



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

GLOBAL INITIATIVE NEWSLETTER 2 (APRIL 2008)

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1. Global progress: facts and figures

23 states worldwide have prohibited all corporal punishment of children, including in the home: Austria, Bulgaria, Chile, Croatia, Cyprus, Denmark, Finland, Germany, Greece, Hungary, Iceland, Israel, Latvia, Netherlands, New Zealand, Norway, Portugal, Romania, Spain, Sweden, Ukraine, Uruguay and Venezuela. In two states – Italy and Nepal – Supreme Court rulings have effectively prohibited corporal punishment in childrearing, but this has not yet been confirmed in legislation.

Prohibition in schools has been achieved by 106 states. In penal systems, 146 states have prohibited corporal punishment of children as a sentence of the courts and 105 as a disciplinary measure in penal institutions. Only 35 have prohibited corporal punishment in all alternative care settings.

For a snapshot of the situation worldwide, see the website "[Countdown to universal prohibition](#)". Details can be found in the individual country reports and the online state by state analysis, which have been updated since the last newsletter.

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2. Moves towards prohibition

Explicit prohibition, including in the home, is under consideration by the parliaments or parliamentary bodies in Brazil, Canada, Costa Rica, Czech Republic, Estonia, Luxembourg, Nicaragua, Pakistan, Peru, Philippines, Slovenia, South Africa and Switzerland.

Many other governments have made a public commitment to full prohibition, including Afghanistan, Bangladesh, Bhutan, Ireland, Lithuania, Maldives, Serbia, Slovakia, Sri Lanka and Taiwan.

In other states, public calls for full prohibition have been made, and there are a number of active campaigns on the issue:

Australia Retired Family Court chief justice Alastair Nicholson called for prohibition of smacking, to follow New Zealand's example in removing the "reasonable chastisement" defence; he stated that the compromise law introduced in New South Wales in 2001, which banned "non-trivial" physical force, sent the wrong message. The call was echoed by Australian Childhood Foundation chief Joe Tucci. (www.news.com.au, 21 February 2008)

Barbados Head of the Department of Government, Sociology and Social Work at the University of the West Indies, Dr Letnie Rock, called for an end to corporal punishment of children in the home in a speech at the Sir Arthur Lewis Institute of Social and Economic Studies Policy Forum on Child Abuse in Barbados. She stated: "We also know that we live in a culture where people don't want you to talk about abandoning corporal punishment when it comes to the discipline of children.... this cultural sanctioning and widespread acceptance of physical punishment, which is commonly used in child rearing and which we accept because of our Judeo-Christian beliefs and our biblical affirmation, really has no place in our home, society or our community." (*The Barbados Advocate*, 7 March 2008)

Hong Kong Following the death of two children after corporal punishment by their parents, the University of Hong Kong called for the prohibition by law of corporal punishment in the home. Dr Edward Chan Ko-ling, assistant professor of the Department of Social Work and Social Administration stated: "We have a law prohibiting teachers to administer corporal punishment to a pupil, and prohibiting anyone to administer corporal punishment to a child in a centre. However, there is no explicit law prohibiting corporal punishment in the home. It conveys a message that parents have a right to physically punish their kids." (*People's Daily Online*, 2 March 2008)

Jamaica Jamaican Minister of Education, Andrew Holmes, was reported as announcing to a gathering of young people that a new culture of disciplining children needed to be created which did not resort to violence: "We have done that for many years and do you know what that passes to the students? That the only way to resolve a conflict is through violence, and what is being played out in the society is reinforced every day by how we as a society impart disciplinary instructions to our young people." He stated that the violence in society is a result of corporal punishment of children by teachers and parents. (*The Jamaica Observer*, 6 March 2008)

UK The [Children Are Unbeatable! Alliance](#) launched its 2008 campaign for equal protection for children from assault with a press advert showing signatures of politicians, policy people, parents and professionals. Many MPs have called for complete removal of the "reasonable punishment" defence to ban smacking; Labour MPs are urging the Government to allow a free "conscience" vote on the issue. Senior MPs, including Kevin Barron, chairman of the all-party health select committee, are likely to table an amendment to the Children and Young Persons Bill, during its passage through the Commons this summer.

