporal punishment of children – a handbook for multi-religious\*](#)

[\*gatherings\*](#): Written in consultation with religious leaders and faith-based communities, this handbook by the Global Initiative, the Churches' Network for Non-violence (CNNV) and Save the Children recognises the many opportunities faith-based communities have to promote prohibition and elimination of corporal punishment, including through religious and spiritual observances. It can be used

as a stand-alone resource, but is designed to accompany [\*Ending corporal punishment of children – a handbook for working with religious communities\*](#) (2015). It also contains a guide to reflection and discussion, marking the 10th anniversary of *A Multi-religious Commitment to End Violence against Children – Kyoto Declaration* (also available as a separate booklet).

[\*Ending corporal punishment of children – a handbook for working with religious communities\*](#): This handbook, published by the Global Initiative, the Churches' Network for Non-violence (CNNV) and Save the Children Sweden in 2015, is now available in [Spanish](#). Recognising the crucial role that religious communities play, the handbook seeks to broaden their involvement as active partners, providing links to tools and resources for engaging with and enlisting the support of religious communities and faith-based institutions in working towards the prohibition and elimination of corporal punishment of children.

#### **Other resources to support advocacy**

[\*10 Years On – Global progress & delay in ending violence against children\*](#): This report from the International NGO Council on Violence Against Children – formed in 2007 to follow up on the recommendations of the [UN Study on Violence Against Children](#) – tracks a decade of change since publication of the study in 2006. The report notes the number of countries that have legally prohibited all forms of corporal punishment of children has tripled in the last ten years, but progress has been faster in some settings than others: more than 80% of the world has abandoned physical punishment as a sentence for children, but the overwhelming majority allow parents to legally hit children in the home.

[\*10 years on – The World Report on Violence against Children: Past, present and future\*](#): A brief report of this event held alongside the Human Rights Council in Geneva in September 2016, marking the 10th anniversary of the [UN Study on Violence Against Children](#), is now available. The report includes a message from Professor Paulo Pinheiro, the independent expert who led the study, who welcomed progress made but expressed concern at the number of children that are still physically – and lawfully – assaulted in their homes, schools and other settings. He called on all states to work collaboratively towards SDG target 16.2 to end all violence against children.

[\*School violence and bullying: Global status report\*](#): This report prepared by UNESCO ahead of an international symposium in Seoul in January 2017 highlights the need for supportive legal environments, including laws that prohibit corporal

punishment in schools, and presents observational research which suggests laws can reduce the use of violent punishment against children and change attitudes around its use. The report also identifies a lack of legislation and policy or poor enforcement of existing legislation and policy to protect children and adolescents from violence as a key challenge.

[\*Protecting children from violence: next steps for effective strategies\*](#): The report of this Wilton Park Conference, held in association with the Council of Europe in November 2016, is out now. The report highlights the need for legislation prohibiting all corporal punishment to be accompanied by public education and targeted campaigns in order to change attitudes, and stresses that policy-makers should not wait for public opinion to shift before acting – especially when corporal punishment is not considered a priority in comparison with other forms of violence against children. It also proposes action to disseminate identified good practices to the appropriate levels in countries where progress is still limited on this issue.

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## News from the UN and regional human rights systems

*Note: All of these and previous recommendations by treaty bodies are available in full in the relevant [country reports](#) and on the [treaty body pages](#) on our website.*

### Committee on the Rights of the Child

The Committee on the Rights of the Child held its 73rd session in September 2016; it recommended prohibition in all settings and the promotion of positive discipline to **Saudi Arabia**, **Sierra Leone** and **Suriname**. It welcomed the prohibition of corporal punishment in schools and penal institutions in **Nauru** but expressed concern that its use was still widespread in society and recommended explicit prohibition in all settings along with implementing measures. To **South Africa**, the Committee welcomed prohibition of corporal punishment in alternative care settings and penal institutions; it expressed concern at the legality and widespread practice of violent punishment in homes and recommended law reform to explicitly prohibit in the home, and implementation measures to eradicate its practice in all settings.

At the Committee's 74th session in January/February 2017, all eight states

examined received recommendations on corporal punishment. Recommendations to prohibit in all settings were made to **DR Congo, Georgia, Malawi and St Vincent and the Grenadines** (particularly as a sentence for a crime in St Vincent and the Grenadines). The Committee expressed concern at the legality of corporal punishment in homes, schools and penal institutions in **Barbados** and recommended that it be prohibited in all settings without exception. To **Central African Republic**, the Committee twice recommended that prohibition of corporal punishment in all settings be included in the draft law on the protection of the child. **Serbia** declared that amendments to the Family Law would prohibit corporal punishment in all settings by June 2017; the Committee welcomed this information and recommended the enactment of prohibiting legislation and enforcement of the future ban. **Estonia** achieved prohibition in 2014; the Committee recommended monitoring implementation of the ban and promotion of positive discipline.

