

Newsletter 37 June 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.

Global news and developments

Working together towards prohibition in Myanmar and Viet Nam

In June 2017, Save the Children held three-day law reform workshops with the Global Initiative and a number of committed national NGOs towards prohibition and elimination of all corporal punishment of children in Yangon, Myanmar, and in Hue, Viet Nam. Participants examined corporal punishment in their national contexts, including the existing legislative framework, children's experience of corporal punishment and adults' attitudes towards its use. Participants identified challenges to achieving prohibition and its implementation and how they can be overcome and began developing national strategies and action plans to achieve law reform and work towards the elimination of all corporal punishment.

The workshop in Myanmar was also attended by Parliamentarians, who presented draft legislation and implementation plans, and contributed a poem on the issue (see below). Visit the new Facebook page [Stop Corporal Punishment in Myanmar](#) to show your support and stay connected with the campaign.



African newsletter out now!

The latest edition of the African e-newsletter from the Global Initiative was published in May 2017, reporting on developments and action to end corporal punishment from across the continent, and including new recommendations made to African states by UN treaty bodies and under the Universal Periodic Review. Read the newsletter in [English](#) and [French](#) and sign up to [receive future editions](#).

Steps towards prohibition

Bahamas: Corporal punishment is prohibited in day care centres and pre-schools under regulations enacted in 2015 under the Early Childhood Care Act 2004, which state that day care centres and pre-schools must comply with the National Standards for Day-Care Centres and Pre-schools, according to which “staff members do not inflict any form of corporal punishment on children” and “physical restraint is not used for the purpose of inflicting punishment”. Corporal punishment remains lawful in all other day care settings.

Bosnia and Herzegovina: The Government has stated that the Council for Children has "submitted an initiative" to amend several laws "with the aim of introducing an explicit prohibition of all corporal punishment of children that would apply to all settings where children live."

Chile: On 2 May 2017, the Bill on the Rights of the Child was approved by the

Chamber of Deputies and transmitted to the Senate. As currently drafted, article 28 explicitly prohibits corporal punishment of children – currently lawful in the home, alternative care and day care settings.

Marshall Islands: The Child Rights Protection Act 2015 for the first time prohibits corporal punishment in penal institutions. The law also includes an explicit prohibition of corporal punishment in schools but does not repeal the provision in the Penal Code which allows the use of justifiable force by teachers.

Myanmar: The most recent draft of the Child Rights Law, expected to be enacted by the end of the year, includes prohibition of corporal punishment.

Pakistan: On 15 March 2017, the Sindh Prohibition of Corporal Punishment Act was promulgated by the Governor. The law, passed by the regional assembly of Sindh in January 2017, prohibits corporal punishment in work places, all educational institutions (including madrassas) and childcare institutions (including foster care and rehabilitation centres).

Philippines: In March 2017, Senate Bill 1348 “Anti-Corporal Punishment Act of 2017” was filed by Senator Leila M. de Lima. The Bill aims to prohibit all corporal punishment and all other forms of humiliating or degrading punishment of children in the home, schools, institutions, alternative care systems, employment and all other settings.

Scotland: A consultation was opened in May 2017 on the Children (Equal Protection from Assault) (Scotland) Bill, which would prohibit physical punishment of children by parents and others caring for or in charge of children. The consultation will run until 4 August 2017.

USA: In **Louisiana**, House Bill 79 was passed on 16 June 2017, prohibiting corporal punishment in public schools but only for students with disabilities and those with ADHD.

Zimbabwe: On 28 February 2017, the High Court ruled corporal punishment in homes and schools to be unconstitutional. The ruling will likely be referred to the Constitutional Court for confirmation, as occurred with a 2014 High Court ruling of unconstitutionality of judicial corporal punishment – a decision on that ruling has been indefinitely deferred by the Constitutional Court.

Other positive news

Aruba: In its recent report to the Universal Periodic Review, the Government of the Netherlands stated that Aruba has prohibited corporal punishment in the home – we are seeking the full text of the law but as yet cannot confirm.

