



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

GLOBAL INITIATIVE NEWSLETTER 11 **(MARCH 2010)**

Welcome to the first newsletter of 2010! This edition includes news of a number of bills under discussion which would achieve prohibition in all settings, as well as progress in prohibiting corporal punishment in schools in many countries. Read on for details....

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- 2. Campaigns and calls for prohibition** – a workshop at the Parliament of the World's Religions; news from campaigns in Japan, Nigeria, Pakistan, the UK, the US and African countries; calls for prohibition in Bhutan, Ghana, Pakistan, Yemen and Zimbabwe
- 3. Research and reports** – new report from Plan International; research and reports from Australia, China, New Zealand, Nigeria and TFYR Macedonia
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- 5. Human rights monitoring** – concluding observations from the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women; reports from the Inter-American Commission on Human Rights and the UN Special Rapporteur on Torture; and information on states coming up for examination by treaty bodies and how to brief them
- 6. Can you help?**

1 GLOBAL PROGRESS

Prohibition in all settings

Poland: A bill “On the Prevention of Family Violence”, which would prohibit corporal punishment by parents, passed its first reading in parliament in February.

Philippines: The Anti-Corporal Punishment Bill, which would prohibit corporal punishment of children in all settings, passed its third and final reading in the House of Representatives. It is yet to be discussed in the Senate.

Slovenia: The government announced that the Family Law Bill, which would prohibit all corporal punishment, is ready to be sent to the National Assembly.

Prohibition in some settings

Belize: The government has enacted the Education and Training Act. It reportedly prohibits corporal punishment and addresses the promotion of positive discipline in schools, but we have yet to see the full text. The Ministry of Education has appointed a Task Force to identify alternative approaches to disciplinary measures for students and to plan for their introduction into schools. The corporal punishment provisions in the Act will come into force in six months.

China: The Ministry of Public Security has issued guidelines on management and education in detention centres which include the prohibition of corporal punishment.

Fiji: The Crimes Decree 2009 has been enacted and makes no provision for judicial corporal punishment, which was unlawful under a 2002 High Court ruling; this had not been confirmed in law.

India: A notification was issued on 19 February stating that the Right of Children to Free and Compulsory Education Act 2009 will be in force and binding on central and state governments from 1 April. The Act prohibits corporal punishment in all schools throughout India. In Assam, the Corporal Punishment for Educational Institutions (Prohibition) Bill 2010 is expected to be passed by the assembly in March.

Jamaica: Education Minister Andrew Holness has confirmed that the government will be looking to enact legislation to prohibit corporal punishment in schools in the next legislative year.

Pakistan: The Prohibition of Corporal Punishment Bill 2010, which would prohibit corporal punishment in all educational and alternative care settings, has been referred to the Standing Committee on Social Welfare and Special Education.

Republic of Korea: Public hearings have been held on the draft Student Rights Act, which would prohibit corporal punishment in schools.

Trinidad and Tobago: The Children Bill 2010, which prohibits corporal punishment by all persons except parents, passed its first and second readings in Parliament in January and has been referred to the Special Select Committee.

UK: The government is to close a loophole in the law which allows some adults outside the home to smack children (e.g. in Sunday schools, youth clubs, madrassas, etc).

US, Mississippi: A federal lawsuit has been filed seeking a ban on corporal punishment (“paddling”) in schools, following the case of a high school student allegedly struck “with excessive force” in 2009.

But ...

Egypt: In a statement before the Shura Council's Education Committee, Education Minister Ahmed Zaki Badr has defended the use of corporal punishment in schools, where it is unlawful.

Malaysia: Following the first canings of women for adultery under Sharia law, the Deputy Prime Minister has called for widespread education about caning under Sharia law and the government is considering organising an international conference on caning as a punishment for women under Islamic law, arguing that it is not the same as under civil law. Muslims come under the jurisdiction of Sharia courts, but other people come under the regular civil courts which allow flogging for men but not women.

US, South Carolina: Senator Jake Knotts has sponsored a bill (Proposed Bill S. 1042) which would give teachers who use corporal punishment immunity from civil and criminal liability arising from its infliction. The bill has 18 co-sponsors.

