



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

GLOBAL INITIATIVE NEWSLETTER 20

(JUNE 2012)

Welcome to the second newsletter of 2012 on worldwide progress towards prohibiting corporal punishment. Its production has been slightly delayed – we hope this bumper edition will excite and inspire you about all that’s been happening across the globe. Read on for news of prohibition being achieved in overseas territories, prohibiting bills in the final stages of their passage through parliament, regional initiatives in Africa, the Caribbean and South Asia, lots of national campaigns, major new publications from the Global Initiative, coverage of the issue in the Universal Periodic Review, and much more....

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TWO NEW REPORTS FROM THE GLOBAL INITIATIVE 2012

New Caribbean report Caribbean experts including religious leaders united in calling for an end to corporal punishment of children in their homes, schools and all other places in a new report following up the UN Secretary General's Study on Violence against Children, published in May 2012 by the Global Initiative in collaboration with the Global Movement for Children in Latin America and the Caribbean. The 64-page report – *Prohibiting corporal punishment of children in the Caribbean: Progress report 2012* – charts progress and delay in prohibiting and eliminating this form of violence against children in the region. It describes research showing the nature and extent of corporal punishment in Caribbean countries and reveals the high level of support among faith groups and others for its abolition. The report sets out the human rights obligation to protect children from all forms of corporal punishment and other cruel or degrading punishment and the steps needed to enact and enforce laws to prohibit it. With detailed individual reports on every state and territory in the Caribbean, the report is an invaluable resource for all those concerned with ending violence against children. The report was launched at a regional conference in Jamaica on follow up to the UN Study. Children prepared a Declaration which among other things spoke out against corporal punishment, and in a message to the conference, Paulo Sérgio Pinheiro, the Independent Expert who led the UN Study on Violence against Children, said:

“Seven years have passed since the Caribbean Regional Consultation for the UN Study, held in Trinidad in 2005. Some of you were with me there to hear young people describing the daily violence suffered in their homes, in the institutions and schools established to ‘care for and ‘educate’ them.

Violence has no place in children’s lives; violence is not caring and violence is anti-educational. We have repeated endlessly the mantra of the Study Report: ‘No violence against children is justifiable; all violence against children is preventable.’ ...

Violence cannot be dignified or justified by reference to faith or religion; increasingly, this is accepted in relation to violence against women, and it must be accepted in relation to children....

I commend to you the Global Initiative’s report on progress towards eliminating it in this region, to be launched at the conference. I am delighted to see the impressive lists in the report of unequivocal support for banning and eliminating it from prominent Caribbeans and from many NGOs and human rights institutions across the region.”

New report on alternative care settings A report on prohibiting corporal punishment in alternative care and day care settings is now available. Care settings are often among the last in which prohibition is enacted: the majority of states have not prohibited corporal punishment in any form of alternative care or day care, leaving millions of children, including some of society’s most vulnerable, subject to violent and other humiliating punishment by those whose role it is to take care of them. Published by the Global Initiative working with Save the Children Sweden, *Ending legalised violence against children: Prohibiting and eliminating corporal punishment in all alternative care and day care settings* aims to accelerate the prohibition and elimination of all corporal punishment and other cruel or degrading punishment in care settings, supporting its universal prohibition in all settings of children’s lives. The report can be used to raise awareness about children’s right to protection, support the use of human rights mechanisms in campaigning for law reform and provide guidance on the drafting and implementation of legislation which prohibits all corporal punishment.

1 GLOBAL PROGRESS

First territory in the Caribbean achieves full prohibition

Curaçao: Curaçao – a Caribbean country within the Kingdom of the Netherlands – has achieved prohibition of corporal punishment of children in all settings, including the home. Curaçao’s 40,000 children thus become the first in the Caribbean region to be protected by legislation from corporal punishment in all settings of their lives. The Joint Custody Ordinance (2011) amends article 247 of the Civil Code so that it states:

(1) Parental authority includes the duty and right of the parent to care for and raise his or her minor child.

(2) Caring for and raising the child includes care and responsibility for the mental and physical wellbeing and safety of the child and the development of his or her personality. In the care and upbringing of the child the parents will not use mental or physical violence or any other degrading treatment.

The prohibition applies to all persons acting *in loco parentis*, and came into force on 1 January 2012.

Formerly part of the Netherlands Antilles, Curaçao became autonomous in 2010 when the Antilles were dismantled following constitutional reforms within the Kingdom of the Netherlands. The prohibition of corporal punishment mirrors that in the Civil Code of the Netherlands (Europe), where prohibition in all settings was achieved in 2007.

Among the other nearly 70 overseas departments, territories and dependencies worldwide, corporal punishment of children is unlawful in all settings in only two. In 2003, legislation was enacted in the Pitcairn Islands – a British Overseas Territory with a child population of less than 50 – stating that force cannot be used to discipline or punish a child: the Children Ordinance was further amended in 2009 to explicitly abolish the common law defence for the use of corporal punishment. In Svalbard – part of the Kingdom of Norway – Norwegian civil and criminal laws apply: prohibition of corporal punishment in all settings was achieved in Norway when the Parent and Child Act was amended in 1987. For further information see the Global Initiative’s detailed country reports on [Curaçao](#), [Pitcairn Islands](#) and [Svalbard](#).

Other positive moves towards law reform

Brazil: A [Bill](#) is being discussed in the Senate which would amend the Children and Adolescents Code to prohibit all corporal punishment. Opposition attempts to block the Bill’s passage to the Senate failed to achieve the required number of signatures. During the Universal Periodic Review of Brazil by the Human Rights Council in May, Congressman Domingos Dutra, President of Human Rights Commission of the House of Representatives, expressed commitment to approving the Bill.