### **Human Rights Committee**

At its 117th session in June/July 2016, the Human Rights Committee recommended prohibition in the home, schools, childcare and detention centres in **Argentina** (despite it having achieved prohibition in 2014). To **Ghana**, the Committee noted the widespread acceptance and practice of corporal punishment of children, particularly in the family and in schools, and recommended an end to corporal punishment in all settings.

At its 118th session in October/November 2016, the Committee expressed concern that corporal punishment was not explicitly prohibited by law in **Slovakia** and recommended that the state “take measures to put an end to corporal punishment in all settings”. It also recommended that **Jamaica** prohibit corporal punishment in schools and in homes.

### **Committee Against Torture**

At its 57th session in April/May 2016, the Committee Against Torture recommended that the **Philippines** adopt the Anti-Corporal Punishment Bill (No. 2182) to prohibit the corporal punishment of children in all settings, including in the home. It also recommended the abolition of all forms of corporal punishment in **Saudi Arabia**.

At its 58th session in July/August 2016, the Committee welcomed full prohibition achieved in **Mongolia** and recommended that it ensured full implementation and enforcement of the ban.

At its 59th session in November/December 2016, the Committee expressed concern at reports of frequent use of corporal punishment in homes and schools in **Cabo Verde** and recommended elimination of the practice through awareness-raising and public education measures. The Committee also welcomed the adoption of the Child Care and Protection Act in **Namibia** which it wrongly believed prohibited corporal punishment in the home.

### **Committee on the Rights of Persons with Disabilities**

During its 16th session in August/September 2016, the Committee expressed concern at the legality of corporal punishment of children with disabilities and recommended its prohibition in all settings to **Ethiopia, Guatemala** and the **United Arab Emirates**. The Committee recommended that **Colombia** repeal the legal provision authorising the “moderate correction” of children and that it prohibit corporal punishment in all settings, including within indigenous and remote communities.

### **Committee on the Elimination of Discrimination Against Women**

The 65th session of the Committee took place in October/November 2016; the Committee recommended to **Burundi** that corporal punishment be abolished in practice in schools.

### **Committee on Economic, Social and Cultural Rights**

At its 59th session in September/October 2016, the Committee recommended that **Lebanon** prohibit corporal punishment in all settings, particularly at home and in schools, and raise awareness of the harmful effects of corporal punishment.

### **African Committee of Experts on the Rights and Welfare of the Child**

The Committee recently released the concluding observation of its 26th ordinary session in November 2015. Examining the initial reports of **Lesotho** and **Gabon**, the Committee recommended that the state parties ban corporal punishment of children in all settings. The Committee further recommended that Lesotho sensitise its population on positive discipline.

### **Universal Periodic Review outcomes**



The obligation to prohibit and eliminate corporal punishment of children continues to be raised with states in the Universal Periodic Review of their overall human rights records. The Global Initiative submits briefings on every state being reviewed, sharing advance draft briefings with relevant organisations to encourage submissions at national level. We also conduct a follow up programme, pursuing the issue with states that accept recommendations to prohibit corporal punishment by writing to key NGOs, NHRIs and Government ministers, and undertake ongoing analysis of coverage of the issue in all aspects of the UPR process (for further information email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

Eleven states were reviewed at the 26th session of the UPR in October/November 2016. Five of the states examined already prohibit all corporal punishment of children: **Iceland**, the **Republic of Moldova**, **South Sudan**, **Togo** and **Venezuela**. Four states – **Lithuania**, **Timor-Leste**, **Venezuela** and **Zimbabwe** – received recommendations to prohibit corporal punishment, and must formally respond to the recommendations at the 34th session of the Human Rights Council in February/March 2017. Lithuania has since enacted full prohibition (see above). Three non-prohibiting states received more general recommendations on children’s rights: **Haiti** accepted recommendations to adopt a Child Protection Code but did not respond to a recommendation to address violence against children; the **Syrian Arab Republic** is yet to respond to several recommendations on the protection of children’s rights; and **Uganda** accepted several recommendations on children’s rights, including to “enact legislation prohibiting violence against children in all settings”.