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2 CAMPAIGNS AND CALLS FOR PROHIBITION

The **Southern African Network to End Corporal and Humiliating Punishment of Children** held its fifth annual meeting in February in Cape Town, with 24 participants from 7 countries. The first day focussed on in-country developments and activities of Network members, including attempts to ban corporal punishment in Botswana, alliance-building as a strategy for social reform in South Africa, recent research in Mozambique, and getting the support of religious institutions, and two parenting initiatives in Africa. The second day looked at developing collective advocacy at the African and Southern African levels, including opportunities for advocacy with the African Committee of Experts on the Rights and Welfare of the Child and with national Human Rights Institutions. A full report will be available soon on the [Network website](#).

The second **Civil Society Organisation Forum on the African Charter on the Rights and Welfare of the Child** met in Ethiopia in November 2009 and the [report](#) is now available. The Forum made a number of general recommendations to the African Committee on the Rights and Welfare of the Child, including to “develop General Comments including on the provisions provided in Article 11, Article 16 and Article 20 of the African Charter on the Rights and Welfare of the Child concerning the prohibition of corporal punishment in all settings”. It also recommended that a future meeting explore the issue of corporal punishment and other forms of violence against children.

Campaigns

At the **Parliament of the World's Religions**, held in Melbourne, Australia, in December 2009, the [Churches Network for Non-violence](#) facilitated a workshop on “Ending legalised violence against children - a religious imperative”. The aim was to broaden the support and active involvement of religious leaders in ending corporal punishment of children. Stephen Hanmer, Civil Partnerships Manager, UNICEF, spoke about UNICEF's work with faith-based organisations highlighting the influence of religious leaders in changing attitudes towards ending violence against children.

Japan: A new campaign has been launched to promote law reform to prohibit corporal punishment of children in all settings. The Initiative for Ending Violence against Children Japan held its first meeting in December.

Nigeria: The Child Rights Network is facilitating the newly formed NGO coalition – the National Action on Banning Corporal Punishment and Violence against Children – and is engaging teachers as partners to end corporal punishment in schools. The latest *Discipline* Bulletin of the Network was published in December. For copies and further information, email info_chirn@yahoo.com.

Pakistan: A website has been launched focusing on implementation of the Convention on the Rights of the Child in Pakistan, including the right to protection from all corporal punishment. The new [Child Rights Desk-Pakistan](#), an initiative of the [Child Rights Legal Centre](#), will help civil society organisations to monitor compliance with the CRC and to take action against non-compliance.

UK: The [Churches' Network for Non-violence](#) is continuing its Roadshow, “*Growing up without violence*”: *Ending legalised violence against children*. The next event is on 16 March – a vigil with candlelight procession, attended by the Bishop of Oxford, together with activities for children and the distribution of resources for parents.

US: Parents and Teachers Against Violence in Education published its first [full-page advertisement](#) in a major city newspaper, highlighting the links between spanking and sexual abuse.

Calls for prohibition

Bhutan: At the 13th Education Conference in January, the Prime Minister emphasised the unacceptability of corporal punishment. Prohibition is under consideration, and replacing corporal punishment in schools with positive discipline is part of the implementation of the GNH (Gross National Happiness) philosophy in the country. (*Bhutan Observer*, 8 January 2010)

Ghana: The Ghana Media Advocacy Programme called on the Ministry of Women and Children's Affairs and UNICEF to mobilize public support for law reform to prohibit corporal punishment in schools, in a statement issued on the need for better child protection and development in northern regions. ([ghanaweb.com](#), 31 December 2009)

Pakistan: Children from different schools in Punjab presented their proposals for education reforms to the Punjab Assembly opposition leader Chaudhry Zaheeruddin. They included a call for strict prohibition of corporal punishment in all public schools. Zaheeruddin promised to discuss the proposals in the Assembly with a view to implementing the reforms next year. (*Daily Times*, 30 December 2009)