A report by the Institute for Public Policy Research think-tank recommends a total ban on smacking. [Make Me A Criminal: Preventing Youth Crime](#) by Julia Margo states (pp. 7-8): "Parents should be banned from any form of physical punishment of children. This would

not only reduce criminality in the long term, but would also send out a message about the kind of society we want to be – one in which violence and physical abuse are not tolerated....”

There have also been moves toward prohibition in settings outside the home:

Fiji In February, a High Court judge set aside a magistrate’s decision to sentence two men to caning on the grounds that corporal punishment is unconstitutional. (*Fiji Times Online*, 16 February 2008) It was six years ago when the High Court originally ruled that corporal punishment was unconstitutional, but the Penal Code provisions allowing for such punishment have yet to be repealed.

India The Central Government has sent advisories to all state governments to ban corporal punishment in schools. (*Associated Press of Pakistan*, 17 March 2008).

Malaysia The Paris-based International Federation for Human Rights has called for an end to caning of illegal foreign workers in Malaysia. Last year, the Malaysian Bar Council had also called for an end to judicial caning. (*Reuters*, 21 March 2008)

Pakistan The [Society for the Protection of the Rights of Children](#) which called for prohibition of all corporal punishment in schools following a child’s death from severe corporal punishment in Sindh. (*The Post*, 25 February 2008)

Sierra Leone A campaign has been launched against corporal punishment in schools by Defense for Children International – Sierra Leone. (*The New Citizen*, 10 March 2008)

Uganda The Trial on Indictment (Amendment) Act 2006, passed in February, prohibits corporal punishment in the penal system, confirming in legislation a 1999 Supreme Court ruling that corporal punishment is unconstitutional (*Kyamanywa v. Uganda*, Criminal appeal No. 16). There are plans to amend the Magistrates’ Court Act and the Penal Code accordingly.

US An organisation campaigning for prohibition of corporal punishment in schools, [The Hitting Stops Here](#), targeted North Carolina with protest gatherings. The group, together with the national organisation [Parents and Teachers Against Violence in Education](#), have started a petition asking legislators to pass a bill banning corporal punishment, which they plan to submit in 2009. (*FayObserver.com*, 21 March 2008)

In Ohio, House Bill 406, which would prohibit corporal punishment in schools, is under discussion. (*The-Review.com*, 2 April 2008)

BUT ...

Australia Last year, the South Australian government rejected a bill which would have confirmed in legislation parents’ right to smack, but in an associated parliamentary written response in February, Police Minister Paul Holloway said that the South Australian police “accept the community standard that on occasion some parents apply minor force to their child as an act of discipline” and that officers would only take action if the “application of force was more serious than an act of minor discipline”. (*Herald Sun*, 28 February 2008)

The Queensland government stated that there is no need to amend legislation following a court ruling that a teacher who had slapped a 14 year old student in the face in December 2006 was acting lawfully. Corporal punishment is prohibited by policy, and the teacher in this case lost his job, but the magistrate had accepted that the teacher was practising “domestic discipline”, which allows a teacher to use reasonable force “by way of correction, discipline, management or control” (Criminal Code, section 280). (*Herald Sun*, 15 February 2008)

US A bill to prohibit hitting a child under 3 in the face or head has been introduced to the Assembly in California, but Assembly Bill 2943 does not prohibit all corporal punishment of children.

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3. Measures to support prohibition

A number of research studies have recently been published to support the need for prohibition, covering the prevalence of corporal punishment of children (Afghanistan, Hong Kong, India, Saudi Arabia), the effects of corporal punishment (Australia, US), and the experience of enacting full prohibition (New Zealand).