Cambodia: Article 5 of the Juvenile Justice Law 2016 explicitly prohibits the use of corporal punishment, confirming prohibition in penal institutions already considered unlawful under article 38 of the Constitution.

England and Wales: The Crown Prosecution Service has opened a consultation on the revision of the Offences against the Person Charging Standard, which will run until 27 July. The defence of “reasonable punishment” can be raised in cases of common assault against children which under the current charging standard include assault causing “non-serious” injuries such as bruises, cuts and weals. [Read more.](#)

Jamaica: As part of his contribution to the Budget Debate in March 2017, Prime Minister Andrew Holness announced that the Government is to amend the law to ban corporal punishment in public schools. The plan has been embraced by the president of the Jamaica Teachers' Association, Howard Isaacs, who described the move as long awaited.

Mauritania: In March 2017, the Government approved a draft Child Protection Code which reportedly prohibits corporal punishment – we are seeking the full text of the draft Code, but as yet cannot confirm that it does.

Serbia: As part of its recent examination by the Committee on the Rights of the Child, the Government stated that amendments to the Family Law were expected to ban corporal punishment in all settings by June 2017. Recent elections have however delayed progress.

Wales: The Welsh Government is to launch a consultation on removing the defence of “reasonable chastisement” in the next 12 months, and intend to introduce a prohibiting bill in 2018, according to First Minister Carwyn Jones.

But...

USA: Bills to prohibit corporal punishment in public schools in **Colorado** and **Maine** were voted down in the Senate. In **Louisiana**, a Bill to prohibit corporal punishment in public schools was rejected in the state House by a vote of 34-61. In **Oklahoma**, House Bill 1623 was passed and ratified by the Governor after it was amended to prohibit the use of corporal punishment only against students

"identified with the most significant cognitive disabilities"; the new law also allows a parent or legal guardian of the child to provide a waiver or agree to its use within the frame of an “annual individualized education programme”.

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Advocacy resources

New resources from the Global Initiative

[*Prohibiting all corporal punishment of children in Africa: an essential step towards fulfilling the 2030 Agenda for Sustainable Development*](#): Marking the Day of the African Child (16 June), this year commemorated on the theme “The 2030 Agenda for Sustainable Development for Children in Africa: Accelerating protection, empowerment and equal opportunity”, this briefing highlights how prohibition of all corporal punishment of children is an essential step towards fulfilling the 2030 Agenda for Sustainable Development and Africa’s Agenda for Children 2040: Fostering an Africa Fit for Children. It also tracks progress towards prohibition across the continent and calls on African governments to prohibit all corporal punishment of children and ensure effective implementation of the ban in the best interests of the child, including through national campaigns and educational measures. The briefing is available in [English](#) and [French](#).

[*Progress towards prohibiting all corporal punishment of children in ASEAN member states*](#): This briefing highlights the human rights imperative to prohibit all violent punishment of children and summarises progress so far towards prohibition in all ASEAN member states, and what remains to be done. Aiming to promote national action for prohibition, it emphasises the many immediate opportunities for working to fulfil children’s right to protection in law from all corporal punishment in all settings – in particular, where states are currently reforming legislation related to children, and in relation to the global 2030 Agenda for Sustainable Development and target 16.2 to end all violence against children.

[*Progress towards prohibiting all corporal punishment of children in SAIEVAC member states*](#): This briefing highlights the human rights imperative to prohibit all violent punishment of children and summarises progress so far towards prohibition in all member states of the South Asian Association for Regional Cooperation (SAARC) and its apex body for children, the South Asia Initiative to End Violence against Children (SAIEVAC). Aiming to promote national action for prohibition, it

emphasises the many immediate opportunities for working to fulfil children's right to protection in law from all corporal punishment in all settings – in particular, where states are currently reforming legislation related to children, and in relation to the global 2030 Agenda for Sustainable Development and target 16.2 to end all violence against children.