Yemen: The SEYAJ Organisation for Children's Rights has produced a documentary exposing corporal punishment and other child abuse in schools and highlighting its negative effects. The film – *Discrimination and Abuse against Children in Schools* – is to be available in Arabic and English. (*Yemen Observer*, 12 December 2009)

Zimbabwe: MP and lawyer Tongai Matutu called for legislators to prohibit corporal punishment in schools. (*Financial Gazette*, 15 January 2010)

3 RESEARCH AND REPORTS

Plan International has published a progress report on its *Learn without fear* campaign. The report – [Plan's Global Campaign to End Violence in Schools: Campaign Progress Report](#) – describes what has been achieved in the first 12 months of the campaign in reducing violence in schools, including through law reform and other measures.

Other research reports include:

Australia: In a survey of 1,400 readers of the Geelong Advertiser (Your City Your Say), 90% believed parents should be able to hit their children. (*Geelong Advertiser*, 20 February 2010)

China: A survey of over 2,100 primary school child aged 9-12 found that 73% are physically punished by their parents, and this was associated with psychosomatic symptoms such as headache and abdominal pain. The study was led by Therese Hesketh, University College London, and published in the journal *Archives of Disease in Childhood*, vol. 95 (2), February 2010.

China/UK: A retrospective survey of nearly 1,000 students in China and England looked at their experiences of parental discipline and their attitudes towards it. Of the Chinese students, 60% of boys and 50% of girls reported being hit by their parents; 37% of boys and 36% of girls reported being beaten with a stick, rod or branch. Of the English students, 43% of boys and 43% of girls reported being hit; beating with a stick, rod or branch was reported by 11% and 7% respectively. Most of the Chinese respondents thought physical punishment was acceptable, though there were indications this is being questioned. It was considered less acceptable by the English respondents. (Hester, M. et al, 2009, "Girls' and boys' experiences and perceptions of parental discipline and punishment while growing up in China and England", *Child Abuse Review*, 18, 401-413)

New Zealand: Since the referendum we reported on in our previous newsletter, two reviews have been published which show that the law prohibiting all corporal punishment is being implemented well. The *Report to the Minister for Social Development and Employment* confirms that there is no evidence of disproportionate state interference in childrearing. The *Review of New Zealand Police and Child, Youth and Family Policies and Procedures* found that the law is being applied appropriately in response to child safety concerns.

Nigeria: A study on corporal punishment in schools in Abia State was reported in the latest edition of *Discipline* (see "campaigns" above). Punishments include digging, cutting grass, picking up rubbish, flogging, beating, and frog jumps: 70% of students said they were punished daily, 20% occasionally. For further details email info_chirn@yahoo.com.

TFYR Macedonia: Research on children's perceptions of their rights, including attitudes towards corporal punishment, has been carried out by the First Children's Embassy in the world-Megjashi, involving over 2,200 students. According to the report – *Perception of children about their rights, discrimination and violence against children* – 56% of children named hitting/beating as a form of violence that happens in schools, 57% said they knew a child who had been beaten by a teacher/headteacher, including slapping (63%), caning (34%), and kicking (15%).

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4 MEDIA WATCH

A selection of media reports on corporal punishment:

Bangladesh: A 16-year-old girl was given 101 lashes for becoming pregnant when raped. The punishment was ordered by Muslim elders in the village. They pardoned the rapist. (*Independent.ie*, 26 January 2010)