Afghanistan A study published in February 2008 by the Afghanistan Research and Evaluation Unit found that corporal punishment of children by their parents is widespread. *Love, Fear and Discipline: Everyday Violence toward Children in Afghan* (available on the [AREU website](#)), was welcomed by the Ministry of Education, which said that the study would support programmes to address domestic violence, but there was no reported statement about prohibiting corporal punishment. (*IRIN*, 26 February 2008)

Australia Research has been published which shows links between smacking and sleep difficulties in toddlers. Analysing data from 4,600 families, a paediatrician from the Melbourne Royal Children's Hospital found that mothers who shout or smack are more likely to have toddlers with sleep difficulties, though the research does not establish a direct causal link. (*The Sydney Morning Herald*, 31 March 2008)

Hong Kong Research published by the Department of Social Work and Social Administration of the University of Hong Kong and the Hong Kong Committee for UNICEF in March 2008 found that more than one in five children are hit by their parents (21% of nearly 6,000 primary and secondary school students reported this) – but the lifetime prevalence was much higher, at 58%. The study recommends that corporal punishment should be regarded as a form of criminal child abuse. (Chan, K. L., 2008, Study on Child-friendly Families: Immunity from Domestic Violence, Hong Kong: Hong Kong Committee for UNICEF & Dept of Social Work and Social Administration, University of Hong Kong)

India In February the National Commission for Protection of Child Rights published a report on the state of penal institutions for children in conflict with the law, based on a detailed study of juvenile care centres (“juvenile homes”) across the country. Physical punishment was found to be a dominant disciplinary method in 70% of the centres. (*BigNewsNetwork.com*, 18 February 2008)

New Zealand A report of the process of enacting prohibition was published in February, following the prohibition of all corporal punishment in 2007. [Unreasonable Force: New Zealand's Journey Towards Banning Punishment of Children](#). Written by Beth Wood, Ian Hassall and George Hook, with Robert Ludbrook, the book documents the 40-year history of advocacy and debate leading to the repeal in 2007 of section 59 of the Crimes Act 1961.

Saudi Arabia [Adults Before Their Time: Children in Saudi Arabia's Criminal Justice System](#) is one of two reports published by Human Rights Watch following a year long examination of the criminal justice system, including interviews with Saudi officials, detainees, lawyers and families. The research found that judges regularly try children without the presence of lawyers or sometimes even guardians, even for crimes punishable by death, flogging, or amputation. The report calls on Saudi Arabia to adopt a written penal code and to prohibit all corporal punishment of persons under the age of 18 at the time of the offence.

US Research by Murray Straus, co-director of the Family Research Laboratory at the University of New Hampshire in the US, published in February, found a strong correlation between corporal punishment of children and sexual problems later during teen and adult years. (More information available [here](#).)

4. Media watch

A selection of other recent global media coverage on corporal punishment of children:

Bahamas In March, the Court of Appeal ruled that the flogging of a man for raping a child was unconstitutional on a technicality: because there was no provision allowing flogging for sexual offences or rape in the Penal Code prior to the 1973 Constitution, then the current law approving such punishment for sex offenders is unconstitutional. (*The Nassau Guardian*, March 2008) It would seem that this does not apply to sentences of flogging for crimes which were provided for prior to the enactment of the Constitution.

Canada The Mennonite community in Ontario is set to change its rules on corporal punishment after two Mennonite teachers pleaded guilty to charges of using corporal punishment against seven boys. The teachers had hit the boys on their buttocks with a belt. (*United Press International*, 27 March 2008)

China The Hunan province Municipal Bureau of Education has issued an ethics code for its primary and high school teachers, following a number of cases involving the use of corporal punishment by teachers. (*news.rednet.cn*, 21 February 2008)

Guyana The Ministry of Education is to publish a Handbook of Alternative Disciplinary Strategies. (*Stabroek News*, 22 February 2008). School corporal punishment has been the subject of heated public debate, but is yet to be prohibited by law.