Philippines: [House Bill No. 4455](#) – the Positive Discipline instead of Corporal Punishment of Children Bill – is under discussion. It has been passed by the House of Representatives but its counterpart in the Senate ([Senate Bill 873](#)) is pending in the Senate Committee on Youth, Women and Family Relations. Romeo Dongeto, Executive Director of Philippine Legislators Committee on Population and Development Foundation said: “We are against corporal punishment or the use of physical, emotional and psychological form of disciplining children.... While there are several organisations – such as Save the Children, Plan Philippines, Lunduyan, Saligan, and UNICEF – working for the promotion of positive discipline, these efforts are temporary, fragmented and short lived. A national law once enacted will mandate government agencies to introduce positive discipline as an approach in rearing Filipino

children.” (Quoted in *ZamboTimes.com*, 22 May 2012). The Child Rights Network – a coalition of more than 60 NGOs – is pushing for the passage of the Bill.

There have also been proposals for a Cebu City ordinance to prohibit corporal punishment of children. Based on existing child legislation and the UN Convention on the Rights of the Child, it would prohibit all physical violence, with or without implements, as well as other cruel and unusual punishments aimed at humiliating the child. (*Cebu Daily New*, 19 February 2012)

South Africa: The Government Department of Social Development as well as child rights organisations, including UNICEF, Childline SA, the Centre for Child Law and the Children’s Rights Project at the University of the Western Cape, are strongly supporting a proposed ban on corporal punishment in the home. Department spokesman Lumka Oliphant reportedly stated that smacking and other degrading forms of “discipline” go against the Department’s policy and training manuals on family preservations. The proposals to amend the Child Care Act to prohibit all corporal punishment are expected to be subject to extensive public consultation before being tabled in Parliament. The consultation and drafting of the amendments is expected to start in July (*The Citizen*, 30 January 2012). In supporting the proposal, UNICEF South Africa drew attention to a 2011 [review](#) undertaken by the [South African Human Rights Commission](#) and [UNICEF South Africa](#), which found that one in five children experienced corporal punishment in school, one in four felt unsafe at school and one in three parents severely beat their children (UNICEF South Africa, 2 February 2012).

South Asia: Bills which would prohibit corporal punishment are under discussion in India and Pakistan, and a regional consultation resulted in concrete proposals for draft new legislation in South Asian states (further details below).

Trinidad and Tobago: The [Children’s Bill](#) which would prohibit corporal punishment in all settings except the home is well on its way to being enacted. It has now passed through both the House of Representatives and the Senate.

Uganda: The Children Act is being reviewed. Proposed amendments, in the form of the draft [Children \(Amendment\) Bill 2011](#), include prohibition of corporal punishment in all settings.

Zambia: A public consultation is under way on the new Constitution. In its [first draft](#), the Constitution includes prohibition of corporal punishment in the Bill of Rights, stating in article 55 that every child has a right “not to be subjected to corporal punishment or any form of violence, or cruel and inhuman treatment, in the home, school and any institution responsible for the care of children”.

But ...

Slovenia: A Family Code Bill which would have strengthened children’s rights, including by prohibiting corporal punishment, was rejected by voters. A conservative group called the “Civil Initiative for the Family and the Rights of Children” opposed the provisions in the Bill relating to same-sex partnerships and gathered enough signatures to force a referendum on the law. The referendum was held on 25 March 2012: voter turnout was 30.31%, 54.55% of which voted against the law.

Canada: Senate Bill S-204 to repeal section 43 of the Criminal Code allowing the use of “force by way of correction” died in March when federal elections were called. The longstanding campaign for law reform by the [Repeal 43 Committee](#) continues.

Other developments

India: The National Commission for Protection of Child Rights (NCPCR) has issued two publications aimed at ensuring the elimination of all corporal punishment in India's schools. *Eliminating corporal punishment in schools* includes a report on a substantial study interviewing children about their experiences of corporal punishment and other cruel and degrading forms of punishment in all types of Indian schools. The report's introduction also highlights the contradictory state of Indian law on the issue and the need for removal of all provisions interpreted as providing any justification of corporal punishment, as well as explicit prohibition covering all settings of children's lives. The Right of Children to Free and Compulsory Education Act 2009 prohibits corporal punishment and mental harassment (section 17); the scope of the Act is limited to children aged between 6 and 14.

The NCPCR has also issued *Guidelines for Eliminating Corporal Punishment in Schools*, with the support of the Ministry of Women and Child Development. The Guidelines promote positive engagement with children in schools and underline children's right to an effective remedy for breaches of their right to protection from corporal punishment. They emphasise the responsibility of the management/administration of all schools, state and private to ensure children are safe from all forms of corporal punishment and when it occurs to ensure independent investigation and appropriate action.

US: State Bills which would limit but not prohibit corporal punishment were discussed but not enacted. In Hawaii, House Judiciary Committee recommended deferring a bill which would prohibit kicking, burning, biting, punching and certain other forms of physical violence against children as well as shaking children under three years old and injuring children under 18 months old. In Mississippi, Senate Bill 2180 to revise the "offense of felonious abuse or battery of a child" by punishing bodily harm of a child but at the same time providing for the defence of "reasonable discipline" to such a charge died in Committee.

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2 CAMPAIGNS AND CALLS FOR PROHIBITION

Regional developments

Africa

In March 2012, the Global Initiative with Save the Children Sweden held a five day regional "Technical Workshop on the Prohibition and Elimination of Physical/Corporal Punishment and All Other Forms of Cruel or Degrading Punishment" in Zanzibar, Tanzania, focusing primarily on law reform in East and Central Africa. Participants came from Ethiopia, Kenya, Rwanda, Somalia, Somaliland, South Africa, South Sudan, Sudan, Uganda, Tanzania and Zanzibar. National action plans were drafted and plans are currently being made to develop them further and support their implementation.