Prohibiting all corporal punishment of children in Africa: an essential step towards fulfilling the 2030 Agenda for Sustainable Development



Launched ahead of the Day of the African Child 2017, commemorated on the theme

The 2030 Agenda for Sustainable Development for Children in Africa: Accelerating protection, empowerment and equal opportunity

Progress towards prohibiting all corporal punishment of children in ASEAN member states
May 2017

This briefing highlights the human rights imperative to prohibit all violent punishment of children in all ASEAN member states. It summarises progress so far towards prohibition in each state and what remains to be done. Aiming to promote national action for prohibition, it emphasises the many immediate opportunities for working to fulfil children's right to protection in law from all corporal punishment in all settings – in particular, where states are currently reforming legislation related to children, and in relation to the global 2030 Agenda for Sustainable Development and target 16.2 to end all violence against children.

Why prohibit corporal punishment?

Everyone has a right to protection in law from being hit and hurt, regardless of where they are, who they are with or what the circumstances are. Children are particularly vulnerable to violence – and yet in so many states they are the least protected. Protection in many states, the belief that prohibition of corporal punishment is a necessary part of "disciplining" children is widely held. Some see or view the use of violent punishment in childrearing and education as a religious imperative, but the right of freedom of religion does not justify violating a child's right to respect for human dignity and physical and mental integrity. Corporal punishment of children is highly symbolic of children's low status in society and is incompatible with a view of children as human beings and holders of human rights.

The UN Committee on the Rights of the Child and other international and regional human rights bodies have made it very clear that all corporal punishment of children must be prohibited and eliminated, including within the family. The issue of corporal punishment has been raised in many states repeatedly – in UN treaty body examinations of every ASEAN member state. Most have also received recommendations to prohibit corporal punishment during the Universal Periodic Review of their overall human rights records.

Legal protection from all corporal punishment is a right in itself. But prohibition is also critical for fulfilling children's rights to health, development and education. Experiences of corporal punishment as a child is associated with poor mental health in childhood and adulthood. Physical punishment is linked to increased aggression and antisocial behaviour in children and an increased likelihood of perpetrating, experiencing and accepting violence as an act. It damages family relationships and, for most teaching children how to behave well, it teaches children that violence is an acceptable way to resolve conflict.

Progress towards prohibiting all corporal punishment of children in SAIEVAC member states
May 2017

This briefing highlights the human rights imperative to prohibit all violent punishment of children in all member states of the South Asian Association for Regional Cooperation (SAARC) and its agent body for children, the South Asia Initiative to End Violence against Children (SAIEVAC). It summarises progress so far towards prohibition in each state and what remains to be done. Aiming to promote national action for prohibition, it emphasises the many immediate opportunities for working to fulfil children's right to protection in law from all corporal punishment in all settings – in particular, where states are currently reforming legislation related to children, and in relation to the global 2030 Agenda for Sustainable Development and target 16.2 to end all violence against children.

Why prohibit corporal punishment?

Everyone has a right to protection in law from being hit and hurt, regardless of where they are, who they are with or what the circumstances are. Children are particularly vulnerable to violence – and yet in so many states they are the least protected. Protection in many societies, the belief that physical and other harmful punishment is a necessary part of "disciplining" children is widely held. Some people view the use of violent punishment in childrearing and education as a religious imperative, but the right of freedom of religion does not justify violating a child's right to respect for human dignity and physical and mental integrity. Seeing children as human beings in their own right – and as the protection of their human rights in the same way that adults are – means that corporal punishment cannot be justified.

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Other resources to support advocacy

[Churches' Commitments to Children: Churches uniting for children in the pilgrimage of justice and peace](#)

This new resource was developed by the World Council of Churches (WCC) and UNICEF in response to a joint declaration called "Putting Children at the Centre", signed by 18 member churches and partners of the WCC at its 10th Assembly in 2013. The Commitments outline specific actions and strategies that churches are invited to adopt in response to pressing challenges impacting children. Under section 1b "Contribute to ending violence against children and adolescents in society at large", the commitments include helping to "end harmful traditional practices that may be related to socio-cultural and religious beliefs, including ... violent discipline" and promoting "non-violent discipline of children and adolescents as a key strategy towards ending other forms of violence against children and adolescents".