India A 15 year old student who had fallen into a coma following a beating by a teacher in a private school in Delhi in November died in March. (*The Hindu*, 27 March 2008)

Two children sustained injuries after being beaten by a teacher in a primary school in Delhi, following which the Municipal Corporation of Delhi is planning a sensitisation campaign against corporal punishment in schools. (*The Times of India*, 23 February 2008)

Jamaica A consultation with almost 50 children from 16 primary schools was carried out by the Office of the Children's Advocate (OCA) in March, many of whom complained of corporal punishment by their teachers, including flogging with various implements including pieces of tyre, boards and sticks. The consultations are being carried out to raise awareness among teachers and students about the OCA and the provisions of the Child Care and Protection Act, and to inform government policy. (*The Jamaica Observer*, 5 March 2008)

The Jamaica Association of Principals of Secondary Schools has called for alternatives to corporal punishment to be identified. (*The Jamaica Observer*, 16 March 2008)

Liberia A new UN report compiled by the UN Mission in Liberia, covering the human rights situation from May to October 2007, recommends prohibition in law of all forms of violence against children, including corporal punishment (*NewsBlaze*, 2 April 2008).

New Zealand According to an editorial in the *New Zealand Herald*, despite the efforts of pro-smacking groups to force a referendum on the prohibition, the smacking debate has moved on and is "no longer a matter of substance to the public". The editorial cited a Herald-DigiPoll survey of January 2008 in which only 4.2% of those polled selected it as an issue that was likely to influence their election vote. (*nzherald.co.nz*, 25 February 2008)

Children's Commissioner Cindy Kiro told a Parliamentary Select Committee in March that she is confident the legislation prohibiting corporal punishment by parents is having a positive impact, that public attitudes are changing despite some vicious debate, and that recent campaigns against family violence are succeeding. (*NewstalkZB*, 5 March 2008)

South Africa The South African Human Rights Commission, in its *Report of the Public Hearing on School-based Violence*, has reported that “a considerable number” of educators administer corporal punishment in schools, despite its prohibition in law. (*Inter Press Service News Agency*, 1 April 2008)

Trinidad and Tobago Former president of the Trinidad and Tobago Unified teachers’ Association, Trevor Oliver, said that calls for the return of corporal punishment in schools was a knee-jerk reaction to a real crisis in the school system, and described such punishment as “archaic”. (*Trinidad and Tobago Express*, 21 March 2008)

Turkey A seminar in Ankara in March, organised by the European Commission and the European Union General Secretary, focused on the need to establish a more effective national child protection system in Turkey, including legislation to prohibit corporal punishment of children. (*Turkish Daily News*, 13 March 2008)

US A report by the Blueprint Commission on Juvenile Justice in Florida ([Getting Smart About Juvenile Justice in Florida](#)) found that juvenile offenders are being inappropriately incarcerated, often sent to rural facilities “notorious for severe and harsh discipline, including corporal punishment”. The report makes a number of recommendations concerning discipline in schools but does not recommend that corporal punishment be prohibited.

Human Rights Watch published a letter sent to the Jackson, Mississippi School District Board of Trustees urging them not to reinstate corporal punishment in schools. A detailed report on corporal punishment in the US is due to be published in September. (Human Rights Watch, 3 April 2008)

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5. Human rights treaty monitoring on children’s right to protection from corporal punishment

The 1st **Universal Periodic Review** session of the Human Rights Council is drawing to a close as this newsletter is being written. The issue of corporal punishment of children has been repeatedly raised during the sessions, which have been [webcast live](#). The UK was among the first states to have its human rights records reviewed – concern at the lack of prohibition on all corporal punishment within the family was expressed by a number of states, including Italy, France and Sweden, and strong recommendations were made to enact full prohibition. The final reports and recommendations of the review should be available shortly on the [UPR website](#).

The **Human Rights Committee** held its 92nd session in March/April 2008. In its concluding observations on the initial state party report of Botswana it recommended the abolition of all forms of penal corporal punishment ([CCPR/C/BWA/CO/1](#), para. 19).

At its seventh session in March, the **Human Rights Council** adopted a resolution on the rights of the child ([A/HRC/7/L.34](#), draft version). The Council urges States “to take effective and appropriate legislative and other measures or, where they exist, strengthen legislation to prohibit and eliminate all forms of violence against children, in all settings” (para. 13a); “to take appropriate measures to assert the right of children to respect for their human dignity and physical integrity and to prohibit and eliminate any emotional or physical violence or any other humiliating or degrading treatment”(para. 13c); and “to take measures to change attitudes that condone or normalize any form of violence against children, including cruel, inhuman or degrading forms of discipline” (para. 13e). Specific recommendations concern the elimination of corporal punishment in schools (para. 13d) and in penal detention settings (para. 30).