The final version of the Munyonyo Declaration on Justice for Children in Africa is now available on the **Kampala Conference** [website](#). The Kampala Conference on "Deprivation of Children's Liberty as the Last Resort", 7-8 November 2011, was organised by DCI and ACPF and brought together people from all regions with a view to implementing child friendly justice systems in Africa. The Declaration recognises that corporal punishment is still not totally accepted as abuse in Africa (preamble). As well as the Declaration, the conference resulted in *Guidelines on Action for Children in the Justice System in Africa*, finalised in March 2012 (also in [French](#), [Arabic](#)). The Guidelines state that traditional courts,

religious courts and other similar structures, where they exist, must respect international standards on children's rights and must, as a minimum, "respect the inherent dignity of children, including the right not to be subject to torture, or other cruel, inhuman, humiliating or degrading punishment or treatment; no physical punishment of any kind shall be imposed by any such court or structure; undue pressure and duress shall not be used" (para. 43(b)). In relation to the right to a fair trial, the Guidelines state that every child arrested or detained for a criminal offence shall "not be subjected to torture or any other cruel, inhuman or degrading treatment or punishment, any form of physical punishment, or any duress or undue pressure" (para. 54(f)).

The **Day of the African Child** is commemorated annually on 16 June by member states of the African Union. The theme for 2012 is "The Rights of Children with Disabilities: The Duty to Protect, Respect, Promote and Fulfil": one of the particular areas of concern is "Violence against children with disabilities". The Global Initiative's Africa Project has produced a [briefing \(in French\)](#) urging organisations to use the opportunities presented by the Day of the African Child to include the issue in their work and to highlight to African governments their obligation to prohibit and eliminate corporal punishment.

Caribbean

In May 2012, the **Inter-American Commission on Human Rights (IACHR)** Rapporteurship on the Rights of the Child participated in the meeting in Jamaica following up the UN Study on the Rights of the Child (the meeting at which the Global Initiative's Caribbean report was presented, see above). Rapporteur on the Rights of the Child, Rosa Mariá Ortiz, presented two IACHR reports, both of which emphasise the obligation of states to prohibit corporal punishment of children – the *Report on Corporal Punishment and Human Rights of Children and Adolescents* (2009) and the report on *Juvenile Justice and Human Rights in the Americas* (2011). In the same month, the IACHR presented its new *Report on the human rights of persons deprived of liberty in the Americas* (2012), which sets out unequivocally the obligation to protect such persons – including juveniles – from all forms of corporal punishment.

Following the successful launch of the Caribbean progress report (see above) and the identification of high level supporters, including in faith communities, in the region of prohibition of all corporal punishment of children, plans are being made to establish a **regional Alliance to promote law reform**. For further information, contact info@endcorporalpunishment.org.

Europe

The **Council of Europe** has adopted a new *Strategy for the Rights of the Child 2012-2015* to protect and promote children's rights through providing guidance, advice and support to its 47 member states on how to bridge the gaps between standards and practice. The strategy focuses on four main objectives, one of which is eliminating all forms of violence against children, including corporal punishment. The Council of Europe was the first intergovernmental organisation to launch a regional campaign to ensure all of its (47) member states prohibit corporal punishment in all settings: the *Raise your hand against smacking!* campaign was launched in Zagreb, Croatia, in 2008. To date, 22 member states have achieved the necessary law reform.

South Asia

On 24 May 2012, a **high level regional campaign** for the prohibition and elimination of corporal punishment in all settings including the home, by the South Asia Initiative to End Violence Against Children (SAIEVAC), an Apex Body of the South Asian Association for Regional Cooperation

(SAARC), was officially launched in Sri Lanka. The goal of the campaign is “ending the legality, social acceptance and practice of violent punishment in South Asia, conducive to the full development of a quarter of the world’s children”. The expected outcomes are: “(1) Clear prohibition in legislation of all corporal punishment and other forms of cruel or degrading punishment of children in all settings of their lives is achieved in the eight SAARC member states; and (2) Corporal punishment is recognised as a harmful practice and adults adopt positive, non-violent parenting, caring and education.” The campaign develops further the longstanding and growing commitment to prohibition made by governments in the region and the publication by SAIEVAC of a major report on the issue.

In April 2012, the National Law University, Delhi, in collaboration with India’s National Commission for Protection of Child Rights and the Global Initiative to End All Corporal Punishment of Children, held a three day **consultation on the legislation needed to prohibit all corporal punishment of children** in the eight states in South Asia. The vision of the meeting was ambitious – to plan for the prohibition in law and elimination of violent punishment of children across South Asia. Lawyers from India, Bangladesh and Nepal took part in discussions and specially prepared legal analyses from Sri Lanka and Pakistan were also considered; consultations with lawyers in Afghanistan, Bhutan and the Maldives are under way. A detailed draft report, including concrete proposals for achieving prohibition of all corporal punishment in all states, was prepared and will be developed as a contribution to the regional campaign.

National campaigns and calls for prohibition

Australia: Dr Gervase Chaney, a leading paediatrician and President of the Royal Australasian College of Physicians Paediatric and Child Health Division, is calling on colleagues to officially support a ban on smacking children, as the body reviews its formal position on the issue. He stated that the move is likely to happen this year and would lead to the college calling on the Government for law reform. (*The Advertiser*, 3 February 2012)

Azerbaijan: The Azerbaijan NGO Alliance for Children’s Rights and Reliable Future Youth NGO are promoting the development and adoption of the draft Law on Protection of Children against of All Forms of Corporal Punishment, including through reporting to the Committee on the Rights of the Child, developing special factsheets on corporal punishment for government ministries and MPs. In April they held a National Conference on Child Protection, focussing on protection from corporal punishment.

Ghana: Amnesty International Ghana (AIG) reiterated its call for the abolition of corporal punishment in schools. Speaking in an interview with the Ghana News Agency, Director of AIG Lawrence Amesu said that corporal punishment doesn’t correct children to become responsible adults but makes them stubborn, and drew attention to AIG’s work with teachers. (*GhanaWeb*, 21 May 2012)

Ireland: A conference in Dublin organised by the Campaign for Children raised questions about the failure to prohibit corporal punishment of children. Pointing out the way that children learn from adults’ example, Dr Maria Herczog, member of the UN Committee on the Rights of the Child, asked: “If you are hitting your child, why are we expecting your child to be non-violent and non-aggressive?” Another speaker, Barnardos Director of Advocacy Norah Gibbons, questioned the legality of the right of parents to inflict “reasonable chastisement” on children in Ireland.

