

Submission to the Secretary-General's report to the General Assembly on the rights of the child (the right to education)

Corporal punishment as a barrier to realising children's right to education

Global Initiative to End All Corporal Punishment of Children (March 2015)

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

The legality of corporal punishment violates children's right to respect for their human dignity and physical integrity, and yet corporal punishment remains lawful in schools in 74 states worldwide (for details see Annex). Children have a right to education in line with international human rights standards; a school in which they are subjected to violent punishment can never provide this.

There is a wide consensus among human rights bodies that the corporal punishment of children in schools and all other settings should be expressly and comprehensively prohibited in law. The Committee on the Rights of the Child has consistently made this clear: General Comment No. 1 (2001) on the aims of education states that corporal punishment in school is incompatible with an education which respects the inherent dignity of the child; General Comment No. 8 (2006) on the right of the child to protection from corporal punishment consolidates and confirms the obligation to prohibit and eliminate corporal punishment in all settings of children's lives, including homes and schools; and the Committee systematically recommends prohibition of all corporal punishment during its examination of states' implementation of the Convention.

The Committee on Economic, Social and Cultural Rights in General Comment No. 13 (1999) also finds corporal punishment to be inconsistent with the dignity of the individual and says states are required to take measures to ensure that discipline which is inconsistent with the Covenant does not occur in any public or private educational institution. Many states have also received recommendations to prohibit corporal punishment of children from the Committee on Economic, Social and Cultural Rights, as well as the Committee on the Rights of Persons with Disabilities, the Committee against Torture, the Human Rights Committee, and during the Universal Periodic Review of their human rights records.

The General Assembly, in "Resolution 63/241 Rights of the child" (13 March 2009) condemns all forms of violence against children and urges states to fully respect the rights, human dignity and physical integrity of children and to prohibit and eliminate any emotional or physical violence or any other humiliating or degrading treatment. In particular, it urges states to protect children from all forms of violence or abuse by all those who work with and for children, including in educational settings, and to take measures to promote constructive and positive forms of discipline and child development approaches in all settings, including the home, schools and other educational settings. Subsequent General Assembly resolutions have reiterated the recommendation to prohibit and eliminate all forms of violence against children in all settings.

The high prevalence of corporal punishment in schools in all regions is indicative of the scale of this barrier to education. A 2009 report by UNICEF found that 91% of children in school in Bangladesh experience corporal punishment.¹ In Belgium, a study carried out in 2010-2011 found that 42% of 10-18 year olds had been violently punished at school.² In northern Uganda in 2012, corporal punishment in the home and at school was identified as one of children's major safety concerns; 79% of children surveyed said they felt unsafe or scared due to beatings at school.³

The legality of any level of corporal punishment of children in any setting of their lives is incompatible with respect for their right to education. ***We hope that the Secretary-General's report to the General Assembly on the rights of the child will recommend prohibition and elimination of corporal punishment in schools and all other settings of children's lives.***

¹ UNICEF (2009), *Opinions of Children of Bangladesh on Corporal Punishment: Children's Opinion Poll 2008*, Dhaka: UNICEF & Ministry of Women and Children Affairs

² 14 Kinderrechtencommissariaat (2011), *Geweld gemeld en geteld*, Brussels: Kinderrechtencommissaris

³ WarChild UK (2012), *Child Safety Report Card: 2012 Regional Report*

Annex: Global progress towards prohibiting all corporal punishment in schools



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States where corporal punishment is prohibited in all settings

The following 46 states have prohibited corporal punishment in all settings, including the home and in all schools:

Albania, Andorra, Argentina, Austria, Benin, Bolivia, Brazil, Bulgaria, Cabo Verde, Congo (Rep.), Costa Rica, Croatia, Cyprus, Denmark, Estonia, Finland, Germany, Greece, Honduras, Hungary, Iceland, Israel, Kenya, Latvia, Liechtenstein, Luxembourg, Malta, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, South Sudan, Spain, Sweden, TFYR Macedonia, Togo, Tunisia, Turkmenistan, Ukraine, Uruguay, Venezuela.

States where corporal punishment is prohibited in schools but not in all other settings

In the following 78 states, corporal punishment is prohibited in all schools but it is not yet prohibited in all other settings, including the home:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Bosnia and Herzegovina, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Cook Islands, Cuba, Czech Republic, Djibouti, Dominican Republic, DR Congo, Ecuador, El Salvador, Ethiopia, Fiji, France, Gabon, Georgia, Guinea-Bissau, Haiti, Ireland, Italy, Japan, Jordan, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Lao PDR, Libya, Lithuania, Madagascar, Malawi, Mali, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Montenegro, Namibia, Nauru, Oman, Peru, Philippines, Russian Federation, Rwanda, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Switzerland, Taiwan, Tajikistan, Thailand, Tonga, Turkey, UK, United Arab Emirates, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia

States where corporal punishment is not yet fully prohibited in schools

In 74 states, corporal punishment is not prohibited by law in all schools. In some of these states there is policy which advises against corporal punishment, and in some others there is legislation prohibiting corporal punishment in some education institution (e.g. in primary schools, or in pre-schools), but full legal prohibition has not yet been achieved:

Angola, Antigua and Barbuda, Australia, Bahamas, Barbados, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Central African Republic, Comoros, Cote d'Ivoire, Dominica, DPR Korea, Egypt, Equatorial Guinea, Eritrea, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Lebanon, Lesotho, Liberia, Malaysia, Maldives, Marshall Islands, Mauritania, Morocco, Mozambique, Myanmar, Nepal, Niger, Nigeria, Niue, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Qatar, Republic of Korea, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, State of Palestine, Sudan, Suriname, Swaziland, Syrian Arab Republic, Timor-Leste, Trinidad and Tobago, Tuvalu, Uganda, UR Tanzania, USA, Western Sahara, Zimbabwe