Reporting on visits undertaken last year, the **Special Rapporteur on torture**, Mr Manfred Nowak, expressed concern about the use of corporal punishment in prisons in Indonesia, including against

children, and at the provisions for corporal punishment as a sentence for crime under Islamic law in the Aceh Criminal Code. The Rapporteur recommended that the Government “ensure that corporal punishment, independently of the physical suffering it causes, is explicitly criminalized in all parts of the country” ([A/HRC/7/3/Add.7](#), para. 75). The Special Rapporteur welcomed the abolition of penal corporal punishment in Sri Lanka in 2005, but expressed concern at its continuing use in situations of detention ([A/HRC/7/3/Add.6](#), para. 94).

A new Resolution ([Resolution 1/08 “Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas”](#)) was adopted by the **Inter-American Commission on Human Rights** in March. It states that all persons deprived of their liberty shall be protected from corporal punishment, and this applies to all institutions accommodating persons who are not free to leave of their own free will, including penal institutions, psychiatric institutions, institutions for persons with disabilities and immigration detention centres. It is expected to inform the process of drafting an Inter-American Declaration on the rights, duties and care of persons under any form of detention or imprisonment.

The Global Initiative regularly briefs human rights treaty monitoring bodies prior to examination of state parties (past briefings are available on the website – click on “Global Initiative briefings” on the [sitemap](#)). The treaty bodies are due to examine the following states at their next sessions:

[Committee on the Rights of the Child](#) (48th session, May/June 2008): Convention on the Rights of the Child – Bulgaria, Eritrea, Republic of Chad, Serbia, Sierra Leone; Optional Protocol on the Involvement of Children in Armed Conflict – Philippines, Republic of Korea, US

[Committee Against Torture](#) (40th session, May 2008): Algeria, Australia, Costa Rica, Iceland, Indonesia, Sweden, TFYR Macedonia, Zambia

[Committee on Economic, Social and Cultural Rights](#) (40th session, Apr/May 2008): Benin, Bolivia, France, India

[Human Rights Committee](#) (93rd session, July 2008): France, San Marino, Ireland, UK

[Committee on the Elimination of Discrimination against Women](#) (41st session, Jun/Jul 2008): Finland, Iceland, Lithuania, Nigeria, Slovakia, UK, United Republic of Tanzania, Yemen

Plus ...

The [Human Rights Council Universal Periodic Review](#) (2nd session, May 2008): Gabon, Ghana, Peru, Guatemala, Benin, Republic of Korea, Switzerland, Pakistan, Zambia, Japan, Ukraine, Sri Lanka, France, Tonga, Romania, Mali

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6. Can you help?

If you can provide information relating to the legality of corporal punishment of children, research on prevalence and/or children’s views and experiences, positive parenting resources, or initiatives and campaigns promoting prohibition, please email info@endcorporalpunishment.org.

We are particularly trying to find out if corporal punishment of children has been explicitly prohibited in the following settings/states:

Schools – Cote d’Ivoire, Nauru, Niue

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

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

Alternative care settings – Bahrain, Central African Republic, China, DPR Korea, Djibouti, El Salvador, Gabon, Guinea-Bissau, Iraq, Kuwait, Libyan Arab Jamahiriya, Nauru, Niue, Taiwan, Turkmenistan

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We hope you find this newsletter informative and useful and would welcome your comments: please email info@endcorporalpunishment.org. Many thanks to all those who contacted us following our initial newsletter – your positive feedback was greatly appreciated!

Violence against children is a violation of their human rights, a disturbing reality of our societies. It can never be justified whether for disciplinary reasons or cultural tradition. No such thing as a “reasonable” level of violence is acceptable. Legalized violence against children in one context risks tolerance of violence against children generally.

(Louise Arbour, United Nations High Commissioner for Human Rights, December 2007)