Italy: Save the Children Italy’s “A Mani Ferme” (Hands Still) campaign calls for prohibition of all corporal punishment of children. The campaign was launched in March 2012, together with research on the prevalence of corporal punishment and a guide to positive parenting.

- Jamaica:* Suffragan Bishop of Montego Bay Howard Gregory, writing in the Jamaica Observer, spoke out against corporal punishment, calling for an end to violent treatment of children: “In the administration of corporal punishment there is the coming together of authority, force, and violence in a relationship between parties who are not equal and which leaves one party with physical and emotional pain and scars. It has long been recognised that in a civilised society no one should have such control over the life of another, without being subject to public scrutiny by the relevant authorities – not even parents.” (*Jamaica Observer*, 11 March 2012) The Bishop is listed as a supporter in the new Caribbean progress report (see above).
- Japan:* The Campaign for Ending Violence Against Children Japan, formed in 2011, is a group of organisations which carries out advocacy and awareness-raising events aiming for legal prohibition of corporal punishment of children and the promotion of non-violent and positive parenting. In February 2012, the campaign advocated for prohibition of all corporal punishment during a visit of the UN Special Representative of the Secretary General on Violence against Children to Japan and made a submission to the Universal Periodic Review calling for prohibition.
- Lithuania:* Save the Children Lithuania is campaigning for law reform to prohibit corporal punishment through participation in the “Educate, do not punish” project coordinated by Save the Children Italy, implemented by Save the Children organizations in Lithuania, Sweden and Romania and financed by the European Commission's Daphne III Programme.
- Pakistan:* Speaking at a media briefing organised by the Society for the Protection of the Rights of the Child (SPARC), Lahore Regional Manager Sajjad Cheema called for law reform to prohibit corporal punishment: “If corporal punishment is eliminated from homes, it will support its elimination from all settings, and in connection with this, SPARC strongly suggests the need to repeal Section 89 of the Pakistan Penal Code.” SPARC held a consultation with parliamentarians, religious scholars, teachers, government representatives and civil society to support an amendment to the Punjab Destitute and Neglected Children Act (2004) proposed by the Child Protection and Welfare Bureau, and recommended that the Sindh Prohibition of Corporal Punishment Bill, sent to the Sindh chief minister by the education department in 2011, be enacted, as well as a Bill on Corporal Punishment in Balochistan.
- Peru:* The Ombudsman of Peru is campaigning for prohibition of all corporal punishment, including through supporting the draft Act Prohibiting Corporal Punishment and Humiliating Treatment of Children and Adolescents and proposing amendments to the Code for Children and Adolescents, and is providing training for teachers.
- Philippines:* Government and non-government organisations are working in partnership to promote positive non-violent discipline of children in Davao City. An advocacy campaign has been launched and the proposed ordinance “Promoting Positive and Non-Violent Forms of Discipline of Children, Prohibiting Corporal Punishment and All Forms of Degrading and Humiliating Punishment of Children and Providing Penalties Thereof” provides for funds to be allocated to the task. A network has been formed in the City – the Davao City Community-Based Advocacy and Monitoring Group (CBAMG) – which is calling for an end to the “culture of corporal punishment” and enactment of an Ordinance for Positive Discipline.
- Switzerland:* In 2012, Stiftung Kinderschutz Schweiz/Fondation Suisse pour la Protection de l’Enfant is planning a new campaign addressing children's right to non-violent child-rearing. One of its goals will be reform of national legislation. A group of 30 NGOs including Stiftung Kinderschutz Schweiz and the Child Rights Network called for prohibition of corporal punishment of children in its 2012 report to the Human Rights Council.
- UR Tanzania:* Chairman of the Children Council in Arusha Region Kevin Joseph advocated against caning when speaking on behalf of children at the First Biennial National Forum on Early

Childhood. He said it was a major cause of primary school dropout and made children run away from home. (*Tanzania Daily News*, 24 February 2012)

US: The [US Alliance to End the Hitting of Children](#) was formed following the “Global Summit on Ending Corporal Punishment and Promoting Positive Discipline”, held in Dallas, Texas, in 2011. According to its mission statement: “The U.S. Alliance brings together individuals, groups, and organizations to create a unified voice calling for, and working toward, the end of all forms of physical and emotional punishment against children, especially in schools and homes. The Alliance, through education and legal means, seeks to end all social justifications and legal authorizations of corporal punishment. Achieving these goals will give children the same protection from this sort of physical violence as is already enjoyed by adults under state and federal law.” In April 2012 the Alliance launched its monthly newsletter – sign up [here](#).

30 April 2012 marked the 14th anniversary of SpankOut Day USA. It was started by End Physical Punishment of Children (EPOCH-USA) in 1998 to raise awareness of the need to end corporal punishment of children and promote non-violent forms of discipline. Over 1,000 events have taken place since 1998; in the last 10 years, 600 agencies, schools and churches have received grants to support SpankOut Day events, and observance of the day has spread to other countries often as “No Hitting Day”. For more information see the website of the [Center for Effective Discipline](#).

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3 HUMAN RIGHTS MONITORING

Key decisions and recommendations, etc

The **Committee on the Rights of the Child** published its concluding observations on states examined at the 59th session (16 January – 3 February). The Committee recommended prohibition of corporal punishment by law in all settings, including the home, to all those states which have not yet achieved law reform. It also recommended that law reform be accompanied by public awareness raising on the harmful effects of corporal punishment and the promotion of positive, non-violent, participatory forms of childrearing and education. The recommendations are available [here](#) and are included in the individual state reports for [Azerbaijan](#), [Cook Islands](#), [Madagascar](#), [Myanmar](#) and [Thailand](#).