### **Submitting information to the UN human rights system**

The Global Initiative regularly briefs human rights treaty monitoring bodies prior to examination of state parties, and encourages national NGOs and human rights institutions to do likewise. We are particularly trying to identify “key” NGOs and human rights institutions in each state with whom we can work more closely in briefing the treaty bodies: if you/your organisation is interested please contact [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

*The following section lists states coming up for examination by the treaty bodies and the UPR where there is still time to submit information. For details of deadlines for submitting briefings see the [individual country reports](#).*

### **Committee on the Rights of the Child**

(1) Session 75 (May 2017). The Committee will examine Antigua and Barbuda,

Bhutan, Cameroon, Lebanon, Qatar, Mongolia and Romania

(2) Session 76 (Sep 2017). The Committee will examine DPR Korea, Ecuador, Tajikistan, Vanuatu, Denmark and the Republic of Moldova

(3) Session 78 Pre-Sessional Working Group (Oct 2017). The Committee will adopt Lists of Issues for Lesotho, Montenegro, Niger and Norway

### **Committee Against Torture**

(1) Session 60 (Apr/May 2017). The Committee will examine Afghanistan, Bahrain, Lebanon, Pakistan, the Republic of Korea and Argentina

(2) Session 61 (Jul/Aug 2017). The Committee will examine Antigua and Barbuda, Ireland, Panama and Paraguay

(3) Session 62 (Nov/Dec 2017). The Committee will examine Bosnia and Herzegovina, Cameroon, Italy, Mauritius, Rwanda, Timor-Leste, Bulgaria and the Republic of Moldova. It will adopt the List of Issues for Tajikistan and Lists of Issues Prior to Reporting for Malawi, Serbia, Slovakia, Switzerland, Austria and Spain

### **Committee on the Elimination of Discrimination against Women**

(1) Session 67 (Jul 2017). The Committee will examine Barbados, Italy, Montenegro, Niger, Nigeria, Thailand, Costa Rica and Romania

(2) Session 69 Pre-Sessional Working Group (Jul 2017). The Committee will adopt Lists of Issues for Fiji, Malaysia, Marshall Islands, Republic of Korea, Saudi Arabia, Suriname, Luxembourg and New Zealand, and the List of Issues Prior to Reporting for Mauritius

### **Committee on Economic, Social and Cultural Rights**

(1) Session 61 (May/Jun 2017). The Committee will examine Australia, Pakistan, Sri Lanka, Liechtenstein, Netherlands and Uruguay

(3) Session 62 (Sep/Oct 2017). The Committee will examine Colombia, Mexico, Republic of Korea, Russian Federation and Republic of Moldova

### **Committee on the Rights of Persons with Disabilities**

(1) Session 18 (Aug 2017). The Committee will examine Haiti, Montenegro, Morocco, Panama, UK, Latvia and Luxembourg; it will adopt the List of Issues for

Slovenia and Lists of Issues Prior to Reporting for Argentina, Australia, Ecuador and Tunisia

(2) Session 8 Pre-Sessional Working Group (Sep 2017). The PSWG will adopt Lists of Issues for Bulgaria, Nepal, Oman, Russian Federation, Seychelles and Sudan

### **Human Rights Committee**

(1) Session 120 (Jul 2017). The Committee will examine Honduras, Liechtenstein, Madagascar, Mongolia, Pakistan, Switzerland and Swaziland (non-reporting state); the Country Report Task Forces will adopt Lists of Issues for Liberia and Lebanon and Lists of Issues Prior to Reporting for Chad, Czech Republic and Peru

(2) Session 121 (Oct/Nov 2017). The Committee will examine Australia, Cameroon, DR Congo, Dominican Republic, Jordan, Mauritius and Romania; the Country Report Task Forces will adopt Lists of Issues for Papua New Guinea and Samoa (non-reporting states) and the List of Issues Prior to Reporting for Japan

### **Universal Periodic Review**

(1) Session 28 (Oct/Nov 2017) – Argentina, Benin, Czech Republic, Gabon, Ghana, Guatemala, Japan, Pakistan, Peru, Republic of Korea, Switzerland, Sri Lanka, Ukraine, Zambia

(2) Session 29 (Jan/Feb 2018) – France, Tonga, Mali, Botswana, Bahamas, Burundi, Barbados, Montenegro, UAE, Serbia, Romania, Luxembourg, Israel and Liechtenstein.

(3) Session 30 (Apr/May 2018) – Germany, Burkina Faso, Colombia, Uzbekistan, Tuvalu, Djibouti, Canada, Bangladesh, Russian Federation, Azerbaijan, Cameroon, Cuba, Turkmenistan and Cabo Verde

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*"Despite prohibition in over a quarter of all UN member states, only 10% of the world's children live in countries where they have full legal protection from all forms of corporal punishment. We know that prohibition of corporal punishment in law provides the essential foundation for eliminating it in practice. We must reform the law if we are to have any hope of ending corporal punishment – and we must do it*

now."

Professor Paulo Sérgio Pinheiro, Independent Expert who led the UN Secretary General's Study on Violence against Children and Chair of the UN Independent International Commission of Inquiry on the Syrian Arab Republic, writing in *Ending legalised violence against children: Global progress to December 2016*

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