



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

Ending violent punishment of children as an essential element of protecting their right to physical integrity

Submission to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of the Child Joint General Comment on the Human Rights of Children in the Context of International Migration

The Global Initiative to End All Corporal Punishment of Children welcomes the joint initiative of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and the Committee on the Rights of the Child (CRC) to produce a Joint General Comment on the human rights of children in the context of international migration. As is set out in the concept note, the Joint General Comment will address children's right to physical integrity, as well as their rights to health and education, in this context. In this submission, the Global Initiative calls for the obligation on states to prohibit and eliminate all corporal punishment of children to be clearly highlighted in the Joint General Comment, consistent with existing jurisprudence of the CRC on violence against children and in line with target 16.2 of the Sustainable Development Agenda 2030 to end all forms of violence against children.

International human rights law is clear on states' obligation to prohibit all corporal punishment, including in the home. The Committee on the Rights of the Child consolidated and confirmed these obligations in its General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.¹ General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence² also identifies corporal punishment as unacceptable, however light, and the Committee systematically recommends prohibition in its concluding observations to states.³ The monitoring bodies of other international treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights have also recommended prohibition of corporal

¹ Committee on the Rights of the Child (2006), *General Comment No. 8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)* (CRC/C/GC/8)

² Committee on the Rights of the Child (2011), *General Comment No. 13: The right of the child to freedom from all forms of violence* (CRC/C/GC/13)

³ For details see <http://endcorporalpunishment.org/prohibiting-corporal-punishment/hrlaw/crc/> (accessed: 22 February 2016)

punishment, and the issue is regularly raised in the Universal Periodic Review of states' overall human rights records.

Governments are increasingly enacting laws to prohibit corporal punishment, but this form of violence against children remains lawful in some or all settings of children's lives in the majority of states worldwide. As at February 2016, corporal punishment remains lawful in some or all schools in 71 countries and in the home in 150 countries around the world.⁴

Corporal punishment is the most common form of violence experienced by children. According to UNICEF statistics from 62 countries published in 2014, about 80% of children aged 2-14 were subjected to "violent discipline" (physical punishment and/or psychological aggression) in the home in the past month, and 17% experienced severe physical punishment (being hit on the head, ears or face or being hit hard and repeatedly).⁵ In the context of international migration, children experience double vulnerability to violence – as children and as children affected by migration in some way. In a 2013 study of school dropout by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the use of corporal punishment by teachers was cited as a major factor in dropping out of school by over 21% of boys and over 7% of girls in Jordan. In Lebanon, the use of corporal punishment by teachers was a secondary factor for over 30% of refugee students; it was a major factor for almost 8%, more often for boys (11%) than girls (5%).⁶ In 2012, UNRWA identified corporal punishment in its schools as its second largest integrity concern for that year, with 72 allegations of corporal punishment across its schools.⁷ Acknowledging corporal punishment as a significant issue in migration contexts, the Agency has a strict zero tolerance policy on corporal punishment.

The Sustainable Development Agenda 2030, including target 16.2 to end all forms of violence against children, is rooted in a pledge to leave no one behind.⁸ With this in mind, the Global Initiative to End All Corporal Punishment of Children recommends that the CMW-CRC Joint General Comment on the Human Rights of Children in the Context of International Migration **highlight the vulnerability of children in this context to corporal punishment and, consistent with existing jurisprudence of the CRC, call for its explicit prohibition in all settings, including temporary settings like refugee camps.**

Submission prepared by the Global Initiative to End All Corporal Punishment of Children
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⁴ Detailed and up to date global and regional tables of the legality of corporal punishment and individual reports for every state worldwide, are available on the Global Initiative website: www.endcorporalpunishment.org. Tailored information is available on request; email sharon@endcorporalpunishment.org.

⁵ UNICEF (2014), *Hidden in Plain Sight: A statistical analysis of violence against children*, NY: UNICEF

⁶ United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (2013), *UNRWA School Dropout: An Agency Wide Study*, available at http://www.unrwa.org/sites/default/files/unrwa_school_dropout_report_september_2013.pdf (accessed: 25 February 2016)

⁷ United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (2013), *Annual Report 2012*, available at http://www.unrwa.org/sites/default/files/dios_annual_report_201233.pdf (accessed: 25 February 2016)

⁸ *Transforming our world: the 2030 Agenda for Sustainable Development. Resolution adopted by the General Assembly on 25 September 2015 (A/RES/70/1)*, available at http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E (accessed: 25 February 2016)