The **Human Rights Committee** held its 104th session in New York, 12-30 March and recommended to Cape Verde and to Yemen that the respective governments put an end to corporal punishment of children in all settings, including the home. Further details can be found in the country reports for [Cape Verde](#) and [Yemen](#).

The **Committee on Economic, Social and Cultural Rights** held its 48th session 30 April – 18 May. To Ethiopia, the Committee expressed concern at the legality of corporal punishment under article 576 of the Criminal Code and article 258 of the Family Code and recommended that both Codes be amended as a matter of priority to prohibit corporal punishment in the home and alternative care settings. To New Zealand, the Committee welcomed the adoption of the law making corporal punishment by parents and all persons unlawful. For further information see the country reports: [Ethiopia](#), [New Zealand](#).

The **Committee Against Torture** has published its concluding observations to states examined at the 48th session in May/June 2012. The Committee recommended prohibition of corporal punishment of children in all settings, including the home, to Albania, Czech Republic and Rwanda. For details see the country reports: [Albania](#), [Czech Republic](#), [Rwanda](#).

The Global Initiative has finalised its analysis of the issue of corporal punishment in the first cycle of the **Universal Periodic Review** – the report is available [here](#). The review of states in the 13th session – the first in the second cycle – has now finished: the issue of corporal punishment was raised with regard to most states, and recommendations on corporal punishment were made to Algeria (response due by September), Ecuador (accepted), Finland (accepted), India (response due by September), Indonesia (accepted), Morocco (accepted), Netherlands (response due by September), Philippines (accepted), Poland (response due by September), South Africa (response due by September), Tunisia (accepted) and the UK (response due by September).

The **Human Rights Council** held its 19th session from 27 February to 23 March 2012. The **UN Special Representative of the Secretary-General on Violence against Children** (SRSG) submitted her [third annual report](#), which reviews key developments and initiatives promoted, and identifies priority areas of the SRSG. It describes developments with regard to the prohibition of corporal punishment, including the workplan of the South Asia Initiative to End Violence against Children (SAIEVAC) 2010-2015 which aims for all states in the region to have prohibited corporal punishment in all settings by 2015 (see above). It also notes the SRSG's suggestion to the African Committee of Experts on the Rights and Welfare of the Child, Special Session on Violence against Children in March 2010, that strategic promotion of the Committee's work should include "collaboration in an advocacy campaign to call for explicit legal ban on all forms of violence against children, including corporal punishment", and a recommendation that the Council of Europe should continue its campaign against corporal punishment of children. At a panel discussion during the session, the SRSG presented her new report on, *Tackling Violence in Schools: A global perspective – Bridging the gap between standards and practice*, which looks at corporal punishment as well as other forms of violence in schools. During the annual meeting on the rights of the child, this year on the theme of "children and the administration of justice", **UN High Commissioner for Human Rights**, Ms Navi Pillay, said that all forms of legalised violence against children – including the death sentence, life imprisonment and corporal punishment – violate children's rights.

A *Thematic study on the issue of violence against women and girls and disability* is to be presented to the 20th session of the **Human Rights Council** in June 2012. It recognises that women and girls with disabilities experience violence, including from family members and caregivers, in their homes, institutions, schools and other settings, notes that children with disabilities are more vulnerable to corporal punishment in all settings and recommends ensuring that legislation "expressly prohibits all forms of violence against women and girls with disabilities" in line with international human rights treaties including the Convention on the Rights of the Child.

Following a three-day visit to Barbados, **UN High Commissioner for Human Rights** Navi Pillay noted the progress that had been made in the country but also highlighted areas where laws and their enforcement are unduly harsh, including with regard to corporal punishment. Her remarks prompted wide debate in the media.

The **Optional Protocol to the Convention on the Rights of the Child on a communications procedure** – which will allow children to make complaints concerning violations of their rights, including the right to protection from all corporal punishment and other cruel or degrading treatment – opened for signature on 28 February 2012. It has now been signed by 22 states but not yet ratified by any: it will come into force three months after it has been ratified or acceded to by 10 states.

Briefing the human rights bodies

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 information concerns briefing the treaty bodies with a view to influencing the lists of issues which are adopted for each state coming up for examination. 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* pre-sessional working group will be meeting in October 2012 to adopt the Lists of Issues for future examinations of Armenia, Israel, Lithuania, Monaco, Rwanda and Slovenia. **Briefings should be submitted by 15 July** (more information [here](#)). The Global Initiative will be sharing our advance draft briefings in June – please let us know if you would like to see your state’s briefing.

The *Committee Against Torture* appears to have already adopted or be in the process of adopting, where applicable, Lists of Issues for states being examined in the foreseeable future. However, NGOs may submit information to inform the actual examination of states. In October/November 2012, the Committee will be examining Gabon, Mexico, Norway, Peru, Qatar, Russian Federation, Senegal, Tajikistan and Togo. **Information should be submitted by 12 October** (more information [here](#)).

The *Committee on Economic, Social and Cultural Rights* pre-sessional working group will be meeting in November 2012 to adopt the Lists of Issues for the future examinations of Denmark, Kuwait, Lithuania, Rwanda, Togo and possibly Albania and Egypt. **Briefings on these states should be submitted by 1 October 2012** (more information [here](#)).

The *Committee on the Elimination of Discrimination against Women* pre-sessional working group will be meeting in July 2012 to adopt the Lists of Issues for future examinations of Angola, Austria, Cyprus, Greece, Hungary, Pakistan, Solomon Islands and TFYR Macedonia. **Briefings should be submitted by 25 June 2012** (more information [here](#) and [here](#)).

The country report task forces of the *Human Rights Committee* will be meeting in October/November 2012 to adopt Lists of Issues for Albania, Belize, China-Hong Kong, Finland and Ukraine. **Briefings should be submitted by 3 August 2012** (more information [here](#)).

