

## Newsletter 38 November 2017



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

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

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### **An exciting opportunity to join our team!**

The Global Initiative is recruiting a UK-based Treasurer and other trustees to join our Board. The deadline for applications is 12 January 2018. [Read more](#).

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## Global news and developments

### **Montenegro and Aruba have prohibited all corporal punishment**

The Global Initiative has confirmed that amendments to Montenegro's Family Law, passed in July 2016, included prohibition of all corporal punishment of children. The 2016 Law amending the Civil Code in Aruba (a country within the Kingdom of the Netherlands) was also confirmed to have achieved prohibition. This means 53 states and seven territories worldwide have prohibited all corporal punishment of children.

## **‘Never Violence’ programme promotes laws banning all corporal punishment**

In November, the Swedish Institute – in collaboration with Save the Children Sweden, the Global Initiative to End All Corporal Punishment of Children and Swedish embassies abroad – held a three-day programme of meetings and workshops in Stockholm, Sweden, promoting legislation against corporal punishment of children. Thirteen experts from Indonesia, Kazakhstan, Mexico, Scotland and Tanzania took part in the programme. [Read more](#).

## **Working together to achieve prohibition in Kosovo and The Gambia**

In October, the Global Initiative co-facilitated workshops aimed at increasing coordination between stakeholders and working towards a national strategy and action plan to prohibit and eliminate all corporal punishment of children. The workshops were held by Save the Children Kosovo (in Pristina, Kosovo, 2-4 October) and the Child Protection Alliance, supported by Save the Children (in Banjul, The Gambia, 12-13 October).

## **UN Resolution on the Rights of the Child**

The UN Resolution on the Rights of the Child was adopted in November. The Resolution fails to explicitly call for prohibition of all corporal punishment of children, but it condemns “all forms of violence against children in all settings”, refers to eliminating “all violent punishment of children” and urges states to promote “positive forms of discipline and child development approaches in all settings, including the home, schools and other educational settings, and throughout care and justice systems, and to work towards the elimination of all forms of violence against children, including violent forms of discipline”.

## **AU adopts Africa’s Agenda for Children 2040**

In August, the African Union Assembly adopted Agenda 2040 and urged Member States to work towards the full implementation of its aspirations included in the Agenda. Under aspiration 7, states have committed to ensuring that by 2040, no child is subjected to corporal punishment.

## **African e-newsletter**

The latest edition of the Global Initiative's African newsletter was published in

September in [English](#) and [French](#) – sign up to [receive future editions](#).

### Steps towards prohibition

**Mexico:** Two bills were introduced in August aiming to achieve prohibition; the National Action Plan to End Violence Against Children 2017-2018, adopted in August, includes prohibition of corporal punishment in all settings.

**Myanmar:** The draft Child Law – still in the drafting stage and not yet introduced in Parliament – would prohibit the use of corporal punishment by parents, guardians and teachers, but it does not repeal the "reasonable punishment" defence or address judicial corporal punishment.

**Philippines:** The Positive Discipline Bill would prohibit all corporal punishment; it still needs to pass second and third readings in the House of Representatives and the Senate.

**South Africa:** The South African High Court in October declared the common law defence of "reasonable chastisement" in cases of assault against children unconstitutional, giving children the same protection from assault as adults. This must be confirmed in legislation, in line with the Government's human rights obligation to prohibit all corporal punishment and its previous commitment to do so.

**UK (Scotland):** The Scottish Government [confirmed](#) they "will ensure" proposals to ban all corporal punishment become law. A bill has not yet been tabled, but if/when passed, it would make Scotland the first nation in the UK to fulfil children's right to equal protection under the law on assault.

**UK (Wales):** The Children's Minister, Mr Irranca-Davies, [re-affirmed](#) the Government's intention to prohibit all corporal punishment. A consultation on the proposed smacking ban is due to open in 2018.

### Other positive news

**Bahrain:** As part of its Universal Periodic Review, the Government of Bahrain supported a recommendation to legally prohibit corporal punishment of children in all settings, including in the home, and to repeal all legal defences to its use. This brings the number of states clearly committed to achieving prohibition of corporal punishment in all settings to 55.

**Canada:** Senator Chantal Petitclerc delivered a [speech in support of bill S-206](#) to ban all corporal punishment of children in Canada. A new [Christian Theological Statement](#) calls on Canada's federal government to repeal the legal defence for physical punishment of children. A Canadian group is also planning to develop an educational campaign about physical punishment – for more information, contact Ron Ensom [ensom@rogers.com](mailto:ensom@rogers.com).