- Botswana:** The Department of Tribal Administration is recruiting people as assistant court bailiffs whose duties include administering corporal punishment. This was previously done by the local police, but restructuring of the police force into a national body has meant that persons who would ordinarily have been flogged have been sent to prison instead. The lack of police powers to administer corporal punishment is also being blamed for a rise in village crimes. (*AllAfrica.com*, 3 February 2010; *Botswana Press Agency*, 27 January 2010, 19 February 2010)
- China:** An appeal court upheld the decision to fire a kindergarten teacher for using corporal punishment, ruling that a video in which children imitated how the teacher would punish them was sufficient evidence that physical punishment had been used. (*Shanghai Daily*, 19 January 2010). In Shandong, a 14-year old student froze to death after being made to stand out in the cold as a punishment. (*asiaone.com*, 24 December 2009)
- Egypt:** A primary school teacher reportedly beat a student, breaking his arm. (*Al-Masry Al-Youm*, 24 February 2010)
- India:** An 11-year-old student in Orissa was allegedly beaten to death for not doing his homework. A teacher in Ganjam district was arrested for allegedly thrashing a 7-year-old student. In Karnataka, a 4-year-old child's eye was badly damaged when she was caned by her teacher. A headteacher in Uttar Pradesh beat a 7-year old girl for talking in class – she died later of spinal injuries. In New Dehli, a 12-year old required surgery for a shoulder injury after being physically punished by his teacher. (*PTI News*, 21 February 2010; *The Hindu*, 8 February 2010; *India Today*, 25 December 2009; *IBNLive*, 23 February 2010; *IndianExpress.com*, 25 January 2010)
- Pakistan:** A 12-year old schoolgirl died after being beaten by a teacher over a missing notebook. (*Dawn.com*, 7 February 2010)
- Saudi Arabia:** A 13-year old girl was sentenced to 90 lashes and two months in prison for assaulting her teacher after being found with a mobile phone. Amnesty International has called for the lashings not to be carried out. (*Amnesty International*, 25 January 2010)
- Thailand:** More than 80 children from one school were hospitalised after overdosing on cough pills, some in the belief that the drugs would help to improve their studies, others to relieve pain from corporal punishment. (*Asia Pacific News*, 4 February 2010)

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5 HUMAN RIGHTS MONITORING

Key decisions and recommendations, etc.

The **Committee on the Rights of the Child** held its 53rd session in January, and made strong recommendations for comprehensive law reform to prohibit all corporal punishment. The Committee examined the state party reports of El Salvador, Ecuador, Cameroon, Tajikistan, Paraguay, Mongolia, Burkina Faso and Norway. With the exception of Norway, which achieved full prohibition in 1987, the Committee made strong recommendations to all states to prohibit corporal punishment of children in all settings, including within the family home. The Committee repeatedly reminded states that the UN Study on Violence against Children had recommended prohibition of all forms of violence, including corporal punishment. To Mongolia, where proposals have been made to include prohibition in the current revision of the Family Law, the Committee recommended that the Government pass the proposed amendments.

The **Committee on the Elimination of Discrimination against Women** held its 45th session in January/February. The Committee recommended explicit prohibition by law of all corporal punishment of children in Panama and Botswana.

In its report on *Democracy and Human Rights in Venezuela*, the **Inter-American Commission on Human Rights** commended the state for its prohibition of all corporal punishment of children.

The **UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**, Manfred Nowak, presented his *preliminary findings on his mission to Jamaica* on 19 February. He drew attention to “regular corporal punishment” in St Andrew Juvenile Remand Centre for boys.

Briefing the Committees

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 always willing to advise NGOs and human rights institutions on the practical details of how to submit briefings (email info@endcorporalpunishment.org).

The *Committee on the Rights of the Child* is holding its 54th session in May/June 2010 and is examining the following states: *Convention on the Rights of the Child* – Argentina, Belgium, Grenada, Guatemala, Japan, Nigeria, TFYR Macedonia, Tunisia; *Optional Protocol on the Involvement of Children in Armed Conflict* – Argentina, Colombia, Japan, Serbia, TFYR Macedonia; *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* – Belgium, Colombia, TFYR Macedonia, Japan, Serbia

At the same session, the Pre-Sessional Working Group of the Committee will be drafting lists of issues and questions for future examination of: *Convention on the Rights of the Child* – Angola, Burundi, Denmark, Montenegro, Nicaragua, Spain, Sri Lanka, Sudan, Ukraine; *Optional Protocol on the Involvement of Children in Armed Conflict* – Bosnia and Herzegovina, Mexico, Nicaragua, Sri Lanka, Sudan, Ukraine; *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* – Bosnia and Herzegovina, Mexico, Nicaragua. **Briefings on these states should be submitted before 26 April 2010.**

The *Committee Against Torture* will be holding its 44th session in April/May 2010 and will examine: Austria, Cameroon, France, Jordan, Liechtenstein, Switzerland, Syrian Arab Republic.