The *Committee on the Rights of Persons with Disabilities* will be meeting in September 2012 to adopt the List of Issues for Paraguay. There is no fixed deadline for submitting briefings, but informal advice is to aim to submit information at the end of July/beginning of August (more information about the session [here](#)).

The 15th session of the *Universal Periodic Review* will take place in January/February 2013. **Briefings should be submitted by 9 July 2012** for Bahamas, Botswana, Burundi, France, Mali, Romania and Tonga; **by 16 July 2012** for Barbados, Israel, Liechtenstein, Luxembourg, Montenegro, Serbia and United Arab Emirates. The Global Initiative has prepared advance draft briefings to share with partners to support the submission of information by national NGOs: please let us know if you would like to receive a copy of the briefing for your state. The deadlines for submission of briefings throughout the second cycle (2012-2016) is available [here](#).

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4 RESEARCH AND REPORTS

International and regional reports

The latest UNICEF *State of the World's Children 2012* includes information on “violent discipline” and has a specific column for this in its regular table on Child protection, where it is defined as referring to the “Percentage of children 2–14 years old who experience any violent discipline (psychological aggression and/or physical punishment).” The full report can be downloaded [here](#).

A major new report involving men in **Brazil, Chile, Croatia, India, Mexico and Rwanda** found that those who had experienced violence, including corporal punishment, during childhood, were more likely to perpetrate intimate partner violence, hold inequitable gender attitudes, be involved in fights outside the home or robberies, pay for sex and experience low self-esteem and depression, and were less likely to participate in domestic duties, communicate openly with their partners, attend pre-natal visits when their partner is pregnant and/or take paternity leave. The study found high prevalence levels of ever having been slapped or “spanked” by a parent or adult in the home: ranging from 36% in Brazil to 67% in Croatia. The prevalence of psychological violence, including humiliation and threats of physical violence from parents/guardians, was high in all countries, and experience of school corporal punishment during childhood was also common (27-67%) in all countries except Brazil. The report notes campaigns against corporal punishment in Chile and Brazil and states that study findings show these may be leading to improvements in children’s rights in those countries, and recommends the promotion of non-violent childrearing strategies. (Contreras, M. et al (2012), *Bridges to Adulthood: Understanding the Lifelong Influence of Men's Childhood Experiences of Violence*, Analyzing Data from the International Men and Gender Equality Survey, Washington DC: International Center for Research on Women (ICRW) and Rio de Janeiro: Instituto Promundo)

National research and reports

Australia: In a 2012 online poll of more than 12,000 people, 92.47% replied “no” to the question “should smacking a child be a criminal offence?” (Reported in *The Daily Telegraph*, 4 February 2012, www.dailytelegraph.com.au)

In an online poll by the *Herald Sun*, following a report of Dr Gervase Chaney’s call to prohibit corporal punishment (see above), 90% said parents should keep the right to smack their children. But Dr Joe Tucci of the Australian Childhood Foundation noted that his organisation had been campaigning for 15 years to ban smacking and that this was required by the UN Convention on the Rights of the Child which Australia ratified long ago.

Bulgaria: The Social Activities and Practices Institute (SAPI) has published a report on the prevention of corporal punishment of young children. It defines corporal punishment, describes its consequences and provides information on the situation in Bulgaria, including public attitudes towards corporal punishment. It is available here (in [Bulgarian](#)). Corporal punishment is unlawful in all settings in Bulgaria.

Canada: A [study](#) in the *Canadian Medical Association Journal*, February 2012, by Joan Durrant from the University of Manitoba and Ron Ensom from the Children’s Hospital of Eastern Ontario examines 20 years’ worth of published research on the effects of corporal punishment. The evidence is that corporal punishment causes long-term developmental damage, including a negative impact on intelligence, increased aggression and a vulnerability to depression and substance abuse. This medical perspective has often been overlooked due to the controversial nature of the issue, but it is a growing body of evidence and should be considered by physicians when advising parents.

In a Leger Marketing survey of 1,000 adult men in Alberta, undertaken during February, 21% said that slapping a child's face is acceptable behaviour; one in ten said that hitting a woman is acceptable if she makes them angry. (*Toronto Star*, 15 March 2012, as reported at www.repeal43.org)

Germany: A study published in March by opinion research centre Forsa, based on interviews with parents, found that the use of corporal punishment is declining as compared with previous research. However, it is still being used, with four out of ten parents admitting to smacking their children on the bottom, 10% on the face. Parents reported immediately regretting their actions and the majority believe that corporal punishment has little or no pedagogical benefit. (Reported in *DW.DE*, 13 March 2012). Corporal punishment is unlawful in all settings in Germany.

India: In a study carried out in 2009-2010 by the National Commission for Protection of Children's Rights, 99.86% of children had experienced physical or verbal punishment. Little difference was found between the prevalence of corporal punishment in private, state Government and central Government schools, or between girls' and boys' experience of corporal punishment. More than eight in ten (81.2%) had experienced insults about their mental characteristics or the use of derisive adjectives. Three-quarters had been beaten with a cane, 69.9% slapped on the cheek, 57.5% hit on the back and 57.4% had had their ears "boxed". Other punishments children experienced included being pinched, being hit on the knuckles, having their hair pulled, being forced to squat, being forbidden to use the toilet and being given electric shocks. Of 3-5 year old children, 65.4% had been beaten with a cane and 60.7% slapped on the cheek. Children were punished for academic reasons (e.g. not being able to do schoolwork), for meeting their physical needs (e.g. for eating), in order to maintain inconsequential order at school (e.g. for being late) and for no apparent reason. The study involved 6,632 children aged 3-17 in seven states, who took part in the study on the way to or from school. (National Commission for Protection of Children's Rights (2012), *Eliminating Corporal Punishment in Schools*, New Delhi: NCPCR)