[The Journal of Psychology, Health and Medicine's March 2017 Edition](#): This special issue provides a focus on violence against children, comprising 15 papers commissioned by Know Violence in Childhood: A Global Learning Initiative – a collective response launched in 2014 to address the global impact of violence in childhood and the lack of investment in effective violence prevention strategies.

Written by leading researchers from diverse disciplines and countries, the papers address a range of issues and make a strong case for policies and investments that can end violence in childhood. The issue includes “School corporal punishment in global perspective: prevalence, outcomes, and efforts at intervention”, written by Elizabeth T. Gershoff, and “What do we know about preventing school violence? A systematic review of systematic reviews” by Soraya Lester, Cayleigh Lawrence and Catherine L. Ward.

[*Schools that care: A review of linkages between children’s education and care:*](#)

This new report from Family for Every Child presents research findings which suggest children’s education and care are inextricably linked, and education and care sector planners must work closely together to ensure the mutually reinforcing goals of improving the education of vulnerable children and reducing inadequate care. The activities recommended for joint implementation include training teachers and other school staff in providing a safe environment for education and in positive, non-violent methods of discipline. It also highlights the need for education system planners to ensure that education settings are safe and provide a model for non-violent behaviour and discipline that can be extended to the home.

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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 made recommendations on corporal punishment to all states examined at its 75th session in May/June 2017. To **Cameroon**, **Bhutan** and **Lebanon**, the Committee expressed concern at the ongoing use of corporal punishment in childrearing and recommended explicit prohibition in all settings. The Committee recommended to **Antigua and Barbuda** that the Government end all forms of corporal punishment in all settings and repeal provisions regulating its use in the Education Act. Urgent measures were called for in **Qatar** where judicial corporal punishment is still lawful: the Committee recommended the Children’s Bill currently under consideration include prohibition in all settings. To **Romania** and **Mongolia**, where prohibition has been achieved, the Committee recommended effective implementation of the ban.

Human Rights Committee

At its 119th session in March 2017, the Human Rights Committee welcomed **Bosnia and Herzegovina's** commitment to achieve prohibition but expressed concern at the continued use of corporal punishment, particularly in the home, and recommended the Government take "practical steps, including through legislative measures, to put an end to corporal punishment in all settings".

Committee Against Torture

During its 60th session in April/May 2017, the Committee Against Torture made recommendations to prohibit corporal punishment to **Bahrain, Pakistan** and the **Republic of Korea**. To **Afghanistan**, the Committee expressed concern at the legality and use of corporal punishment in the country and recommended that it clearly prohibit in legislation all forms of corporal punishment, including as a sanction for a crime of "honour".

Committee on the Rights of Persons with Disabilities

At its 17th session in March/April 2017, the Committee on the Rights of Persons with Disabilities expressed concern at the legality of corporal punishment of children with disabilities in **Bosnia and Herzegovina** and recommended that it is universally and explicitly prohibited, "with particular attention for children with disabilities living in institutions". To **Jordan**, the Committee recommended the repeal of Criminal Code articles providing a legal justification to the use of corporal punishment; to **Iran**, it recommended the enactment of legislation prohibiting all corporal punishment of children with disabilities. It also expressed concern at the level of violence and abuse against children with disabilities in **Armenia** and recommended the prohibition of all forms of violence and abuse against children with disabilities in all settings.

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

The concluding observations of the 28th ordinary session of the African Committee, held in November 2016, have now been published. Recommendations on corporal punishment were extended to **Ghana** and **Eritrea**. Despite the continued legality of corporal punishment in both states, the Committee recommended the strict enforcement of "legal prohibition". It also recommended the development of awareness-raising and public education campaigns on positive discipline in both states.