At the same session, the Pre-Sessional Working Group will be considering issues and questions for future examination of: Bosnia and Herzegovina, Cambodia, Ecuador, Ethiopia, Ireland, Mongolia, Turkey. **The (revised) deadline for submitting briefings on these states has passed.**

The *Committee on Economic, Social and Cultural Rights* will be holding its 44th session in May 2010 and will examine: Algeria, Colombia, Mauritius, Kazakhstan, Afghanistan.

At the same session, the Pre-Sessional Working Group will consider issues and questions for future examination of: Sri Lanka, Yemen, Russian Federation, Turkey, Republic of Moldova, Mali. **Briefings on these states should be submitted before 3 May 2010.**

The *Human Rights Committee* will be holding its 99th session in July 2010 and will examine: Cameroon, Colombia, Estonia, Israel.

At the same session, the Country Report Task Forces will consider issues and questions for

future examination of: Ethiopia, Mongolia, Kazakhstan, Slovakia, Togo **Briefings on these states should be submitted before 12 March 2010.**

The *Committee on the Elimination of Discrimination against Women* will be holding its 46th session in July 2010 and will examine: Albania, Argentina, Australia, Central African Republic, Fiji, Grenada, Papua New Guinea, Russian Federation, Seychelles, Turkey.

At the same session, the Pre-Session Working Group will consider issues and questions for future examination of: Algeria, Bangladesh, Belarus, Djibouti, Israel, Kenya, Singapore, South Africa. **Briefings on these states should be submitted before 14 June 2010.**

The Universal Periodic Review process

Countries to be examined by the **Human Rights Council** in the 8th session of the Universal Periodic Review, May 2010, are: Guinea, Guinea-Bissau, Kenya, Lesotho, Kiribati, Kuwait, Kyrgyzstan, Lao PDR, Grenada, Guyana, Haiti, Spain, Sweden, Turkey, Armenia and Belarus. **The deadline for submitting briefings on these countries has passed.**

The 9th session will take place in December 2010. The deadlines for submission of briefings are:

By 12 April 2010 for Liberia, Libyan Arab Jamahiriya, Malawi, Mauritania, Lebanon, Maldives, Marshall Islands, Micronesia

By 19 April 2010 for Mongolia, Honduras, Jamaica, Panama, the US, Andorra, Bulgaria, Croatia.

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6 CAN YOU HELP?

Please let us know if you have any information on laws prohibiting or authorising corporal punishment in the following countries and settings (email info@endcorporalpunishment.org).

Penal system (sentence of the courts) – Central African Republic, Equatorial Guinea, Gabon, Oman

Penal system (disciplinary measure in penal institutions) – Bahrain, Central African Republic, Equatorial Guinea, Eritrea, Gabon, Guinea, Libyan Arab Jamahiriya, Niue, Sao Tome and Principe, Syrian Arab Republic

Alternative care settings – Guinea-Bissau, Libyan Arab Jamahiriya

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We hope you find this newsletter informative and useful and welcome your comments: please email info@endcorporalpunishment.org. We are sending the newsletter to supporters of the aims of the Global Initiative (for the full list, click on “Supporters” on the [website](#)) and others who we think will be interested. If you do not want to receive future editions, please tell us at info@endcorporalpunishment.org. If your organisation is not listed as supporting the aims of the Initiative, please consider signing up (email info@endcorporalpunishment.org).

To receive the latest developments between newsletters, please sign up to the RSS news feed at www.endcorporalpunishment.org.

“... States must afford absolute protection for the dignity and integrity of children and adolescents. That demands eliminating, in their legal frameworks, the use of such nonjuridical concepts as ‘moderation’ to define what kind of discipline can be used.... Neither is it permissible for States to remain neutral vis-à-vis the widespread social acceptance of corporal punishment or for them to attempt to justify it as a necessary disciplinary measure that corresponds to positive goals...”

Inter-American Commission on Human Rights (2009),
Report on corporal punishment and human rights of children and adolescents, para. 96