Israel/Palestine: A report based on the sworn testimony of 311 children held in Israeli military detention between January 2008 and January 2012 documented systematic ill-treatment of children during their arrest, transfer and interrogation. Sixty-three per cent of the children were detained inside Israel: 95% had their hands tied, often very painfully and 90% were blindfolded; 75% experienced physical violence such as being pushed, slapped or kicked, 57% experienced threats and 54% verbal violence. In 12% of cases children reported being held in solitary confinement for an average period of 11 days. The report found that when the totality of the evidence was considered, the pattern of systematic ill-treatment which emerges, amounts to cruel, inhuman or degrading treatment or punishment and in some cases, torture, as defined in the UN Convention against Torture. (DCI Palestine (2012), *Bound, Blindfolded and Convicted: Children held in military detention*)

New Zealand: In a 2012 poll of 500 parents of children under 12, 44% said they had not smacked their children since the 2007 law change which prohibited all corporal punishment of children: 29% said they had smacked "rarely", 21% "occasionally" and 1% "frequently". (Curia Market Research, reported in *New Zealand Herald*, 2 April 2012)

South Africa: Statistics SA released its *General household survey* for 2011 in May. It shows that in 2011, 17.2% of learners experienced corporal punishment at school, increased from 16.8% in 2009. In 2011, the figures ranged from 3.7% in Western Cape to 30.2% in Eastern Cape.

The South Africa Council of Educators reported an increase in the number of reports of corporal punishment in recent years. Between 2010 and 2011 there were 90 complaints to the

Council, between March 2011 and April 2012 there were 140. Chief operations officer Tsedi Dipholo identified the need for educators to be assisted in using alternatives to corporal punishment, with that responsibility shared by all stakeholders in the school. (*Times Live*, 12 March 2012)

Uganda: Raising Voices has published its [annual report for 2011](#) which includes details of its extensive work promoting the prohibition and elimination of corporal punishment of children.

UK: An Angus Reid [opinion poll](#) of more than 2,000 adults found that 63% are opposed to banning parents in the UK from smacking their children. However, there was a difference between those who had been smacked themselves as children, who were more likely to oppose a ban, and those who had not been smacked as children, who were more likely to support prohibition. A third (32%) said they would support a ban on parents smacking children.

UR Tanzania: A study carried out in a Tanzanian orphanage found that while experiencing violence including corporal punishment by caregivers severely contributed to children's mental ill health and aggressive behaviour, ending the use of corporal punishment by caregivers was correlated with a decline in children's experiences of violence and an improvement in their mental health. The study involved 38 children with a mean age of eight, living in an orphanage in rural Tanzania. Their mental and physical health, aggressive behaviour and experiences of violence were assessed before and after a new instructional system was introduced in the orphanage. As part of the new instructional system, caregivers were informed that any use of physical punishment would lead to instant dismissal and were trained on non-violent and positive discipline strategies over two weeks of short training sessions. Children aged 12 and over were told that their caregivers would be dismissed if they used physical punishment. An assessment carried out six months after the new system was introduced found that children were experiencing less violence in the orphanage and showed fewer symptoms of post-traumatic stress disorder. (Hermenau, K. et al (2011) "[Childhood adversity, mental ill-health and aggressive behavior in an African orphanage: Changes in response to trauma-focused therapy and the implementation of a new instructional system](#)", *Child and Adolescent Psychiatry and Mental Health*, 5(29))

US: The US Department of Education's Office of Civil Rights released data for its 2009-2010 Civil Rights Data Collection, covering 72,000 schools and 85% of US students. It found wide racial disparities in many aspects of school life, including the disciplinary measures imposed on students and the use of restraint. A snapshot of the findings is available [here](#); the [full database](#) is also available.

For the first time, North Carolina's annual [Consolidated Data Report](#), released by the Department of Public Instruction, includes information on the number of times corporal punishment was used in schools. It reported that there were 891 uses of corporal punishment by 17 different school districts in 2010-2011, with 621 individual students receiving corporal punishment and more than a quarter (154) of these receiving it at least twice. It was most often used in grades 3 and 4 (children aged 8-9) and was mostly imposed for "disruptive behaviour". It was not used in Charter schools or in the other 98 districts. The reporting is required by a new state law which also allowed parents to opt out of the use of corporal punishment by returning a form at the beginning of the school year.

And ...

A [new study](#) shows that the effects of abuse in childhood can be physiological as well as psychological. The study released by the Proceedings of the National Academy of Sciences found that MRI scans of the brains of people who had been subjected to maltreatment, including corporal

punishment, had significantly less volume than expected in the hippocampus area of the brain, which is involved in memory and emotion. The report reminds us that child maltreatment is a risk factor for nearly all the psychiatric disorders associated with reduced hippocampal volume and that such maltreatment has been identified in the research as the leading preventable cause of major mental illness; it also states that this is a delayed effect on brain development, being evident in adults with histories of abuse but not in abused children. (Teicher, M. H. et al (2012), “Childhood maltreatment is associated with reduced volume in the hippocampal subfields CA3, dentate gyrus, and subiculum”,

A journal article by Brendan L. Smith of the Department of Psychology, University of Michigan, looks at physical punishment of children in light of the growing body of evidence of the lasting harm it has on children. It notes that its use is slowly declining but many parents are not hearing the message. The full article is available [here](#). (Smith, B. L. (2012), “The case against spanking”, *American Psychologist*, 43(4)).

Plain Talk about Spanking is a booklet from US-based [Parents and Teachers Against Violence in Education](#) (PTAVE) which many have found useful in working with families since it was first published in 1992. It is available [online](#), in hard copy (email booklet@nospank.net), as a [pdf](#), and as a [printer's spread](#).

In response to a pastor reportedly invoking parents to beat gender-variant children, Samuel Martin has made his book, *Thy Rod and Thy Staff, They Comfort Me; Christians and the Spanking Controversy*, available free of charge. If you would like a copy please email info@biblechild.com.

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5 MEDIA WATCH

A selection of media reports ...

With so much to report on above, there is little space for the usual selection of media reports but here is a brief summary of the kinds of media reports that have come our way since the previous newsletter.