At its 29th ordinary session in May 2017, the Committee raised the issue of corporal punishment of children in its examination of reports from **Chad, Côte d'Ivoire** and **Comoros**; its concluding observations have not yet been published.

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).

At the 34th session of the Human Rights Council in February/March 2017, final reports of the Universal Periodic Review's 26th session were adopted. **Lithuania** and **Timor-Leste** accepted recommendations to prohibit all corporal punishment. **Venezuela** did not support a similar recommendation, having already achieved prohibition in 2007. **Zimbabwe** was "unable to support" a recommendation to abolish corporal punishment in all settings as the issue is still pending before the Constitutional Court – [recent High Court decisions](#) ruled corporal punishment unconstitutional but this must be confirmed by the Constitutional Court. **Haiti, Uganda** and the **Syrian Arab Republic** accepted general recommendations on the protection of children's rights.

The 27th session of the Universal Periodic Review took place in May 2017. **Ecuador** and **Indonesia** accepted recommendations to prohibit corporal punishment in all settings – this was a new commitment from Indonesia, making it the 55th state worldwide committed to achieving prohibition. **Algeria, Bahrain, India, Morocco**, the **Netherlands** (in relation to Aruba and the Caribbean Netherlands), **South Africa** and the **United Kingdom** all received recommendations to prohibit, to which their respective Governments will respond by the 36th Human Rights Council session in September 2017. A recommendation to ensure the implementation of the ban was issued to **Finland**, which will also respond by September 2017.

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.

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 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 PSWG will adopt Lists of Issues for Angola, Argentina, Lesotho, Montenegro and Norway

Committee Against Torture

(1) 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, Bulgaria, Cameroon, Italy, Mauritius, Rwanda, Timor-Leste and Republic of Moldova. It will adopt the Lists of Issues for Tajikistan and Mauritania and Lists of Issues Prior to Reporting for Malawi, Serbia, Slovakia, Somalia, 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 PSWG will adopt Lists of Issues for Chile, Fiji, Malaysia, Marshall Islands, Republic of Korea, Saudi Arabia, Suriname and Luxembourg, and the List of Issues Prior to Reporting for Mauritius

(3) Session 68 (Oct/Nov 2017). The Committee will examine Burkina Faso, DPR Korea, Guatemala, Israel, Kenya, Kuwait, Monaco, Nauru, Norway, Oman, Paraguay and Singapore

(4) Session 70 Pre-Sessional Working Group (Oct/Nov 2017). The PSWG will adopt the List of Issues Prior to Reporting for Bulgaria, and Lists of Issues for

Australia, Cook Islands, Cyprus, Mexico, New Zealand, State of Palestine and Turkmenistan

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

(3) Session 61 Pre-Sessional Working Group (Oct 2017). The PSWG will adopt Lists of Issues for Argentina, Germany, South Africa and Turkmenistan

Committee on the Rights of Persons with Disabilities

(1) Session 18 (Aug 2017). The Committee will examine 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 Algeria, Bahrain and Lao PDR, and for the Gambia and St Vincent and the Grenadines as 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, Liechtenstein.

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

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'Do Not Beat the Children'

By tradition, custom and old practice
Beating of children for good sake of education exists.

A long-lasting dogma that our ancestors have ever adopted.

With the passing of time,
It is thought to be rightful.
And it's prevalent.

If children are beaten at home; at school,
Painful in body, bitter in mind.
Heated with flame of hatred and fury.
Harboured a grudge on society.
Resenting their lives for such inhumanity.

Do not beat the children.
Be kind, sympathize, and guide instead.

May this world be healthy and lovely.
May all the flowers on this earth
bloom fresh and fragrantly.

Translation of a poem by Thaung Kay Tu, Member of Parliament, presented at the workshop "Promoting and achieving law reform to prohibit all corporal punishment of children in Myanmar" held by Save the Children in Yangon, 8 June 2017