**Comoros:** Reports suggest the new Criminal Code voted in 2014 (but not yet promulgated or in force) includes prohibition of corporal punishment – we are seeking the full text of the Code to verify this.

**Dominican Republic:** The Government reported that it was agreed at a workshop held by the Inter-Agency Commission for the 2015-2018 Road Map to End Violence against Children to draw up a draft law prohibiting corporal punishment of children and adolescents, to be known as the Positive Parenting (Discipline) and Prohibition of Abuse Act, and that a commission was set up to pursue political advocacy and a communications strategy regarding corporal punishment.

**Ghana:** The Education Service [announced plans](#) to implement a new policy banning the use of canes and corporal punishment, and promoting positive disciplinary tools in basic and senior high schools across the country.

**Jamaica:** Prime Minister Andrew Holness [committed](#) to debating prohibition of corporal punishment in all settings, including the home, and confirmed his commitment to banning corporal punishment in public schools.

**Jordan:** The National Council for Family Affairs is [cooperating](#) with the Ministry of Health and UNICEF Jordan to combat violence against children and raise awareness on protecting children from abuse, especially corporal punishment. Health Minister Mahmoud Sheyyab stressed that the culture that tolerates some forms of corporal punishment has to change.

**Liberia:** Assistant Minister for Secondary Education [said](#) schools should stop the use of corporal punishment or any form of punishments that will cause physical and moral injury to the students.

**Mauritius:** Government reported that a “draft Child Protection and Care Bill” would prohibit corporal punishment – we are seeking clarification as to whether this refers to the Children’s Bill that has been under discussion since 2011.

**Myanmar:** The “Stop Corporal Punishment Campaign” was [launched](#) in November to raise public awareness of positive discipline and the need to end corporal punishment of children.

**South Africa:** The Education Department has [developed](#) a protocol for dealing with corporal punishment, still prevalent in schools despite legal prohibition.

**UAE:** The 5th Arab Regional Conference on the Prevention of Child Abuse and Neglect was [held](#) in Dubai in November; the need to end corporal punishment was highlighted at the event, and the Dubai Foundation for Women and Children (DFWAC) announced plans for a 'No Hit Zone' awareness campaign.

**Vanuatu:** The National Child Protection Policy 2016-2026 raises corporal punishment as an issue and highlights the need to develop a Child Protection Law in compliance with the UN Convention on the Rights of the Child.

**But...**

**USA (Utah):** In August, Utah Supreme Court found hitting children with a belt could not automatically qualify as abuse since “harm” as defined by the Utah Code - “physical, emotional, or developmental injury or damage” - must be proven as a separate element.

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## Advocacy resources

### New resources from the Global Initiative

[\*Prohibiting all corporal punishment of children: Answers to frequently asked questions\*](#): This new series of booklets answers frequently asked questions about prohibiting all corporal punishment of children: does corporal punishment really hurt? Will banning its use criminalise more parents? Answers available now in English, Albanian, French, Russian and Spanish.



Two new briefings track progress towards prohibition of corporal punishment of children in [West and Central Africa](#) (in English and French) and in [North Africa](#) (in Arabic, English and French), highlighting immediate opportunities to achieve prohibition.



**Other resources to support advocacy**

[Campaigning for Children: Strategies for Advancing Children's Rights](#): This book by Jo Becker, Advocacy Director for the Children's Rights Division at Human Rights Watch, includes a chapter exploring corporal punishment of children, which examines the Global Initiative as a case study for effective campaigning and advocacy.

[A Familiar Face: Violence in the lives of children and adolescents](#): This new UNICEF report reconfirms violent discipline at home is the most common form of violence experienced by children, highlights its negative impact on children and describes some of their programmes aimed at reducing its use.

[Ending Violence in Childhood: Global Report 2017](#): This flagship report from Know Violence in Childhood – an independent global learning initiative – highlights the prevalence of corporal punishment across regions and calls for laws banning all corporal punishment of children.

[\*Violence Against Children in Southeast Asia\*](#): This booklet from Child Rights Coalition Asia supports advocacy to end violence against children in the region, providing facts and figures on the different forms of violence and identifying children in vulnerable situations.

[\*Better discipline for Ghana's Children\*](#): This new report from Challenging Heights looks at children's experience of corporal punishment and attitudes towards its use in Ghana in order to inform advocacy on ending violence against children.