As always, there have been many of the typical but horrific stories of **corporal punishment leading to children being badly injured and even dying**, with media coverage particularly frequent in South Asia but by no means limited to that region. We have read of teachers branding children's legs with hot irons (Bangladesh, *BBC News Asia*, 3/9 May 2012), hanging children by their feet and beating and burning them (Pakistan, *The Express Tribune*, 21 May 2012), fracturing a child's shoulder (Pakistan, *The Express Tribune*, 20 May 2012), making children do military-style press-ups, sit-ups and squats (Swaziland, *Times of Swaziland*, 12 May 2012), whipping children all over (Saudi Arabia, *Garaa News*, 8 May 2012), beating children on the legs with thick wooden objects (South Africa, *iolnews*, 19 May 2012; *Pretoria News*, 22 May 2012) and making children run to the point of collapse (India, *TwoCircles.net*, 3 April 2012). Sadly, these reports also reveal the difficulties faced by many families in pursuing justice for their children.

We've also read of disabled children being repeatedly smacked (US, *Daily Mail Reporter*, 2 May 2012), being jumped on and tied up (Jordan, *BBC News release*, 16 May 2012) and being chained inside a box (US, www.freep.com, 28 April 2012). In Zimbabwe, a 17 year old was convicted and sentenced to two strokes of the cane for posting an insulting message on Facebook (*Daily News*, 20 February 2012).

Other aspects of the issue have also been covered in the media, though to a lesser extent. In addition to limited coverage of the information featured elsewhere in this newsletter, the media has reported:

- statistics compiled by the Karnataka State Commission for Child Rights Protection in India showing that the number of reported cases of corporal punishment, prohibited under the Right to Education Act, doubled between 2010-11 and 2011-12. (*The Times of India*, 28 April 2012)
- dissatisfaction among marginalised and rural women in South Africa about constitutional provisions for children's rights and the prohibition of corporal punishment in schools (*Mail & Guardian*, 20 May 2012)
- protests among parents, pupils and staff in Trinidad and Tobago against the suspension of a school principal due to corporal punishment. (*Trinidad & Tobago Guardian Online*, 30 April 2012)
- debate between parents and teachers about whether or not making children walk or run laps during recess because of misbehaviour in school amounts to corporal punishment (*wsoctv.com*, 23 May 2012)

Reports on **court cases** include a man in Canada who spanked his three children with a wooden fork being found guilty of assault with a weapon by a court in New Brunswick (*The Province*, 24 April 2012), a Black Earth pastor in the US being found guilty of 8 counts of conspiracy to commit child abuse for advocating the use of wooden rods to “spank” children as young as two months (*Wisconsin State Journal*, 21 March 2012), a US New Jersey appeal court ruling that a slap on the face amounts to excessive corporal punishment if enough force is used to leave a handprint and bruising (*nj.com*, 11 April 2012) and the Italian Supreme Court upholding a sentence for abuse and aggravated assault by a Moroccan father and dismissing his defence that he beat his daughter with a broom for “cultural” reasons (*ANSA.IT*, 20 March 2012).

And finally, [here](#) is an **interview** with Olivier Maurel, long time advocate of childrearing without corporal punishment (*estrepublikain.fr*, 24 April 2012), and a short **video** excerpt from the Creating Cooperative Kids TV series, showing a discussion about responses to possible objections to ending corporal punishment, and a fascinating **BBC documentary** on the history of corporal punishment in Britain is now available online ([part 1](#), [part 2](#), [part 3](#)).

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6 CAN YOU HELP?

Promoting positive, non-violent discipline

We are still collecting resources for promoting positive discipline in homes, schools and other settings – especially those developed as part of a comprehensive campaign for law reform – to list on our website. We are also currently compiling information to support the implementation of prohibition in schools. If you can help please email elinor@endcorporalpunishment.org.

Research on corporal punishment of children

Evidence of the nature and prevalence of corporal punishment gathered through national studies helps to keep the issue visible and provides a baseline against which the effectiveness of prohibition and associated awareness raising can be measured. Please let us know of any new or planned research (email elinor@endcorporalpunishment.org).

Photos

We produce a number of publications every year and including photos and other illustrations associated with real campaigns can make them much more effective by inspiring advocates in developing their own campaigns and in sharing the efforts of those already campaigning. Please send photographs of your campaigns to info@endcorporalpunishment.org. Note that they are for use only in printed publications; we do not put photographs on our website.

Other ways to help ...

We would also appreciate your help by

- joining our list of volunteer translators
- sending us information on relevant legislation
- letting us know about current opportunities for promoting prohibition (new laws being drafted, bills being discussed, etc)
- sending us contact details for organisations campaigning to prohibit and eliminate corporal punishment of children.

If you can help with any of the above, email info@endcorporalpunishment.org.

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Erratum

Many thanks to those who pointed out the error in our previous newsletter, where a news item about Balochistan was mistakenly included under Bangladesh: it is of course in Pakistan. We apologise for the error which was corrected immediately in the online version.

We hope you find this newsletter informative and useful and welcome your comments: email info@endcorporalpunishment.org. The newsletter is sent to supporters of the aims of the Global Initiative and others who we think will be interested. If you do not want to receive future editions, contact info@endcorporalpunishment.org. If your organisation has not done so already, please consider signing up to support the aims of the Initiative (online at www.endcorporalpunishment.org or email info@endcorporalpunishment.org). To receive the latest developments between newsletters, sign up to RSS feeds at www.endcorporalpunishment.org.

“Corporal punishment of children has for too long been a common part of our tradition and culture. But physical punishment as a form of discipline is incompatible with the core religious values of respect for human dignity, justice and non-violence and evidence of the harm it causes both in the short and long-term is well documented.”

Extract from “A Christian statement supporting legislation to end corporal punishment of children”, signed by religious leaders across the Caribbean region, reproduced in *Prohibiting corporal punishment of children in the Caribbean: Progress report 2012*