[\*A National Study on the Drivers of Violence Affecting Children in Swaziland\*](#): Study highlights that 88% of children in Swaziland experience violent “discipline” and calls for a ban on corporal punishment in all settings.

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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 of children to all states examined its 76th session in September. To **DPR Korea** and **Tajikistan**, the Committee expressed concern at the ongoing prevalence of its use in childrearing and recommended explicit prohibition in all settings. The Committee recommended to **Ecuador** the expedited adoption of the draft Organic Law for a Childhood and Adolescence Free of Physical Punishment and Degrading Treatment, which would prohibit corporal punishment of children in all settings, and to **Vanuatu** the amendment of the Family Protection Act and Penal Code to explicitly prohibit corporal punishment in all settings, and proper implementation of prohibition in schools. **Denmark** and the **Republic of Moldova** received recommendations on effective implementation of the ban.

### Human Rights Committee

At its 120th session in July 2017, the Committee recommended to **Madagascar** and **Swaziland** to take practical measures to end corporal

punishment in all settings, including through legal reform and awareness-raising campaigns and training on positive discipline. To **Mongolia**, it expressed concern at the continued prevalence of corporal punishment in homes and schools despite the 2016 ban and recommended effective implementation, including through public education and awareness-raising.

During its 121st session in October/November, the Committee expressed concern at the continued legality of corporal punishment in **Mauritius** and recommended its prohibition in all settings. It reiterated its concern over the continued prevalence of violence against children in **Romania** and recommended that the Government strengthen its efforts to prevent and eliminate violence against children, including through the enforcement of the 2004 ban on corporal punishment.

### **Committee Against Torture**

At its 61st session in July/August, the Committee welcomed the Child Justice Act 2015 (which prohibited judicial corporal punishment) in **Antigua and Barbuda** but expressed concern that corporal punishment was still lawful in all other settings, and recommended explicit prohibition in all settings and the repeal of all provisions which authorise its use. To **Panama**, the Committee recommended that the Government prohibit corporal punishment in all settings, undertake public awareness campaigns on its harmful effects and promote non-violent and positive forms of discipline. The Committee also welcomed the recent bans in **Ireland** and **Paraguay**, enacted in 2015 and 2016 respectively.

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

At its 18th session in August/September, the Committee expressed concern at the continued legality and prevalence of corporal punishment in Morocco and Panama. To **Panama**, it recommended the enactment of a prohibition in all settings and the repeal of the “right to correct”. To **Morocco**, the Committee recommended that the Government “adopt legislation and concrete measures” to ensure that children with disabilities are adequately protected from violence and abuse, including corporal punishment.

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

At its 67th session in July, the Committee expressed concern to **Barbados** that corporal punishment was culturally accepted and widely practiced in schools and recommended its explicit prohibition in schools, ensuring that prohibition is adequately monitored and enforced and that teacher training on positive discipline is strengthened.



## 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 (UPR) 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)).

At the 36th session of the Human Rights Council in September, final reports of the UPR's 27th session were adopted. **India**, **Morocco** and the **Netherlands** (in relation to its Caribbean territories) supported recommendations to prohibit corporal punishment of children in all settings. **Bahrain** also supported a recommendation to prohibit – this is a new commitment, bringing the number of states committed to achieving prohibition to 55. A recommendation to “explicitly prohibit corporal punishment of children in all settings” was only partially supported by **Algeria**, which ‘noted’ the clause “in all settings”. **South Africa** ‘noted’ recommendations to prohibit corporal punishment in the home, and said ‘noted’ recommendations were “those which South Africa is in the process of considering and cannot commit to at this stage”. The **UK** ‘noted’ all seven recommendations on prohibition of corporal punishment it had received. **Brazil** and **Finland** supported recommendations to implement their bans.

## 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).

Information on individual states’ upcoming treaty body and UPR examinations and the deadlines for submitting briefings are available in the [individual country reports](#).

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“Physical and humiliating punishment breaches the fundamental rights of children, completely disregards their entitlement to respect, dignity and integrity, undermines their development, damages their self-esteem, and perpetuates the thinking that it is alright to hit and hurt others.”

*Claudiana Cole, Minister of Basic and Secondary Education, delivering the keynote address at a national workshop on law reform to prohibit physical and humiliating punishment in Banjul, The Gambia, 12-13 October 2017*

